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FIRST SESSION

1993

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by

PATRICK J. O'DONNELL, CLERK

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LEGISLATURE

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RULES OF THE NEBRASKA UNICAMERAL

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RULE 1--OFFICERS AND EMPLOYEES

A. Election of Officers

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

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

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

The Legislature elects two from Legislative Districts 1, 2, 15, 16, 21, 23 through 30, 32, 34, 35, and 46; two from Legislative Districts 3 through 14, 20, 31, 39, and 45; and two from Legislative Districts 17 through 19, 22, 33, 36 through 38, 40 through 44, and 47 through 49. Speaker is member of Board; Chairperson of Appropriations is nonvoting member. RRS 50-401.01.

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Presiding Officer

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

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

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

Chairperson of the Legislative Council
Chairperson of Committee on Committees
Chairperson of Committee on Judiciary
Chairperson of Committee on Government, Military and Veterans Affairs
Chairperson of Committee on Appropriations
Chairperson of Committee on Revenue
Chairperson of Committee on Education
Chairperson of Committee on Banking, Commerce and Insurance
Chairperson of Committee on Natural Resources
Chairperson of Committee on Agriculture
Chairperson of Committee on Health and Human Services
Chairperson of Committee on General Affairs
Chairperson of Committee on Business and Labor
Chairperson of Committee on Urban Affairs
Chairperson of Committee on Transportation

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

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

Sec. 8. Alternate Presiding Officers. The President may name any member to perform the duties of the presiding officer, but such delegation shall not extend beyond adjournment.

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

Const. Art. III, Sec. 10.

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

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

Consent to enter chamber. Rule 2, Section 3.

Sec. 12. Overrule Ruling of the Chair. The President may speak to a point of order in preference to members, and shall decide the questions or order, subject to a challenge to the Legislature by any member, on which challenge no member may speak more than once, unless by leave of the Legislature. In the event of a challenge to a ruling of the chair, the ruling shall be restated and the question shall be phrased: "Shall the Chair be overruled?" A majority of those present shall be required to overrule the chair.

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

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

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

Const. Art. III, Sec. 10.

C. Speaker

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

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

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

(b) The Speaker may, when sound judgment would so dictate, postpone the scheduled reconvening of the Legislature for up to forty-eight hours when (1) an emergency exists due to adverse weather or other causes, or (2) a quorum cannot be assembled within one half hour after the time to which the Legislature was to have convened.

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

D. Clerk of the Legislature

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

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

Preprinting of bills. Rule 5, Section 3.

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

(d) No communications or letters shall be read by the Clerk of the Legislature unless authorized by the Speaker or the Executive Board Chairperson.

General duties. RRS 50-114.
Distribute material, when authorized. Rule 2, Section 3g.
Fiscal notes, attach to bills. Rule 5, Section 6d.

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

Order of business. Rule 7, Section 1b.

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

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

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

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

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

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

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

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

On registration of lobbyists. RRS 49-1480 through 49-1492.

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

RRS 50-115.

E. Other Offices

Sec. 20. Sergeant at Arms. (a) The Sergeant at Arms shall attend the Legislature during its sittings, to execute the commands of the Legislature from time to time, together with all such processes issued by authority thereof as shall be directed to him or her by the presiding officer, and shall enforce strictly the rules as they relate to privileges of the legislative chamber.

RRS 50-116.

(b) The Assistant Sergeant at Arms shall assist the Sergeant at Arms and in the absence of the latter, shall perform all of the duties herein prescribed for the Sergeant at Arms.

(c) Such other security guards as may be necessary shall be under the direction of the Speaker.

Compel attendance at committee hearing. Rule 2, Section 4.

Sec. 21. Chaplain Coordinator. The Chaplain Coordinator shall work in conjunction with organized Nebraska groups of Clergy to arrange for prayer at the beginning of each day of the legislative session.

Sec. 22. Other Employees, Hiring of. The Executive Board of the Legislative Council shall hire all employees of the Legislature except those subject to the procedure in Rule 1, Section 2. The salaries of permanent employees shall be determined by the Executive Board subject to the limits of the appropriation bill.

RRS 50-112.

RULE 2--RULES OF PROCEDURE

Section 1. Rules, Matters Not Covered. These rules shall be adopted at the commencement of each regular session and, as amended from time to time, shall govern the Legislature for a period of one year. In all matters not covered herein, the Legislature shall decide as to the procedure to be followed, the same to require the concurrence of a majority of the elected members.

Overruling the chair. Rule 1, Section 12.
Presiding officer, duties. RRS 50-113.

Sec. 2. Rules, Suspension, Amendment. These rules may only be suspended by a three-fifths majority of the elected members by a machine vote, and such a motion shall not be amendable or divisible. These rules may be amended by a three-fifths majority vote of the members elected; Provided, any proposed amendment must first be referred to the Committee on Rules for consideration and report.

Sec. 3. Chamber, Guests, Distributions of Material. (a) The legislative chamber shall consist of the entire floor of the legislative chamber including the space under the balcony on either side adjacent thereto, or any other space designated by the Legislature or the Executive Board thereof.

(b) No person shall be admitted to the floor of the Legislature, as described in this rule, except the following:

(i) Members of the Legislature and their immediate families.
(ii) Officers and employees of the Legislature.
(iii) Reporters of regularly accredited newspapers and broadcasting stations.

(c) With the permission of the chair, members may invite guests to the legislative chamber to sit in those specially designated areas located in the rear of the chamber. When exercising this privilege, members should be sensitive to the matter under discussion on the floor and not have guests seated within the chamber who have a direct interest in the matter being discussed.

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

No registered lobbyist shall be admitted to the chamber.

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

State officials appearing before committees. Rule 3, Section 14.

(e) No one shall be permitted to be seated beside members of the Legislature except members of their immediate families upon permission from the chair. When bills are being read on Final Reading, no one other than members of the Legislature shall be permitted on the floor of the Legislature, except for employees of the Clerk of the Legislature's office.

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

(g) No printed or written material of any nature may be placed on the desks of the members or distributed to them in the legislative chamber, unless such material clearly indicates on its face the person responsible for its distribution. The distribution must be approved by at least one member of the Legislature. The Speaker may authorize the Clerk to distribute material prepared by state agencies.

(h) Members shall remain in their seats during the Final Reading of a bill and until the vote thereon has been announced, except when excused by the President. During discussion of amendments or motions offered pursuant to Rule 6, Section 8, members may move about the legislative environs subject to a quorum call request by any member pursuant to Rule 7, Section 5. For purposes of this rule, legislative environs shall mean the Legislative Chamber, the Senate Lounge, and the hallway connecting those areas.

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

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

(b) The presence of any member may be compelled, if necessary, by sending the Sergeant at Arms, or such other person or persons as the membership present may authorize, at the expense of such absent member, unless such excuse for nonattendance is made as the Legislature may

judge sufficient, and in that case the expense shall be paid out of the contingent fund.

Sec. 5. Absent Members, Explanation of Vote. Members who are shown as excused and not voting may have inserted into the Journal how he or she would have voted had he or she been present.

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

Const. Art. III, Sec. 10.

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

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

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

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

RULE 2

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

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

RULE 3--COMMITTEES

Section 1. Committees in General. (a) Each committee of the Legislature is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Legislature, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, and to take such testimony, as it deems advisable. Each committee may make investigation into any matter within its jurisdiction, may report such hearings as may be had by it, and may present to the Legislature for its consideration any final reports and recommendations for action resulting from such investigations.

(b) A committee's subject-matter jurisdiction extends to all matters specified in the act creating the committee, or to all matters reasonably comprehended in the name of the committee. A committee's particular jurisdiction extends to any bill, resolution, or other measure referred to it by the Legislature, until final report of the measure has been made by the committee to the Legislature. A committee's particular jurisdiction shall also include review of the budgets of agencies, boards, and commissions reasonably encompassed in its subject matter jurisdiction.

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

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

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

Sec. 2. Appointment of Committees. (a) At the commencement of each session, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairperson, and three from District Number 1 consisting of legislative districts Numbers 1 through 3, 21, 25 through 29, 39, 45, and 46; three from District Number 2 consisting of legislative districts Numbers 4 through 14, 20, and 31; three from District Number 3 consisting of legislative districts Numbers 15 through 19, 22 through 24, 30, 32, 34, and 40; and three from District Number 4 consisting of legislative districts Numbers 33, 35 through 38, 41 through 44, and 47 through 49.

(b) After the selection of the Appropriations Committee pursuant to Rule 3, Section 2(c), the Committee on Committees, by a majority vote of all its members, shall recommend to the Legislature for its approval appointments to the remaining standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute.

(c) The Executive Board shall convene and be responsible for selecting three members from each Executive Board district as noted in Rule 1, Section 1(a) for appointment to the Appropriations Committee. The Chairperson of the Appropriations Committee elected pursuant to Rule 3, Section 7 shall be included in the three members chosen from that specific district.

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

(e) During session, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Committee on Committees unless it is a member of the Appropriations Committee whose vacancy shall be elected by the Executive Board pursuant to Rule 3, Section 2(c) unless otherwise provided for by rule or statute. A vacancy within the Committee on Committees shall be filled by a meeting of the caucus established pursuant to Rule 3, Section 2(a).

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

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

Agriculture	8 members
Appropriations	9 members
Banking, Commerce and Insurance	8 members
Business and Labor	7 members
Education	8 members
General Affairs	8 members
Government, Military and Veterans Affairs	8 members
Health and Human Services	7 members
Judiciary	8 members
Natural Resources	8 members
Nebraska Retirement Systems	6 members
Revenue	8 members
Transportation	8 members
Urban Affairs	7 members

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

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

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

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

(c) Committee on Committees.

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

(d) Enrollment and Review.

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

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

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

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

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

(C) When an amendment to add the emergency clause, the severability clause, or provide an operative date is adopted on Select File which does not spell out the standard clause or section and make the necessary change in the title, the Chairperson of Enrollment and Review shall also have the authority to add to the engrossed bill the standard clause or section, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his

or her reports and recommendations to the Legislature or making any special record thereof.

(D) To add and/or delete names of introducers to reflect action on the bill while the bill remains in the possession of the Legislature at any stage of consideration.

(E) To reflect votes on Final Reading as they may occur pursuant to Rule 6, Section 10 and Rule 6, Section 15.

(e) Reference Committee.

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

(ii) All nominations made to the Legislature by the Governor, requiring confirmation by the Legislature shall be referred to the appropriate standing committee and the same procedure shall be followed as governs the handling of other matters before standing committees, unless the Legislature shall otherwise direct by unanimous vote.

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

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

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

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

(f) Rules Committee.

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

shall take final action on the proposal within ten legislative days after the hearing.

(g) Investigating Committees.

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

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

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

Building Maintenance. RRS 81-185	6 members
Education Commission of the States. RRS 79-2504	3 members
Executive Board of the Legislative Council. RRS 50-401.01	9 members
Intergovernmental Cooperation. RRS 81-816	5 members
Legislative Program Evaluation. RRS 50-1204	5 members

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

(i) Intergovernmental Cooperation Committee.

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

Sec. 6. Meeting Times. (a) After consultation with the Speaker, the Committee on Committees shall publish a schedule of standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to committees. Standing committees shall meet at 1:30 p.m. on weekdays, unless otherwise approved by the Legislature, except for the Nebraska Retirement Systems Committee, which shall meet as called by the chairperson.

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

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

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

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

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

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

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

Sec. 10. Conduct During Committee Hearing. No member, staff, media representative, or individual shall smoke or otherwise consume tobacco products during a committee hearing or while the committee conducts an executive session within the hearing room assigned to that committee for such purpose, unless the committee by a vote of the majority, with all the members present, taken at least once a session, decides otherwise.

Sec. 11. Temporary Appointments. (a) When a member is unable to serve, the chairperson of the committee, after a majority vote of the remaining members, shall request that such vacancy be filled by the Committee on Committees unless such vacancy is on the Appropriations Committee in which case the vacancy shall be filled by the Executive Board pursuant to Rule 3, Section 2(c).

(b) A temporary appointment may be made by the Chairperson of the Committee on Committees, or in the case of the Appropriations Committee, the Executive Board, for only one day when requested by a chairperson of a standing committee which lacks a quorum. When a member is appointed from an eight-member committee, the consent of the member to be appointed shall first be obtained. The temporary appointee shall have the right to vote only on the bill or bills that actually have been heard by the appointee and provided that the vote is taken on such bills on the day the bill or bills are heard. When such appointment is made in case of an incapacitated member, such appointee shall cease to be a member of

such committee upon the return of the incapacitated member for whom he or she was appointed.

Sec. 12. Consideration and Correlation of Bills and Resolutions. (a) Committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Committees shall be authorized to combine and to correlate the provisions of different bills and resolutions referred to them and related to the same subject under the number of one of the correlated bills or resolutions, and when reported out under one bill or resolution number, the remaining bills or resolutions will be reported out as indefinitely postponed. Committees may, before taking final action on any bill or resolution, adopt amendments thereto, for the consideration of the Legislature.

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

Sec. 13. Public Hearing, Notice. Before taking final action on a bill, resolution, or gubernatorial appointment, a committee shall hold a public hearing thereon and shall give at least seven calendar days' notice, after the bill or pronouncement of the appointee shall have been printed, by publication in the Legislative Journal. No bill or resolution having been set for public hearing shall be withdrawn nor the hearing cancelled within seven calendar days of the date set for said public hearing.

Sec. 14. State Officials Appearing Before Committees. State officials and department heads or their designees and state employees are encouraged to appear before any legislative committee to comment upon bills having an impact on the operations of the administrative agency or department for which they work.

Sec. 15. Executive Sessions and Closed Meetings. (a) Executive session shall mean any meeting or portion of a meeting which is closed to the general public, and the proceedings of which are not electronically recorded and transcribed, unless the committee so provides, but the records of which shall be available for public inspection. Executive sessions shall be open to members of the news media who may report on action taken and on all discussions in executive session.

(b) All other meetings of a committee shall be public unless the committee, by a majority vote of all of its members, determines that a meeting should not be open to the public, including members of the news media, in a particular instance, due to rare and extraordinary circumstances. The meeting shall be reconvened in open session before any formal action may be taken.

RULE 3

Sec. 16. Report of Bill to Legislature. (a) In reporting a bill to the Legislature, whether with or without amendments, a committee shall by vote of a majority of its members, recommend that the bill be placed on General File or that the bill be indefinitely postponed. Such action shall be taken at regularly scheduled meetings only.

(b) A report on a bill or resolution must be made to the Legislature within eight calendar days after the committee has taken final action upon the particular measure. Final action shall mean an affirmative vote of a majority of the committee members to advance a bill to General File with or without committee amendments or an affirmative vote of a majority of the committee members to indefinitely postpone the bill. A committee may reconsider any final action prior to the committee making a report on the bill or resolution to the Legislature, provided the reconsideration takes place within eight calendar days of the final action.

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

Sec. 17. Indefinitely Postponed Bills. If the committee action on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; except that such bill may be placed on General File or referred back to the committee by a three-fifths vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report. Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after the motion is available for consideration or it shall be deemed defeated.

Sec. 18. Committee Statement. (a) The chairperson of each committee with the assistance of the legislative staff shall, when reporting a bill, submit with such bill a committee statement which shall contain, but need not be limited to, the following information:

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

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

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

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

Sec. 19. Request From Committee, Bills Held. (a) Except for the general appropriation bills necessary for the support of the state government for the biennium, the Legislature may, by vote of a majority of the elected members, request a status report from any committee at any time after said committee shall have been in possession of a bill or resolution for twenty legislative days.

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

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

Sec. 20. Subpoena Procedure. It is within the inherent power of any legislative committee to gather information pursuant to its regular functions, and to conduct investigations of matters within its subject-matter jurisdiction.

A committee's power of subpoena should not be exercised unless the committee has determined that no other method of securing the desired

information would be successful or practicable, and that the matter is of primary importance to the welfare of the State of Nebraska.

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

(A) Issuance of Subpoenas.

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

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

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

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

(B) Notice to Witnesses.

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

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

(C) Conduct of the Hearing.

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

(ii) The hearing shall be public unless the committee, by a majority vote of all of its members, determines that a hearing should not be open to the public in a particular instance, due to rare and extraordinary circumstances consistent with Legislative Rule 3, Section 15(b) regarding closed meetings.

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

(D) Right to Counsel and Submission of Questions.

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

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

(E) Testimony.

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

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

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

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

(v) Testimony and other evidence given or offered at a hearing closed to the public shall not be made public unless authorized by a majority vote

of all of the members of the committee, which authorization shall also specify the form and manner in which the testimony or other evidence may be released.

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

(F) Interested Persons.

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

(ii) Upon the consent of a majority of its members, a committee may invite any other person to appear at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No invitation to appear, and no request to appear, appearance, or submission of evidence shall limit in any way the committee's power of subpoena.

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

(G) Contempt.

A person shall be in contempt if he or she:

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

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

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

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

(H) Penalties.

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

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

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

(l) Limitation of Rules.

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

RULE 4--RESOLUTIONS

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

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

Sec. 2. When Considered as a Bill. Resolutions which propose amendments to the state constitution, propose the ratification or rejection of amendments to the federal Constitution, or memorialize the Congress with regard to amendments to the U.S. Constitution, shall be considered and adopted in the same manner as bills.

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

Sec. 3. Study Resolutions: Introduction; Referral; Standing Committees; Select Committees; Results. (a) Any senator or committee may introduce resolutions proposing interim studies. The resolutions shall be submitted to the Clerk of the Legislature on a form prescribed by the Clerk, printed in the Journal, and referred to the Executive Board.

(b) Study resolutions may be introduced up to and including the 80th legislative day in odd number years and the 50th legislative day in even number years. However, each standing committee may introduce one additional study resolution prior to adjournment sine die. The Executive Board shall refer the study resolutions to the appropriate standing committees or to select interim committees created by it to conduct such studies.

(c) Study resolutions shall be prioritized by the chairperson of the committee to which they are referred, and a report on those priorities shall be filed with the Clerk, on a form prescribed by the Clerk, prior to adjournment sine die. Also, the chairperson of each committee shall file with the Clerk, on a form prescribed by the Clerk, his or her committee's study plan for the highest prioritized interim studies referenced to such committee. This study plan shall be filed no later than thirty days after adjournment sine die. Unless otherwise agreed to, staff to interim studies conducted by standing committees shall be headed by the respective committee counsels. Legislative aides whose senators serve on such standing committees and legislative aides of other interested senators may be invited by the respective committee counsels to participate as staff in the conduct of the interim studies. The provisions of this section shall in no way limit the standing committees in their traditional prerogatives to conduct hearings and oversee matters and agencies that are within their subject matter jurisdiction.

(d) The Executive Board may, on its own behalf, conduct interim studies or create select interim committees to do so. Before creating a select interim committee, the Board shall consider whether the subject matter proposed for study by such a committee lies within the jurisdiction of one or more standing committee. To the extent possible, the jurisdiction of a select interim committee created by the Board shall be limited to subject matters that do not lie wholly within the jurisdiction of one or another standing committee. Membership on a select interim committee shall, to the extent possible, include senators who are both interested in serving on such a committee and are from the standing committees that have the most direct concern with the subject matter proposed for study. Select interim committees shall meet no later than five legislative days prior to adjournment sine die to organize and to review study plans. Staff to select interim committees shall be drawn from the Legislature's division staffs (e.g., fiscal, research, bill drafting), be based upon a joint plan submitted to the Executive Board by the division directors, may include other interested legislative staff, and shall be coordinated by the Legislative Research Division, and the chairpersons of the standing committees involved with the select interim committee.

(e) The Executive Board shall retain its traditional prerogatives to consider and refer study proposals arising from extraordinary circumstances after the deadlines established in this section.

(f) The chief sponsor of a study resolution, if not otherwise a member of the committee to which the resolution is referred, shall be an ex officio member of the committee during and only for the conduct of the study.

(g) On or before December 1 of each year, each standing and select interim committee shall file a report, on a form prescribed by the Clerk, with the Executive Board on the disposition of the study resolutions referred to them. These reports shall be printed in the Journal at the beginning of the next session of the Legislature.

(h) The results or final reports of studies conducted by standing committees may be prepared in a format of their choosing. Seven copies of each completed standing committee report shall be filed with the Legislative Reference Library. The results or final reports of studies conducted by select interim committees shall be prepared and published in a format prescribed by the Legislative Research Division, and copies of such studies will be indexed and filed with the Legislative Reference Library.

RRS 50-404.

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

Sec. 5. Vote Required for Adoption. All resolutions shall be adopted by an affirmative vote of a majority of the members present and voting except for those specified in Section 2; Provided, upon the request by any members prior to the commencement of the vote, a resolution shall require an affirmative vote of a majority of the elected members. Resolutions specified in Section 2 shall be considered and adopted in the same manner as bills.

RRS 85-404, 85-408.

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

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

Const. Art. III, Sec. 14.

Sec. 8. Reference to Committee. Resolutions other than those covered by Sections 2 and 3 of this rule shall upon the recommendation of the Speaker of the Legislature be referred to the Reference Committee for referencing to the appropriate committee.

Sec. 9. Reviving Resolution Killed by Committee. If the standing committee report on a resolution be to postpone indefinitely, the resolution shall stand indefinitely postponed; Provided, that such resolution may be considered by the members of the Legislature if a majority vote of the elected members so direct, provided the motion is made within three legislative days after the committee makes its report to the Legislature. A motion to raise cannot be amended to include any other resolution or subject matter. The provisions of this section shall not apply to resolutions considered as bills pursuant to Rule 4, Section 2.

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

RULE 4

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

RULE 5--BILLS--GENERAL PROVISIONS

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

Sec. 2. Content and Form of Bills. (a) A bill shall be designated as Legislative Bill _____.

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

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

Const. Art. III, Sec. 13.

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

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

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

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

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

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

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

RRS 49-804.

Sec. 3. Revisor Correctional Bills, Preprinting. (a) Preceding each legislative session, the Chairperson or any member of the Executive Board of the Legislative Council, or if the Executive Board so requests, the

senator who, in the preceding session served as Chairperson of the Judiciary Committee, shall sign as introducer the Revisor of Statutes' correctional bills. The Clerk of the Legislature shall number these bills consecutively beginning with number 1 and shall show the committee reference to be General File. The Clerk of the Legislature shall have these bills printed before the convening of the next regular session.

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

Sec. 4. Introducers Signing Bills. (a) Members shall introduce only such bills as they are willing to endorse and support personally. The last name and district shall be used, unless an initial or name is necessary to identify the introducer. Any member may request to have his or her name added as co-introducer of a bill but only if the principal introducer has concurred, in writing, to that request.

(b) A standing committee or special committee may introduce a bill for any purpose, including at the request of another senator, provided said bill receives the endorsement of a majority of the committee members whose names shall be on the bill.

(c) No bill shall be introduced after the tenth legislative day of any session, except:

1. "A" bills, appropriation bills, and bills introduced at the request of the Governor may be introduced at any time;

2. A standing committee or special committee may request that the Legislature consider introduction of a bill. A vote of three-fifths of the elected members of the Legislature shall be required for such bill to be introduced, and a copy of the statement of intent for such bill must be placed on each member's desk before introduction of the bill is voted upon.

(d) Individual members shall not be limited as to bill introduction. Each committee shall be limited to 8 bills each session. Bills introduced as a result of an interim study of the Legislative Council shall be included within the limitations prescribed by this section. Special committees created as a result of an interim study resolution and as authorized by the Executive Board shall be considered as separate committees for purposes of the limitations prescribed by this section. Bills introduced under Rule 5, Section 3(a) and bills introduced at the request of the Governor will not be included in the limitation.

(e) The introducers of all bills must submit a statement of intent for each bill to the appropriate committee chairperson at least 24 hours prior to the bill's hearing. The statement of intent should discuss clearly and completely the purposes and effects of the bill.

Sec. 5. Scheduling of Bills, Priority Bills. (a) Each senator may designate one bill as a priority bill. Such priority bill need not be the designator's bill, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(b) Each chairperson of those committees which are authorized to hold public hearings on bills may designate as priority bills two of the bills referenced to that committee and on which the committee has held a public hearing.

(c) The Speaker may designate up to 25 additional priority bills.

(d) Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker. The designation deadline shall be prior to the 45th legislative day in the ninety day session and prior to the 30th legislative day in the sixty day session.

(e) A senator or committee may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority bill in its place. The Speaker may withdraw a priority designation made by the Speaker.

(f) All committees shall schedule priority bills for public hearing ahead of all unscheduled, nonpriority bills unless the person or committee making the priority designation shall otherwise agree.

(g) All bills not designated as priority bills shall be heard on General File in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular bill. This provision shall not be construed to prevent the Speaker from placing bills reported out of committee with two or less dissenting votes on a consent calendar. Any bill placed on consent calendar shall be removed at the written request of three or more senators.

(h) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except that priority bills requiring the expenditure of appropriated funds shall be held on Final Reading until such time as the annual appropriations bills have been passed. A priority bill which fails to advance after two votes on General File, or after one vote on Select File, shall return to nonpriority status.

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

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

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

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

(d) The fiscal note shall be delivered by the Legislative Fiscal Analyst to the Clerk at least twenty-four hours prior to the public hearing on the bill or, in the event the bill is referred directly to General File, twenty-four hours prior to the first consideration of the bill on General File. The Clerk shall present the fiscal note to the principal introducer. If extenuating circumstances prevent the Legislative Fiscal Analyst from meeting this deadline, he or she shall present to the principal introducer an unofficial summary of all available fiscal information on the bill by this deadline and deliver to the Clerk the fiscal note when it is available. The Clerk shall attach the fiscal note to the bill and to all copies prepared for members.

(e) When amendments to a bill are adopted by the Legislature and such amendments would change the fiscal impact of the bill, the appropriate changes shall be made in the fiscal note each time the bill is advanced to Enrollment and Review or upon the written request of a member of the Legislature.

(f) When any bill proposes adoption of a new program or change of an existing program either of which would require an appropriation to implement in the ensuing fiscal year, an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be prepared at the direction of the Chairperson of the Appropriations Committee. Such bill shall be placed on General File and considered as introduced by the introducer of the original bill or by the committee which offered the amendments creating the expenditure, and shall bear the number of the original bill with the letter "A" added, and shall accompany the original bill through all stages of the legislative process. All bills for which an "A" bill is prepared shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading.

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

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

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

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

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

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

RULE 5

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

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

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

Const. Art. III, Sec. 14.

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

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

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

Withdrawal of bills set for hearing. Rule 3, Section 13.

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

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

RULE 6--BILLS--STAGES OF CONSIDERATION

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

Sec. 2. Objection to Reference of Bills. (a) Any member may object to the reference of any bill or other proposition, and correction in case of error in reference may be made by the Legislature by unanimous consent, or by the vote of a majority of the elected members.

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

Sec. 3. General File. (a) The Clerk of the Legislature shall read the number and the title of the bill and the name of the principal introducer as it comes up for consideration on General File. A bill will not be read section by section unless requested by a member of the Legislature.

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

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

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

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

(e) At any stage of consideration of a bill, a motion to bracket or to bracket to a day certain or to unbracket shall, if made by the primary introducer of the bill, require a majority of those voting. If made by other than the primary introducer, there shall then be required a majority vote of the elected membership. In any event, such motions shall alternatively be passed by unanimous consent of the body.

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

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

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

(i) Any bill failing to receive 25 votes to be advanced to Enrollment and Review Initial after three attempts shall be indefinitely postponed.

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

UC--Unanimous Consent; MEM--Majority of Elected Members; MTV--Majority of Those Voting.

GENERAL FILE

		Rule-Sec.
On introduction of bill		
Withdraw bill	**MTV**	**5-11**
On consideration of bill on General File		
Move to pass over	**MTV**	**6-3d**
Move to change order	**3/5**	**1-16**
Move to indefinitely postpone before bill is read	**MEM**	**6-3f**
Move to indefinitely postpone after bill is read	**MTV**	
Move to advance to E & R for review	**MEM**	**6-4**
Move to return to committee	**MEM**	
Move to reconsider		
(within one legislative day thereafter)	**MEM**	**7-7a**
(if after one legislative day, by suspension of the rules only)	**3/5**	**7-7a**
Move to amend	**MEM**	**6-3h**
Move to amend the amendment	**MTV**	
Move to withdraw bill by first introducer	**MTV**	**5-11**
If returned from Select File		
Motion to return to Select File	**MEM**	**6-5d**
Motion to amend	**MEM**	**6-5f**
Motion to advance	**MEM**	**6-4**
Defeated bill, motion to reconsider	**MEM**	**7-7**

Sec. 4. Enrollment and Review. Bills when advanced to Enrollment and Review shall be reviewed for recommendations relative to arrangement, phraseology, and correlation. Advancement to Enrollment and Review from General File for such purpose shall require a majority of the elected members. A motion to return to General File from Enrollment and Review shall, for adoption, require the concurrence of a majority of the elected members.

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

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

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

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

(d) A motion to recommit to General File for one or more amendments. If the motion to return is adopted, the bill shall be considered first on General File. Any motion may be made the same as when the bill was first on General File. If the bill is readvanced, it shall be given priority consideration by Enrollment and Review. If the bill is not altered, it may be advanced to Enrollment and Review for engrossment.

(e) A motion to postpone indefinitely.

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

(g) Amendments recommended by Enrollment and Review shall not be read by the Clerk except upon the request of a member of the Legislature.

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

(i) Any bill failing to receive 25 votes to be advanced to Enrollment and Review Final after two attempts shall be indefinitely postponed.

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

SELECT FILE

		Rule-Sec.
Motion to advance to E & R for engrossing if machine vote requested	**MEM**	
Motion to act on E & R amendment	**MTV**	**6-5a**
Motion to amend	**MEM**	**6-5b**
Motion to recommit to a standing committee	**MEM**	**6-5c**
Motion to return to General File for amendment	**MEM**	**6-5d**
Motion to indefinitely postpone	**MEM**	**6-5e**
On bill returned from E & R for engrossing & Final Reading		
Motion to return for specific amendment	**MEM**	**6-6**
Motion to adopt specific amendment	**MEM**	**6-6**

Sec. 6. Return to Select File. On a motion to return a bill to Select File for a specific amendment, a majority of the elected members must concur. No other amendment shall be considered when the bill is so returned. Such

amendment when considered may be adopted by a majority of the elected members.

Sec. 7. Final Reading. No bill shall be voted on for final passage until:

(a) After five legislative days following the introduction of the bill.

(b) Two legislative days after its reference to Final Reading.

(c) Printed copies of the bill in its final form, as amended, shall have been available to members and on their desks for at least one legislative day.

Const. Art. III, Sec. 14.

Sec. 8. Final Reading, Motions. On Final Reading the bill shall be read at large with all amendments thereto before the vote is taken. At any time before the roll call shall have begun on Final Reading of the bill, it shall be in order to move:

(a) To recommit the bill to Enrollment and Review to correct an error and for re-engrossment.

(b) To recommit the bill to the proper standing committee, with or without instructions.

(c) To recommit the bill to Select File for specific amendment, which amendment may be adopted by a vote of a majority of the elected members.

(d) Any bill returned to Select File for a specific amendment, may if the amendment is rejected, be readvanced to Final Reading without going through Enrollment and Review. A motion to so advance shall require the concurrence of a majority of the elected members.

Members to remain in their seat. Rule 2, Section 3h.
No one to be seated beside member during Final Reading. Rule 2, Section 3e.

RULE 6

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

FINAL READING

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

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

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

Sec. 10. Emergency Clause, Votes Required. When a bill containing the emergency clause does not receive the required two-thirds constitutional majority on Final Reading, then the emergency clause shall be considered stricken, and the bill without the emergency clause shall be pending on Final Reading, and the question then shall be, "Shall the bill pass with the emergency clause stricken?"

Const. Art. III, Sec. 27.

Sec. 11. Governor's Veto, Further Legislative Action. (a) Upon the day of receipt of a message from the Governor announcing his or her veto of a bill, or on any of the next five legislative days in the same annual session, any member may move that the bill so vetoed be taken up for passage in the form presented to the Governor. The Legislature shall decide upon the motion no later than five legislative days, in the same annual session, after receipt of the message from the Governor announcing his or her veto of the bill, whereupon the question shall be, "Shall the bill pass notwithstanding the objections of the Governor?" No bill vetoed by the Governor shall be taken up by the Legislature for any purpose other than

passage of the bill notwithstanding the objections of the Governor or for override of a line-item veto.

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

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

Const. Art. IV, Sec. 15.

(b) On the sixth legislative day following the receipt of a veto message, or within five calendar days following the sine die adjournment of a legislative session, the Clerk shall transmit to the Secretary of State all vetoed bills and line-item vetoed bills wherein no motion to override has been offered, or upon which a motion to override has been unsuccessful.

Sec. 12. Bills, Passed Over Governor's Veto. Should the Legislature pass a bill over the objections of the Governor by the necessary constitutional majority, it shall so certify and deposit the same with the Secretary of State.

RRS 84-503.

Sec. 13. Certificates. Whenever the Legislature shall override a line-item veto, on any bill as provided for in Article IV, Section 15, the Clerk of the Legislature shall cause to be placed on such bill a certificate in content and form as provided for in RRS 84-503 and shall list the items so overridden by section, page, and line.

In addition to such certificate, the Clerk of the Legislature shall note on each line, when the Legislature votes to override, a stamp reading "line-item veto overridden" and place thereon the date and his or her initials.

Sec. 14. Appropriations Bills, Procedure After Veto. (a) Whenever the Governor shall have vetoed more than one item in an appropriation bill, the Appropriations Committee shall review said veto and the Chairperson of the Appropriations Committee shall report within one legislative day to the Legislature on it's fiscal implications, and affect on operations. If the Appropriations Committee by majority vote decides to recommend to the Legislature an override of the veto on any portion of such an appropriation bill, the Chairperson of the Appropriations Committee or his/her designee shall first be permitted an opportunity to move that the entire bill become law notwithstanding the line-item veto therein.

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

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

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

Sec. 15. Constitutional Amendments, Votes Required. When a proposed constitutional amendment does not receive the required four-fifths constitutional majority necessary to submit such proposed amendment to the electors at a special election, then the special election language of the bill shall be stricken, and the bill shall be pending on Final Reading, and the question shall be, "Shall the bill pass providing for the submission of such proposition at the next general election?"

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

RULE 7--PROCEEDINGS AND MOTIONS

(A) Order of Business

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

Const. Art. III, Sec. 10.

(b) The order of business of the Legislature shall be as follows; except as otherwise provided by the Speaker.

a. Prayer by the Chaplain
b. Roll call
c. Call for correction of the Journal
d. Petitions and memorials
e. Notice of committee hearings and reports
f. Bills on Final Reading
g. Resolutions
h. Introduction of bills and reading by title
i. Consideration of bills on Select File
j. Motions to reconsider
k. Motions to advance bills from committee
l. Other pending motions
m. Unfinished business, including messages on President's desk
n. Consideration of bills on General File
o. Miscellaneous business

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

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

Introduction of bills. Rule 6, Section 1.

(B) Voting Machine

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

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

(c) Upon the final passage of a bill, or of a resolution if the same required the same consideration as a bill, the vote shall be by yeas and nays, and the electric roll call system shall be used. Voice votes shall be accepted on Final Reading.

(d) Whenever the "ayes" and "nays" are taken by machine vote, no member shall be permitted to vote after the decision is announced by the presiding officer or the Clerk. Votes not registered on the electric roll call system shall not be counted for or against a proposition. In announcing such vote, the Clerk shall announce the ayes, the nays, those present and not voting, those absent and not voting, and those excused and not voting, and on any action to advance or amend bills, these totals shall be set forth in the Journal. Voice votes shall be accepted on roll call or record votes.

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

(C) Motions

Sec. 3. Motion, in Writing, Withdrawal. (a) A motion shall be either stated by the presiding officer or read by the Clerk before a vote is taken. All motions shall be submitted in writing if requested by the presiding officer or any senator.

Once motions are stated they may be withdrawn or modified by the mover before a decision, amendment, or ordering of a vote has been made. A motion to reconsider may be withdrawn only with unanimous consent or a majority vote of the elected members.

When a question is under debate, no motion shall be considered except one of the following, which motions shall take precedence in the order stated.

a. To adjourn
b. For the previous question
c. To postpone to a time certain
d. To recommit to a committee
e. To amend
f. To postpone indefinitely

Such motions shall have precedence in the order in which they are arranged, except that motions to postpone indefinitely and amend do not yield to each other.

When any of the following motions shall be made, any action on such motion shall be delayed at least one legislative day and the motion shall be printed in the Legislative Journal:

a. Motion to postpone indefinitely on General File or Select File, unless the introducer(s) of the bill, or the committee chairperson in the case of committee bills, request(s) that the motion to postpone indefinitely be considered immediately without the one day delay.
b. Motion to place on General File pursuant to Rule 3, Section 19(b).
c. Motion to place bills on General File, notwithstanding the action of a standing committee.

(b) When a motion or other proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order.

(c) Amendments to the title shall be made by the Enrollment and Review Committee.

(d) No motion, proposition, or subject, different from that under consideration, shall be admitted under color of amendment. Any amendment that is not germane is out of order. Germane amendments relate only to details of the specific subject of the bill and must be in a natural and logical sequence to the subject matter of the original proposal. A nongermane amendment includes one that relates to a substantially different subject.

(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. Once a division is ordered by the presiding officer, each component shall be treated as a separate and distinct proposition. Once a vote or change has occurred on any of the divisible questions, the remaining divided sections may not be withdrawn without a majority of

those voting or without unanimous consent. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert. Such call for division shall not be allowed when considering motions under Rule 6, Section 6.

(f) When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be considered first.

Sec. 4. Shall the Debate Cease. The previous question shall be in this form, "Shall the debate now close?"

The previous question shall be made only in the normal course of speaking order and shall be in order when demanded by five or more members, and must be sustained by the vote of a majority of the elected members, and until decided shall, except as provided in this section of this rule, preclude further debate and all amendments and motions, except one motion to adjourn. The presiding officer may rule the previous question out of order if in the presiding officer's opinion a full and fair debate has not been afforded, due to the complexity of the subject matter. The ruling of the presiding officer shall be subject to overrule in accordance with Rule 1, Section 12 of these rules.

On a previous question there shall be no debate. All incidental questions of order, arising after a motion is made for a previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

When the previous question shall have been ordered on a proposition under debate, the mover, proponent, or introducer of such proposition shall be given the right to close the debate thereon.

After a motion to indefinitely postpone a bill has been offered, and the introducer of the motion has made his or her opening remarks on the motion, the principal introducer of the bill shall immediately be permitted to speak for five minutes on such motion.

Sec. 5. Call of the House. A call of the house may be made by any member in the manner following: "I move for a call of the house." The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under call. If a majority of the senators present and voting, vote in favor of such a motion, then the Legislature shall be deemed to be under call. Each member present shall indicate his or her presence upon the electric roll call system and shall remain in his or her seat during the call. After the Clerk shall note the names of the absentees, proceedings under the call may be suspended at

any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected.

Lieutenant Governor votes only when Legislature equally divided. Rule 1, Section 14.
Voice vote while house under call. Rule 7, Section 2b.

Sec. 6. Postpone to Time Certain. No motion to postpone to a time certain, to commit, or to postpone indefinitely being decided, shall again be allowed on the same day at the same stage of the bill or proposition.

Sec. 7. Reconsideration. (a) When a question has been decided, it shall be in order for any member voting with the prevailing side, or not voting, to move for a reconsideration thereof. A motion to reconsider must be made on the same day the original question was decided or on the next legislative day, except when it be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading. In such case, it must be made on the same day the original question was decided or on one of the next three legislative days. A motion to reconsider must be disposed of by the Legislature within five legislative days after making the same or it shall be deemed defeated. If the Legislature shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent.

Motion to reconsider cannot be withdrawn without leave. Rule 7, Section 3.

(b) Every motion to reconsider shall take preference over all other questions, except a motion to adjourn.

(c) For its adoption, a motion to reconsider shall require the vote of a majority of the elected members, except:

i Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading, then a three-fifths vote shall be required for adoption.

ii Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading with the emergency clause attached, but which received the constitutional majority with the emergency clause stricken and the purpose of the motion is to again add the emergency clause, then a two-thirds vote of the elected members shall be required for adoption.

iii Where such motion be to reconsider the vote on a motion to pass a bill notwithstanding the objections of the Governor or for

override of a line-item veto, then a three-fifths vote shall be required for adoption.

iv Where such motion be to reconsider the vote on a motion to suspend the rules, then a three-fifths vote shall be required for adoption.

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

(e) Whenever a bill is returned from the Governor for further action pursuant to the Legislature's request for such return, motions for reconsideration necessarily incident to opening a bill for further action shall be admitted regardless of the time limitation otherwise imposed by this rule.

Sec. 8. Strike the Enacting Clause. A motion to strike the enacting clause, if adopted, is equivalent to rejection of the bill. It shall not have precedence over a motion to amend nor a motion to indefinitely postpone.

Sec. 9. Motion to Adjourn. A motion to adjourn shall be in order, except:

a. While a member is speaking.
b. When a motion to adjourn has just been defeated.
c. After the Final Reading of a bill and during roll call thereon.

A motion to adjourn to a time certain shall have precedence over a motion to adjourn. A motion to recess shall take precedence over either of such motions.

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

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

Sec. 10. Cloture. At any stage of consideration the principal introducer of the bill under consideration, a co-introducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for a cloture to the presiding officer after eight hours of debate on the bill at that stage of consideration, except that the appropriation bills introduced by the Appropriations Committee shall be subject to a cloture motion after twelve hours of

debate at that stage of consideration. The presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on such pending amendment or motion shall be taken immediately. Following the vote on such pending matter, a vote on the cloture motion shall be taken. A two-thirds majority of the elected members shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the motion for cloture is successful, a vote on the advancement of the bill shall be taken, without debate, immediately following the vote on cloture.

A motion for cloture shall have precedence over other motions except a motion to adjourn.

An unsuccessful motion for cloture shall result in the debate on the bill ending for the day. When the Speaker chooses to resume debate on the bill, successive motions for cloture shall not be in order until two additional hours of debate on the bill has occurred.

RULE 8--APPROPRIATIONS PROCESS

Section 1. Purpose. The purpose of this rule is to provide a procedure for the Legislature to develop appropriations for all state agencies, boards, and commissions. Such procedure shall consider the need to (1) continue the services and financial assistance provided by state agencies and programs, (2) restrict the growth in state appropriations, and (3) provide for the efficient and effective use of state revenue by utilizing standing committee subject matter expertise in the review of agency, board, and commission budget requests.

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

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

Sec. 4. Standing Committee Appropriations Review. (a) Each standing committee may hold a budget request review hearing on the agency, board, and commission budgets reasonably encompassed in its subject matter jurisdiction. Any such review hearing shall not be held until the Appropriations Committee has held its public hearing on that agency, board, or commission. The chairperson of the standing committee shall coordinate the scheduling of such hearings with the Chairperson of the Appropriations Committee. The standing committee shall obtain a determination from the Executive Board that the budget to be reviewed is within its subject matter jurisdiction. The standing committee may recommend to the Legislature amendments to proposed appropriations.

(b) Standing committee amendments, if any, must be filed by the sixth legislative day following the placement of appropriations bills on General File. Standing committee amendments shall be printed in the Journal and shall be considered by the Legislature no sooner than the eighth legislative day following the placement of the appropriations bills on General File. Standing committee amendments shall be considered by the Legislature after Appropriations Committee amendments but before all other

amendments. Standing committee amendments shall be considered in the order of filing.

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

Sec. 5. Bills, Held on Final Reading. The report of the Appropriations Committee shall include a recommended dollar amount of the General Fund biennium appropriation which shall be allocated for the funding of "A" bills, bills that result in the net reduction of revenue to the General Fund, tax expenditure bills, and amendments to the appropriations bills as reported to General File by the Appropriations Committee. During a 90 day session, all "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; and all tax expenditure bills shall not be read on Final Reading until the appropriations bills are passed by the Legislature. Provided the Appropriations Committee shall place appropriations bills on General File no later than the 70th legislative day in a 90 day session and the 40th legislative day in a 60 day session. If this deadline is not met, the Legislature shall consider the appropriations bills as introduced by the Governor. During a 60 day session, all "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; all tax expenditure bills; and all appropriations bills shall not be read on Final Reading prior to the 45th legislative day. The appropriations bills shall be passed no later than the 80th legislative day in a 90 day session and the 50th legislative day in a 60 day session. The appropriations provided for in an "A" bill shall be for not less than two fiscal years.

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

RULE 9--SPECIAL SESSIONS

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

Sec. 2. Convening of the Legislature. Pursuant to the directive contained in the proclamation issued by the Governor, either upon the concurrence of two-thirds of the members of the Legislature according to the procedure established by section 50-125 or upon the call of the Governor under the authority of Article IV, section 8, of the Nebraska Constitution, the Legislature shall convene in special session. The first item of business shall be the introduction of bills and resolutions, both of which shall be numbered consecutively beginning with the number one. Bills and resolutions offered by the Speaker at the request of the Governor or offered pursuant to the statement filed with the Secretary of State and agreed to by two-thirds of the members of the Legislature shall be introduced ahead of all other proposals. After introduction, all bills and resolutions shall be handled in the manner provided in this rule. Bills shall be introduced only during the first three days of the session. Resolutions which are not considered and adopted in the same manner as bills may be introduced at any time during the session.

Sec. 3. Resolution Considered as a Bill. Resolutions which propose amendments to the state constitution, propose the ratification or rejection of amendments to the federal Constitution, or memorialize the Congress with regard to amendments to the U.S. Constitution, shall be considered and adopted in the same manner as bills.

Sec. 4. Committee Hearings. Within one legislative day following the introduction of bills and resolutions, or pronouncement of a gubernatorial appointment, the Reference Committee shall review each bill, resolution, and gubernatorial appointment and refer the matter to the appropriate standing committee. The committee to which the bill, resolution, or gubernatorial appointment is referred shall provide as much public notice of the time and place of the hearing on the matter as is reasonable under the circumstances by publication in the Legislative Journal, but in no case shall the hearing be more than five calendar days after the date the bill, resolution, or gubernatorial appointment has been referred to the committee.

Sec. 5. Report of Bill or Resolution to Legislature. The committee to which a bill or resolution has been referred shall make a report on the bill or resolution to the Legislature within twenty-four hours after the committee has taken final action on the matter. If, at the expiration of

twenty-four hours from the time final action was taken, the chairperson has not reported the bill or resolution, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final action on the bill or resolution has been taken at least twenty-four hours prior to the time the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.

Sec. 6. Indefinitely Postponed Bills and Resolutions. If the committee action on a bill or resolution is to postpone indefinitely, the bill shall stand indefinitely postponed, except that such bill or resolution may be placed on General File or referred back to the committee by a majority vote of the elected members. Not more than one bill or resolution shall be raised from committee on any one motion. A motion to raise shall not be amended to include any other bill, resolution, or subject matter. A motion to raise shall take precedence in order over all other motions, except a motion to adjourn.

Sec. 7. Bills and Resolutions Held by Committee. If the committee has not taken final action on a bill or resolution within two days after the committee hearing, any senator may move that the bill or resolution be placed on General File. If a majority of the elected members vote in favor of the motion, the bill shall be placed on General File.

Sec. 8. Pending Proposals Indefinitely Postponed. At the conclusion of a special session, all bills and resolutions which have not been enacted shall stand indefinitely postponed and shall not carry over to the next legislative session.

Sec. 9. Rules Controlling When Conflict Exists. When a conflict exists between the provisions of this rule and other provisions of the Rules of the Nebraska Legislature, the provisions of this rule shall apply.

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FIRST DAY - JANUARY 6, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 6, 1993

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Ninety-Third Legislature, First Session of the Legislature of Nebraska, assembled in Legislative Hall of the Capitol Building at the hour of 10:00 a.m., on Wednesday, January 6, 1993, and was called to order by President Moul.

PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska National Guard.

ROLL CALL

The roll was called and the following members were present:

Abboud, Chris	Elmer, W. Owen	McKenzie, Janis
Ashford, Brad	Fisher, Dan	Moore, Scott
Avery, Michael T.	Haberman, Rex S.	Pedersen, Dwite A.
Baack, Dennis	Hall, Tim	Pirsch, Carol McBride
Bernard-Stevens, David F.	Hartnett, D. Paul	Preister, Donald G.
Beutler, Chris	Hillman, Joyce	Rasmussen, Jessie K.
Bohlke, Ardyce L.	Hohenstein, Kurt A.	Robak, Jennie
Bromm, Curt	Horgan, Thomas R.	Robinson, C. N. Bud
Byars, Dennis M.	Hudkins, Carol	Schellpeper, Stan
Chambers, Ernie	Janssen, Ramon E.	Schimek, DiAnna R.
Coordsen, George	Jones, Jim	Schmitt, Jerry
Crosby, LaVon	Kristensen, Doug	Vrtiska, Floyd P.
Cudaback, Jim D.	Landis, David M.	Warner, Jerome
Day, Connie	Lindsay, John C.	Wehrbein, Roger R.
Dierks, Merton L.	Lynch, Daniel C.	Wesely, Don

Wickersham, William R. Witek, Kate
Will, Eric Withem, Ron

MOTION - Adopt Temporary Rules

Mr. Wesely moved that the Rules, as now in our possession, be adopted for today only, Wednesday, January 6, 1993.

The motion prevailed.

MOTION - Temporary Clerk and Sergeant at Arms

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

The motion prevailed.

RESIGNATION

December 31, 1992

The Honorable Ben E. Nelson
Governor, State of Nebraska
State Capitol
Lincoln, NE 68509

Dear Governor Nelson,

This letter is to inform you that I am resigning from the Nebraska Legislature effective January 5, 1993.

It has been a privilege and honor to represent the 34th Legislative District. My ten years with the Legislature have been personally challenging and rewarding. I leave this institution with profound respect for each of my colleagues and look forward to continuing my service to Nebraska as a member of the Nebraska Public Service Commission.

Sincerely,
(Signed) Rod Johnson
State Senator

RJ/cl
cc: Secretary of State Beermann
Patrick J. O'Donnell, Clerk of the Legislature
Senator Dennis Baack, Speaker
Diane Nickolite, Legislative Accounting
Dannie Trautwein, Accountability

MESSAGE FROM THE SECRETARY OF STATE

January 6, 1993

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

I hand you herewith the official appointment and oath of Janis M. McKenzie, as a Member of the Legislature from the Thirty-Fourth Legislative District for the unexpired term of Rod Johnson, resigned.

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

Enclosures

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Janis M. McKenzie has been appointed as a Member of the Nebraska Unicameral Legislature from the Thirty-Fourth Legislative District for the unexpired term of Rod Johnson, resigned. The term beginning January 5th 1993 shall continue until January 4, 1995 or such time as she shall satisfactorily perform all the duties imposed upon such officer by law, and until a successor is duly elected and qualified.

I further certify that the foregoing appointment was made by Governor E. Benjamin Nelson under the authority granted by the Constitution and by Section 32-1042 of the Revised Statutes of Nebraska.

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

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

(SEAL) Allen J. Beermann, Secretary of State

OFFICIAL OATH

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

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

(Signed) Janis M. McKenzie

Subscribed in my presence and sworn to before me this 5th day of January, 1993.

(Signed) Allen J. Beermann
Notary Public

(SEAL)
*Constitution of the State of Nebraska,
Article XV, Section One.
*Replaces Rod Johnson, resigned

GUBERNATORIAL APPOINTMENT

Know Ye, that I, E. Benjamin Nelson, on behalf of the State of Nebraska and as Governor, do hereby appoint Janis M. McKenzie as a member of the Nebraska Unicameral Legislature, District 34.

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

This appointment shall take effect on January 5, 1993 and continue until January 4, 1995 provided you shall satisfactorily perform all the duties imposed by law.

(Signed) E. Benjamin Nelson
Governor

(Signed) Allen J. Beermann
Secretary of State

MOTION - Committee on Credentials

Mr. Baack moved that we proceed to the election of five persons to serve as the Committee on Credentials, who will forthwith report to the Legislature on the credentials of those claiming to be elected to the Legislature in the General Election in November, 1992.

The motion prevailed.

Mr. Baack moved to elect the following five members of the Legislature to serve on the Committee on Credentials: Senators Warner, Hall, Withem, Moore, and Landis.

The motion prevailed.

EASE

The Legislature was at ease from 10:20 a.m. until 10:25 a.m.

MOTION - Credentials Committee Report

Messrs. Warner, Hall, Withem, Moore, and Landis moved to approve the attached report as certified and presented by the Secretary of State; Furthermore the Committee takes notice of Section 32-1001.22, RRS., which states in part that when an election is contested, the person holding the certificate of election shall exercise the duties of office until the election contest is decided.

Furthermore, that the matter of the election contests for the 3rd and 41st Legislative Districts be referred to the Reference Committee so as to identify the appropriate legislative entity to consider the election contests and to have the Reference Committee report back to the Legislature with its recommendations.

The motion prevailed.

REPORT OF COMMITTEE ON CREDENTIALS

State of Nebraska

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of Members of the Nebraska Unicameral Legislature elected or appointed to serve in the Ninety-third Legislature, First Session (Regular), 1993.

Further, I hereby certify that the Members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the Ninety-third Legislature, First Session (Regular), 1993.

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

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

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

(SEAL) Allen J. Beermann, Secretary of State

DISTRICT	NAME	ELECTED
1	Floyd P. Vrtiska	November 3, 1992
2	Roger R. Wehrbein	November 6, 1990
3	Michael T. Avery	November 3, 1992
4	Thomas R. Horgan	November 6, 1990
5	Don Preister	November 3, 1992
6	Brad Ashford	November 6, 1990
7	Tim Hall	November 3, 1992
8	Eric Will	November 6, 1990
9	John C. Lindsay	November 3, 1992
10	Carol McBride Pirsch	November 6, 1990
11	Ernie Chambers	November 3, 1992
12	Chris Abboud	November 6, 1990
13	Daniel C. Lynch	November 3, 1992
14	Ron Withem	November 6, 1990
15	Ramon E. Janssen	November 3, 1992
16	C. N. Bud Robinson	November 6, 1990
17	Kurt A. Hohenstein	November 3, 1992
18	Stan Schellpeper	November 6, 1990
19	Connie J. Day	November 3, 1992
20	Jessie K. Rasmussen	November 6, 1990
21	Carol L. Hudkins	November 3, 1992

22	Jennie Robak	November 6, 1990
23	Curt Bromm	November 3, 1992
24	Scott Moore	November 6, 1990
25	Jerome Warner	November 3, 1992
26	Don Wesely	November 6, 1990
27	DiAnna R. Schimek	November 3, 1992
28	Chris Beutler	November 6, 1990
29	LaVon Crosby	November 3, 1992
30	Dennis M. Byars	November 6, 1990
31	Kate Witek	November 3, 1992
32	George Coordsen	November 6, 1990
33	Ardyce L. Bohlke	November 3, 1992
34	Janis McKenzie	Appointed 1-5-93 *
35	Dan Fisher	November 3, 1992
36	Jim D. Cudaback	November 6, 1990
37	Doug Kristensen	November 3, 1992
38	W. Owen Elmer	November 6, 1990
39	Dwite A. Pedersen	November 3, 1992
40	Merton L. Dierks	November 6, 1990
41	Jerry Schmitt	November 3, 1992
42	David F. Bernard-Stevens	November 6, 1990
43	James E. Jones	November 3, 1992
44	Rex S. Haberman	November 6, 1990
45	D. Paul Hartnett	November 3, 1992
46	David M. Landis	November 6, 1990
47	Dennis Baack	November 3, 1992
48	Joyce Hillman	November 6, 1990
49	Bob Wickersham	November 3, 1992

*Appointed 1-5-93 to replace Rod Johnson (resigned)

NOTICE OF ELECTION CONTEST

IN THE LEGISLATURE FOR THE STATE OF NEBRASKA

LYNDA THORPE, IN RE ELECTION TO THE NEBRASKA LEGISLATURE FROM THE THIRD LEGISLATIVE DISTRICT OF THE STATE OF NEBRASKA,) NOTICE OF ELECTION CONTEST

TO: MICHAEL T. AVERY and PATRICK J. O'DONNELL, CLERK OF THE LEGISLATURE FOR THE STATE OF NEBRASKA

NOTICE

1. Pursuant to Neb. Rev. Stat. § 32-1001.06, you are hereby notified that Lynda Thorpe contests the election of Michael T. Avery who was proclaimed the duly elected Legislator from the Third Legislative District.

GROUNDS UPON WHICH THE ELECTION IS CONTESTED

2. At the time of the election, Michael T. Avery was not "eligible" to be elected to the Nebraska Legislature since, at the time of the election, he held a "lucrative office" with the State of Nebraska.

3. The Neb. Const. art. III § 9 provides:

No person holding office under the authority of the United States, or any lucrative office under the authority of this State, shall be eligible to, or have a seat in the Legislature.

4. The term "eligible" as employed in the Constitution, means capable of being elected or chosen. A candidate is required by the Constitution to possess all of the qualifications of a Legislator at the time of the election.

5. At the time of election, Michael T. Avery was a full-time employee of the State of Nebraska. Mr. Avery's job title was that of "Games and Parks, Fish and Wildlife Biologist II". His job description included the following: 1) the compilation and review of data regarding fish; 2) responsibility for field studies; 3) responsibility for habitat improvement; 4) the marking, banding and tracking of fish and wildlife, etc.; 5) the responsibility for public relation; 6) the responsibility to assist in the management of the Games and Parks Commission, including participating in the budget process.

6. "Office" has been defined as: "A public station or employment, conferred by the appointment of Government; and embraces the ideas of tenure, duration, emolument and duties." State ex rel. O'Connor v. Tusa, 130 Neb. 528, 535, 536, 126 N.W.2d 524, 525 (1936).

7. Since Avery held a position of public employment, conferred by the Government and embracing the ideas of tenure, duration, emolument and duties at the time of his election to the Legislature, he held a "lucrative office under the authority of this State" and was, consequently, constitutionally ineligible to run for the office of a Legislator of the Nebraska State Legislature.

8. In addition to Avery's constitutional ineligibility, Avery was prohibited by statute from participating as a candidate in an election while serving as an employee of the State Games and Parks Commission. Neb. Rev. Stat. § 81-809 provides in pertinent part that agents and employees of the State Games and Parks Commission may not use their official office or influence for the purpose of interfering with an election or affecting the results thereof. This Legislative Body has, therefore, determined that employees of the Games and Parks Commission should refrain from active political pursuits while an employee of the Games and Parks Commission.

NOTICE OF THE TIME AND PLACE OF DEPOSITIONS

9. Pursuant to Neb. Rev. Stat. § 32-1001.06, the Contestant does hereby notify Avery that the Contestant shall commence taking the depositions of Rex Amack, Director of the Games and Parks Commission; Jamie Stirkel, Personnel Administrator for the Games and Parks Commission; Michael T. Avery, the person proclaimed duly elected to the Legislature from the Third Legislative District; Joyce J. Schramm, Election Commissioner of Sarpy County, Nebraska and other potential witnesses to be designated by the Contestant; commencing at 10:00 A.M., December 16, 1992 at the offices of Cline, Williams, Wright, Johnson & Oldfather, 1900 FirsTier Bank Building, Lincoln, Nebraska. Such depositions shall commence at the date and time above stated and shall be continued from time to time until completed.

REQUEST THAT AVERY NOT BE SEATED

10. Pursuant to Neb. Rev. Stat. § 50-102, the Contestant respectfully requests that the Legislature examine and report upon the credentials of Avery and judge those credentials and the allegations set forth in this Notice of Contest of Election prior to permitting Avery to be certified as a member of the Legislature.

LYNDA THORPE, Contestant,

By: (Signed) Thomas J. Guilfoyle, #11628
FROST, MEYERS, GUILFOYLE & GOVIER
Two Old Mill, Suite 250
10855 West Dodge Road
Omaha, Nebraska 68154
(402) 330-8800
Attorney for Contestant

PROOF OF SERVICE

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

COMES NOW Todd M. Starr of the law firm of Frost, Meyers, Guilfoyle & Govier, counsel of record for the Contestant, Lynda Thorpe, and being first duly sworn upon oath, deposes and states that a copy of the Notice of Election Contest was served on Michael T. Avery by leaving a copy of said Notice at the residence of Michael T. Avery at 339 Michael Drive, Gretna, Nebraska 68028.

Further, counsel of record for the Contestant herein, certifies that a copy of the Notice of Election Contest was delivered to the Clerk of the Nebraska Legislature on December 10, 1992.

By: (Signed) Todd M. Starr, #19136
FROST, MEYERS, GUILFOYLE & GOVIER
Two Old Mill, Suite 250
10855 West Dodge Road
Omaha, Nebraska 68154
(402) 330-8800
Attorney for Contestant

Subscribed and sworn to before me on this 10th day of December, 1992.

(Signed) N. Jewell Klitzke
Notary Public

Received a copy of this Notice of Election Contest this 10th day of December, 1992.

(Signed) Richard Brown
Assistant Clerk of the Legislature

NOTICE OF ELECTION CONTEST

December 10, 1992

TO: Mr. Jerry Schmitt
2309 "M" Street
Ord, Nebraska 68862

RE: Nebraska Legislature, District No. 41

Dear Mr. Schmitt:

NOTICE

This letter is to give you notice that I am contesting the results of the general election held on November 3, 1992, insofar as it appears to date that you will be proclaimed elected by the votes recounted and certified to the Secretary of State by the County Clerks of Boone, Custer, Garfield, Greeley, Howard, Sherman, Valley, and Wheeler Counties and the Election Commissioner of Hall County, Nebraska, following the recount conducted on December 2, 1992.

SERVICE

On this date, pursuant to Nebraska Statue, I am hand delivering this notice to you personally, or delivering it to the above address, last know to me to be your residence. Also, I am sending this notice by first Class Mail, postage prepaid, certified, return receipt requested, to you at:

Mr. Jerry Schmitt
2309 "M" Street
Ord, Nebraska 68862

CONTESTED VOTES

The votes contested in this election, are those votes or ballots marked as votes cast for Jerry Schmitt or any other candidate not eligible to be elected under Article III, Section 7, Section 9 and Section 16 of the Nebraska Constitution.

GROUNDS OF CONTEST

1. Article III, Section 10 of the Constitution of the State of Nebraska which states:

> ". . . A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members,. . ."

2. That illegal votes were received and counted and that those votes totaled a number sufficient to changes the result of the election.

3. That there was error on the part of the respective county boards of canvassers and the State Canvassing Board in counting and recounting the votes of candidates not eligible to run for the office of Legislature and that said votes were sufficient to change the result of the election.

4. Article III, Section 16, of the Constitution of the State of Nebraska which states:

> "No member of the Legislature or any state officer shall have a conflict of interest, as defined by the Legislature, directly in any contract, with the state or any county or municipality thereof, authorized by any law enacted during the term for which he shall have been elected or appointed, or within one year after the expiration of such term.

Said provision creating a prima facie conflict with the Legislator duties imposed by Neb. Rev. Stat. §§81-2014 et sec.

5. That Article III, Section 9 of the Constitution of the State of Nebraska, which states:

"No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to, or have a seat in the legislature."

Said provision having been violated by various election officials in their counting and recounting of votes cast in the 41st District, Nebraska Legislature and the Constitution thereby usurped and violated by counting , recounting and canvassing of in the Legislature rule, 41st District following the general election held November 3, 1992, ballots cast.

NOTICE OF DEPOSITIONS

pursuant to statute, the taking of your deposition and the deposition of other necessary witnesses including, without limitation, the depositions of individuals named on Exhibit "A", a copy of which is attached hereto and incorporated herein by this reference, will be taken beginning at 9:00 a.m., on the 21st day of December, 1992, at the Valley County Courthouse, Ord, Nebraska, to be continued day to day and place to place until all depositions are taken in their entirety, or as otherwise stipulated by the parties.

Sincerely,
(Signed) Carson H. Rogers

CHR/jmw

EXHIBIT "A"

Mr. Jerry Schmitt
2309 "M" Street
Ord, Nebraska 68862

Mr. Ronald Tussing
Colonel
Nebraska State Patrol
P.O. Box 94907
Lincoln, Nebraska 68508

PROOF OF SERVICE BY AFFIDAVIT

STATE OF NEBRASKA)
) ss.
VALLEY COUNTY)

Carson H. Rogers, being first duly sworn upon oath, deposes and states as follows:

That on December 11, 1992, I personally hand delivered a Notice of Election Contest, a copy of which is attached hereto and incorporated

herein by this reference, to Mr. Jerry Schmitt, at his last known address, 2309 "M" Street, Ord, Nebraska 68602.

(Signed) Carson H. Rogers

Subscribed and sworn to before me this 11 day of December, 1992.

(Signed) Cindy A. Zauha
Notary Public

MOTION - Escort Chief Justice

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

The motion prevailed.

The Chair appointed Messrs. Lindsay, Haberman, Elmer, Mmes. Crosby, and Hillman to serve on said Committee.

MEMBERS' OATH OF OFFICE

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

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

Michael T. Avery
Dennis Baack
Ardyce L. Bohlke
Curt Bromm
Ernie Chambers
LaVon Crosby
Connie Day
Dan Fisher
Timothy J. Hall
D. Paul Hartnett
Kurt A. Hohenstein
Carol Hudkins
Ramon E. Janssen

Jim Jones	DiAnna R. Schimek
Doug Kristensen	Jerry Schmitt
John C. Lindsay	Floyd Vrtiska
Dan Lynch	Jerome Warner
Dwite A. Pedersen	William Wickersham
Don Preister	Kate Witek

Subscribed in my presence and sworn to before me this sixth day of January, 1993.

(Signed) William C. Hastings,
Chief Justice

The Committee escorted the Chief Justice from the Chamber.

MOTION - Election of Officers

Mr. Warner moved that the following officers, recommended by the Executive Board, be elected to serve for the Ninety-Third Legislature, First Session:

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

The motion prevailed.

MOTION - Election of Speaker

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

The motion prevailed.

Mr. Baack placed his name in nomination.

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

The motion prevailed.

Mr. Baack was duly elected Speaker of the Legislature.

MOTION - Escort Chief Justice

Mrs. Hillman moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for

the purpose of administering the oath of office to the officers of the Legislature.

The motion prevailed.

The Chair appointed Messrs. Lindsay, Haberman, Elmer, Mmes. Crosby, and Hillman to serve on said Committee.

EASE

The Legislature was at ease from 10:38 a.m. until 10:42 a.m.

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

OFFICERS' OATH OF OFFICE

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

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

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

The Committee escorted the Chief Justice from the Chamber.

MOTION - Chairperson of Committee on Committees

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

The motion prevailed.

Mrs. Crosby placed her name in nomination.

Mr. Moore moved to cease the nominations and to cast a unanimous vote for Mrs. Crosby.

The motion prevailed.

Mrs. Crosby was duly elected Chairperson of the Committee on Committees.

MOTION - Committee on Committees Members

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

The motion prevailed.

Mr. Landis, Mr. Beutler, and Mr. Avery were nominated from District 1.

Mr. Lindsay, Mr. Lynch, and Mr. Withem were nominated from District 2.

Mr. Moore, Mr. Robinson, and Mr. Coordsen were nominated from District 3.

Mr. Bernard-Stevens, Mr. Baack, and Mrs. Bohlke were nominated from District 4.

Mrs. Crosby moved the approval of the nominees to the Committee on Committees.

The motion prevailed.

The Chair declared the nominees duly elected.

MOTION - Chairperson of Executive Board

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

The motion prevailed.

Mr. Chambers nominated Mr. Hall.

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

The motion prevailed.

Mr. Hall was duly elected Chairperson of the Executive Board.

MOTION - Vice Chairperson of Executive Board

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

The motion prevailed.

Mr. Wickersham placed his name in nomination.

Mr. Haberman placed his name in nomination.

Mr. Moore moved to cease nominations.

The motion prevailed.

The Chair appointed Mmes. Pirsch, Witek, and Mr. Dierks as tellers.

Wickersham	21
Haberman	27
	48

Mr. Haberman was duly elected Vice Chairperson of the Executive Board.

MOTION - Committee Chairpersons

Mrs. Bohlke moved to proceed to the election of the standing committee chairpersons, by secret ballot, in accordance with Rule 3, Sec. 7a.

The motion prevailed.

CHAIRPERSON - Agriculture

Mr. Dierks placed his name in nomination.

Mr. Cudaback placed his name in nomination.

Mr. Moore moved to cease nominations.

The motion prevailed.

The Chair appointed Mr. Janssen, Ms. Day, and Mrs. Hillman as tellers.

Dierks	40
Cudaback	9
	49

Mr. Dierks was duly elected Chairperson of Agriculture Committee.

CHAIRPERSON - Appropriations

Mr. Moore placed his name in nomination.

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

The motion prevailed.

Mr. Moore was duly elected Chairperson of Appropriations Committee.

CHAIRPERSON - Banking, Commerce and Insurance

Mr. Landis placed his name in nomination.

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

The motion prevailed.

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

CHAIRPERSON - Business and Labor

Mrs. Pirsch placed her name in nomination.

Mr. Lynch nominated Mr. Abboud.

Mr. Moore moved to cease nominations.

The motion prevailed.

The Chair appointed Messrs. Jones, Bromm, and Mrs. Hudkins as tellers.

Pirsch	21
Abboud	28
	49

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

CHAIRPERSON - Education

Mr. Withem placed his name in nomination.

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

The motion prevailed.

Mr. Withem was duly elected Chairperson of Education Committee.

CHAIRPERSON - General Affairs

Mr. Schellpeper placed his name in nomination.

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

The motion prevailed.

Mr. Schellpeper was duly elected Chairperson of General Affairs Committee.

CHAIRPERSON - Government, Military and Veterans Affairs

Mr. Coordsen placed his name in nomination.

Ms. Schimek placed her name in nomination.

Mr. Moore moved to cease nominations.

The Chair appointed Mrs. McKenzie, Messrs. Vrtiska, and Preister as tellers.

Coordsen	24
Schimek	25
	49

Ms. Schimek was duly elected Chairperson of Government, Military and Veterans Affairs Committee.

CHAIRPERSON - Health and Human Services

Mr. Wesely placed his name in nomination.

Mr. Byars moved to cease nominations and to cast a unanimous vote for Mr. Wesely.

The motion prevailed.

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

CHAIRPERSON - Judiciary

Mr. Ashford nominated Mr. Lindsay.

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

The motion prevailed.

Mr. Lindsay was duly elected Chairperson of Judiciary Committee.

CHAIRPERSON - Natural Resources

Mr. Wehrbein placed his name in nomination.

Mr. Beutler placed his name in nomination.

Mr. Bernard-Stevens placed his name in nomination.

Mr. Moore moved to cease nominations.

The Chair appointed Messrs. Avery, Fisher, and Schmitt as tellers.

Wehrbein	10
Beutler	17
Bernard-Stevens	22
	49

The Chair announced that a second ballot would be cast between Mr. Beutler and Mr. Bernard-Stevens.

The Chair appointed Messrs. Pedersen, Hohenstein, and Mrs. Bohlke as tellers.

Beutler	25
Bernard-Stevens	24
	49

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

CHAIRPERSON - Nebraska Retirement Systems

Mr. Horgan placed his name in nomination.

Mrs. Robak placed her name in nomination.

Mr. Moore moved to cease nominations.

The Chair appointed Mrs. Rasmussen, Messrs. Byars, and Robinson as tellers.

Horgan	34
Robak	15
	49

Mr. Horgan was duly elected Chairperson of Nebraska Retirement Systems Committee.

CHAIRPERSON - Revenue

Mr. Warner placed his name in nomination.

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

The motion prevailed.

Mr. Warner was duly elected Chairperson of Revenue Committee.

CHAIRPERSON - Transportation

Mr. Kristensen placed his name in nomination.

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

The motion prevailed.

Mr. Kristensen was duly elected Chairperson of Transportation Committee.

CHAIRPERSON - Urban Affairs

Mrs. Rasmussen nominated Mr. Hartnett.

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

The motion prevailed.

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

MOTION - Special and Select Committees

Mrs. Pirsch moved to proceed to the election of the special and select committee chairpersons, by secret ballot.

The motion prevailed.

CHAIRPERSON - Intergovernmental Cooperation

Mr. Elmer placed his name in nomination.

Mr. Ashford placed his name in nomination.

Mr. Hall moved to cease nominations.

The Chair appointed Messrs. Will, Hall, and Mrs. Crosby as tellers.

Elmer	19
Ashford	25
	44

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

CHAIRPERSON - Rules

Mr. Will placed his name in nomination.

Mr. Hall moved to cease nominations and to cast a unanimous vote for Mr. Will.

The motion prevailed.

Mr. Will was duly elected Chairperson of Rules Committee.

CHAIRPERSON - Enrollment and Review

Mr. Will nominated Mr. Hohenstein.

Mr. Will moved to cease nominations and to cast a unanimous vote for Mr. Hohenstein.

The motion prevailed.

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

MOTION - Election Returns

Mr. Dierks moved that a committee of three be appointed to escort the Secretary of State to the Chamber to deliver the election returns of the General Election of November, 1992.

The motion prevailed.

The Chair appointed Messrs. Ashford, Moore, and Mrs. Rasmussen to serve on said Committee.

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

REPORT FROM THE SECRETARY OF STATE

January 6, 1993

Speaker of the Legislature
Ninety-Third Legislature, First Session (Regular) 1993
State Capitol
Lincoln, Nebraska

Honorable Speaker:

In accordance with Article IV, Section 4 of the Constitution of the State of Nebraska, I have the honor of herewith delivering to you, under Seal, the abstract of votes cast in the ninety-three counties of the State of Nebraska at the General Election held on November 3, 1992 for the offices of Members of the Public Service Commission, Regents

of the University of Nebraska and Members of the State Board of Education, which votes are required by law to be canvassed by the Nebraska State Legislature, pursuant to Section 32-4,110 R.S. Nebraska 1943, Reissue of 1989 as submitted to me for delivery to the Honorable Speaker of the Legislature.

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

The original abstract sheets containing the tabulation of votes from the ninety-three counties with reference to *Constitutional Amendments and an Initiative Measure are on file in this office. A certification of these returns is also attached.

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

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

*One Constitutional Amendment
Primary 1992 (Special Election)

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct list of the candidates for the offices of Members of the Public Service Commission, Regents of the University of Nebraska and Members of the State Board of Education, receiving the highest number of votes cast at the General Election in the State of Nebraska held on November 3, 1992.

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

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

(SEAL) Allen J. Beermann, Secretary of State

PUBLIC SERVICE COMMISSIONER
Rod Johnson, Fourth District
Daniel G. Urwiller, Fifth District

STATE BOARD OF EDUCATION
Max D. Larsen, First District
Ally Milder, Second District
Walter Thompson, Third District
Bobie A. Nolte, Fourth District

REGENT, UNIVERSITY OF NEBRASKA
John W. Payne, Sixth District
Don Blank, Seventh District

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct listing of the *Constitutional Amendments proposed by the Legislature, and Initiative Ordered by Petition of the People, Number 407, showing the number of votes cast for each at the General Election in the State of Nebraska held on November 3, 1992.

*Constitutional Amendment Primary (Special) Election

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

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

(SEAL) Allen J. Beermann, Secretary of State

Primary (Special) Election

No. 1

A constitutional amendment to separate tangible personal property from the uniform and proportionate provision applicable to real property, to

provide for the valuation of taxable tangible personal property at depreciated cost or at actual value uniformly and proportionately, to provide for the separate classification of property and franchises protected by federal law, to harmonize a provision relating to the limitation on county taxes, and to provide that legislation passed in the regular 1992 Legislative Session shall be effective January 1, 1992, and is ratified and confirmed by this amendment.

FOR	204,147
AGAINST	155,918

General Election

No. 1(A)

A constitutional amendment to authorize the Legislature to establish a lottery which is operated and regulated by the State.

FOR	440,973
AGAINST	267,928

No. 1(B)

A constitutional amendment to authorize the Legislature, if it establishes a state lottery pursuant to the Constitution, to use the proceeds, or a portion thereof, to compensate depositors if industrial loan and investment companies for unreimbursed losses of guaranteed deposits held by industrial loan and investment companies which filed for bankruptcy or entered receivership after November 1, 1982.

FOR	230,273
AGAINST	429,656

No. 2

A constitutional amendment to authorize governing bodies of municipalities and counties to approve, deny, suspend, cancel, or revoke retail and bottle club liquor licenses within their jurisdictions as authorized by the Legislature.

FOR	357,927
AGAINST	292,619

Measure No. 407 (Term Limits Initiative)

Shall the Nebraska Constitution be amended to: (1) set limits of two consecutive terms in office for Nebraska Legislators, the Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, Public Service Commissioners, State Board of Education Members, and University of Nebraska Board of Regents Members; and (2) prohibit persons who have served four consecutive terms as a Representative in Congress or two consecutive terms in the

U.S. Senate from being listed on any official ballot for re-election. Terms currently being served would not be counted in applying these restrictions.

FOR	481,048
AGAINST	224,114

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

The motion prevailed.

The Secretary of State was escorted from the Chamber.

MOTION - Inaugural Ceremonies

Mr. Horgan moved to arrange to hold the inaugural ceremonies for the newly elected state officials on Thursday, January 7, 1993, at 2:00 p.m.

The motion prevailed.

MOTION - Executive Board Members

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

The motion prevailed.

Mr. Byars and Mr. Wehrbein were nominated from District 1.

Mr. Chambers and Mr. Hartnett were nominated from District 2.

Mr. Dierks and Mr. Kristensen were nominated from District 3.

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

The motion prevailed.

The Chair declared the nominees duly elected.

EASE

The Legislature was at ease from 12:54 p.m. until 1:23 p.m.

MOTION - Appropriations Committee Members

Mr. Hall moved to approve the appointments to the Appropriations Committee as recommended by the Executive Board.

Mrs. Crosby, Mr. Wehrbein, and Mr. Moore were nominated from District 1.

Mr. Lynch, Mr. Avery, and Mr. Ashford were nominated from District 2.

Mr. Bernard-Stevens, Mrs. Hillman, and Mr. Hohenstein were nominated from District 3.

The motion prevailed.

The Chair declared the nominees duly elected.

REFERENCE COMMITTEE REPORT

The Reference Committee reports that the election contests in the 3rd and 41st legislative districts have been referred to the Executive Board, pursuant to the report of the Credentials Committee adopted on January 6, 1993, and found on page 7 of the Legislative Journal; furthermore, that the committee have full power to issue subpoenas, compel attendance of and testimony from witnesses, as well as books, documents, papers, materials, or other information needed to produce a report which shall be presented to the Legislature as required by law.

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

ADJOURNMENT

At 1:24 p.m., on a motion by Speaker Baack, the Legislature adjourned until 10:00 a.m., Thursday, January 7, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SECOND DAY - JANUARY 7, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 7, 1993

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Ms. Schimek who was excused; and Messrs. Beutler, Chambers, Landis, Lindsay, Warner, Wehrbein, and Mrs. Bohlke who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 15, line 10, strike "members" and insert "officers".
The Journal for the first day was approved as corrected.

MOTION - Adopt Temporary Rules

Mr. Will moved that the Rules, as now in our possession, be adopted for today only, Thursday, January 7, 1993.

The motion prevailed.

COMMITTEE ON COMMITTEES REPORT

Mrs. Crosby offered the following Committee on Committees report:

Agriculture - Dierks, Chairperson

Chambers
Cudaback
Elmer
Haberman
Hudkins
Schellpeper
Vrtiska

Appropriations - Moore, Chairperson

Ashford
Avery
Bernard-Stevens
Crosby
Hillman
Hohenstein
Lynch
Wehrbein

Banking, Commerce & Insurance - Landis, Chairperson

Coordsen
Hall
Jones
Lindsay
Robak
Wesely
Witek

Business & Labor - Abboud, Chairperson

Bromm
Chambers
Dierks
Preister
Schimek
Vrtiska

Education - Withem, Chairperson

Beutler
Bohlke
Janssen
McKenzie
Rasmussen
Warner
Wickersham

General Affairs - Schellpeper, Chairperson

Cudaback
Elmer
Haberman
Hartnett
Hudkins
Robinson
Will

Government, Military & Veterans Affairs - Schimek, Chairperson

Day
Haberman
Pirsch
Robak
Robinson
Schmitt
Witek

Health and Human Services - Wesely, Chairperson

Byars
Cudaback
Dierks
Horgan
Rasmussen
Vrtiska

Judiciary - Lindsay, Chairperson

Abboud
Chambers
Fisher
Hall
Hudkins
Janssen
Pedersen

Natural Resources - Beutler, Chairperson

Bohlke
Bromm
Elmer
Hartnett
Jones
McKenzie
Preister

Nebraska Retirement Systems - Horgan, Chairperson

Crosby
Day
Fisher
Lynch
Robak

Revenue - Warner, Chairperson

Coordsen
Kristensen
Landis
Schellpeper
Wickersham
Will
Withem

Transportation - Kristensen, Chairperson

Byars
Day
Fisher
Horgan
Pedersen
Pirsch
Schmitt

Urban Affairs - Hartnett, Chairperson

Abboud
Bromm
Preister
Robinson
Schimek
Will

Rules - Will, Chairperson

Beutler
Bohlke
Bromm
Withem

Intergovernmental Cooperation - Ashford, Chairperson

Bernard-Stevens
Kristensen
Lindsay
Robak
Robinson
Wesely

Laid over.

ANNOUNCEMENT

Mrs. Crosby announced the Committee on Committees elected Mr. Robinson as Vice Chairperson.

RESOLUTION

LEGISLATIVE RESOLUTION 1. Introduced by Bohlke, 33.

WHEREAS, Gerald T. Whelan served as the Lieutenant Governor of the State of Nebraska from 1975 to 1979; and

WHEREAS, Gerald T. Whelan was the first full-time Lieutenant Governor, elected on a ticket as a team with the Governor in November 1974; and

WHEREAS, Gerald T. Whelan was an expert on parliamentary procedure and is remembered for his strict adherence to the rules as the presiding officer of the Legislature; and

WHEREAS, Gerald T. Whelan remained active in federal, state, and local politics as a well-known and respected Democrat following his term as Lieutenant Governor; and

WHEREAS, Gerald T. Whelan was a graduate of Creighton University Law School and maintained a law practice that had been founded by his father in Hastings, Nebraska; and

WHEREAS, Gerald T. Whelan was born and lived his life in Hastings, Nebraska; and

WHEREAS, Gerald T. Whelan's avocation was community service and he was committed to serving his church and community over the years in innumerable roles with the goal of improving the lives and well-being of the residents of Hastings; and

WHEREAS, Gerald T. Whelan was well known for his quick wit and sharp mind and will be remembered for his intelligence, humor, creativity, and progressive thinking; and

WHEREAS, Gerald T. Whelan died Saturday, January 2, 1993; and

WHEREAS, Gerald T. Whelan is survived by his wife, Virginia, sons, Daniel and Gerald, Jr., and daughters, Christine and Margaret, and by four grandchildren and three brothers.

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

1. That the members of the Legislature express their deepest sympathy to the family of Gerald T. Whelan.

2. That a copy of this resolution be sent to Gerald T. Whelan's family.

Laid over.

MESSAGES FROM THE GOVERNOR

August 8, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

Appointee: Jodi Filipi, 401 North 117 Street, Suite 202, Omaha, NE 68154, (402) 333-5856

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

August 8, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

Appointee: Fred Zwonechek, Dept. of Motor Vehicles, P.O. Box 94612, Lincoln, NE 68509, (402) 471-2515

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

August 8, 1992

Madam President, Mr. Speaker
and Members of the Legislature

State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

Appointee: Tom Gorman, 1107 William Court, North Platte, NE 69101, (308) 532-8980

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

August 8, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

Appointee: Ralph Hild, 1307 HWY 66, Plattsmouth, NE 68048, (402) 298-8811

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

August 8, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

Appointee: John J. Siefkes, P.O. Box 30578, Lincoln, NE 68503, (402) 483-2511

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

August 8, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

Appointee: Carol Cope, 4622 Parklane Drive, Kearney, NE 68847, (308) 237-5717

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

November 9, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Foster Care Review Board, requiring legislative approval.

Appointee: Christena Buttress, 3000 Summit Blvd., Lincoln, NE 68502

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

November 9, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Foster Care Review Board, requiring legislative approval.

Appointee: Bob Ide, 417 West Avenue, Box 193, Holdrege, NE 68949

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

November 9, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Foster Care Review Board, requiring legislative approval.

Appointee: David Perlman, 309 S. 50th, Omaha, NE 68132-3519

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

November 30, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Child Abuse Prevention Trust Fund Board, requiring legislative approval.

Appointee: Patricia Q. Lanphier, 4546 Shirley, Omaha, NE 68106

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

November 30, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

Appointee: Dr. Christopher Caudill, 1919 South 40th Street, Suite 300, Lincoln, NE 68506

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

November 30, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

Appointee: Patricia J. Kuehl, 3725 "H" Street, Lincoln, NE 68510

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

November 30, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

Appointee: Patricia McQuillan, P.O. Box 303, Greeley, NE 68842

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

November 30, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

Appointee: Carl Maltas, 1906 Skyling Drive, Norfolk, NE 68701

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

November 30, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

Appointee: Margaret A. Allington, 6420 Rainier Drive, Lincoln, NE 68510

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

November 30, 1992

Madam President, Mr. Speaker
and Members of the Legislature

State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Child Abuse Prevention Trust Fund Board, requiring legislative approval.

Appointee: Elaine Lashkajani, 12811 Ogden Street, Omaha, NE 68164

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

November 30, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Research and Development Authority, requiring legislative approval.

Appointee: Robert Allington, ISCO Inc., 4700 Superior Street, P.O. Box 5347, Lincoln, NE 68505

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

November 30, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Research and Development Authority, requiring legislative approval.

Appointee: Lewis Harris, 624 Peach Street, P.O. Box 80837, Lincoln, NE 68502

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

November 30, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Research and Development Authority, requiring legislative approval.

Appointee: Thomas Smith, Smith Hays Financial, 500 Centre Terrance, 1225 "L" Street, P.O. Box 8300, Lincoln, NE 68501-3000

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

ATTORNEY GENERAL'S OPINIONS

Opinion No. 92123

DATE: December 7, 1992

SUBJECT: The Constitutionality of LB 396, the "Hate Crimes Bill"

REQUESTED BY: Senator Brad Ashford, District #6

WRITTEN BY: Don Stenberg, Attorney General
Steve Grasz, Deputy Attorney General

On June 4, 1992, this office issued Attorney General Opinion No. 92078 in response to your request for an opinion regarding the constitutionality of LB 396, the Hate Crimes bill you originally introduced in 1991, and which you apparently plan to introduce again in the next legislative session. Subsequent to our opinion, the United States Supreme Court issued a decision in **R.A.V. v. City of St. Paul, Minnesota**, 505 U.S. ___, 112 S.Ct. 2538 (1992). You have now requested a "revised" opinion that incorporates consideration of the impact of the **R.A.V.** decision.

Only Section 2 of LB 396 appears to be impacted by the **R.A.V.** decision. Therefore, with respect to Section 1 of LB 396, we refer you to our original opinion.

Section 2 of LB 396 creates the crime of "ethnic intimidation".

(1) A person commits the crime of ethnic intimidation if, by reason of the actual or perceived race, color, religion, national origin, or sexual orientation of another individual or group of individuals, he or she commits assault as defined in sections 28-308 to 28-310, criminal mischief as defined in section 28-519, criminal trespass as defined in section 28-520, or disturbing the peace as defined in section 28-1322.

(2) Ethnic intimidation shall be classified one offense higher than the underlying offense on which the crime is based.

I. Standard of Review

In Op. Att'y Gen. No. 92078, we stated,

Although a duly enacted statute normally carries with it a presumption of constitutionality, **State ex rel. Wright v. Pepperl**, 221 Neb. 664, 671, 380 N.W.2d 259 (1986), when a statute allegedly infringes on the exercise of First Amendment rights, the presumption is to the contrary and the burden of proof is shifted. The statute's proponent bears the burden of establishing by competent evidence the statute's constitutionality. **ACORN v. City of Frontenac**, 714 F.2d 813, 817 (8th Cir. 1983). See also **Goward v. City of Minneapolis**, 456 N.W.2d 460, 464 (Minn. 1990) ("The ordinary presumption of constitutionality afforded legislative enactments does not apply to laws restricting first amendment rights.") (citing **Meyer v. Grant**, 486 U.S. 414, 426 (1988)). However, in **State v. Mitchell**, 473 N.W.2d 1, 3 (Wis.App. 1991), review granted, 475 N.W.2d 164, the court acknowledged this rule, yet imposed the burden of proof on the defendant rather than the state, and found Wisconsin's hate crime statute was not vague or overbroad.

Subsequent to our opinion, the Wisconsin Supreme Court reversed the Wisconsin Court of Appeals decision in **Mitchell. State v. Mitchell**, 485 N.W.2d 807 (Wis. 1992). Unlike the Wisconsin Court of Appeals, the Wisconsin Supreme Court held the burden of proof was on the proponent of the challenged hate crimes statute (the State). "Because the hate crime statute punishes the defendant's biased thought . . . and thus encroaches upon First Amendment rights, the burden is upon the State to prove its constitutionality." Id. at 811. Thus, if LB 396 were to be challenged on First Amendment grounds, the State of Nebraska rather than the challenger would likely bear the burden of establishing the statute's constitutionality.

II. Constitutional Analysis

Section 2 of LB 396 provides increased penalties for assault, criminal mischief, criminal trespass and disturbing the peace where such crimes are motivated by reason of the actual or perceived race, color, religion, national origin or sexual orientation of another individual or group of individuals. We will again review the constitutionality of this section.

In our original opinion, we generally concluded LB 396 was constitutional, and that "cross burning in the context of ethnic intimidation, as defined by LB 396, may not enjoy First Amendment protection." Id. at 5. This conclusion was based, in part, on the following analysis:

> The United States Supreme Court in **Texas v. Johnson** found that the burning of an American flag under the circumstances of that case did not constitute fighting words, **Texas v. Johnson**, 109 S.Ct. at 2542, because "no reasonable onlooker would have regarded Johnson's generalized expression of dissatisfaction with the Federal Government as a direct personal insult or invitation to exchange fisticuffs." Id. In contrast, LB 396 deals with cross burnings only in the context of crimes against individuals or a group of individuals. This is an important distinction. LB 396 is not as broad in its application as the hate crimes ordinance currently before the U.S. Supreme Court. In **Matter of Welfare of R.A.V.**, 464 N.W.2d 507 (Minn. 1991), the Court has granted certiorari to decide whether a St. Paul, Minnesota city ordinance is unconstitutionally overbroad. That ordinance provides:
>
> > {w}hoever places on public or private property a symbol, object, appellation, characterization or graffiti, including but not limited to, a burning cross or Nazi swastika, which one knows arouses anger, alarm, or resentment in others on the basis of race, color, creed, religion, or gender commits disorderly conduct and shall be guilty of a misdemeanor.

Id. at 6-7. We will now revisit this analysis in light of the U.S. Supreme Court's **R.A.V.** decision.

1. **R.A.V. v. St. Paul**

In **R.A.V. v. City of St. Paul, Minnesota**, 112 S.Ct. 2538 (1992), the U.S. Supreme Court reversed the Minnesota Supreme Court and held the St. Paul ordinance (quoted above) was facially invalid under the First Amendment.

Despite the Supreme Court's invalidation of the St. Paul ordinance, we conclude the **R.A.V.** decision is not dispositive of the issue of the constitutionality of LB 396. In our original opinion, we contrasted the provisions of LB 396 with the flag burning statute held unconstitutional in **Texas v. Johnson** and the ordinance challenged in **R.A.V.**, based on the fact LB 396 covers only conduct constituting crimes against individuals. In holding the St. Paul ordinance unconstitutional in **R.A.V.**, the U.S. Supreme Court specifically stated, "What we have here, it must be emphasized, is not a prohibition of fighting words that are directed at certain persons or groups . . . but rather, a prohibition of fighting words that contain . . . messages of 'bias-motivated' hatred. . . ." Id. at 2548. The Court further stated,

> St. Paul has not singled out an especially offensive mode of expression--it has not, for example, selected for prohibition only those fighting words that communicate ideas in a threatening (as opposed to a merely obnoxious) manner. Rather, it has proscribed fighting words of whatever manner that communicate messages of racial, gender, or religious intolerance. Selectivity of this sort creates the possibility that the city is seeking to handicap the expression of particular ideas.

Id. at 2549.

Finally, we would note the Court's comment that "since words can in some circumstances violate laws directed not against speech but against conduct . . . a particular content-based subcategory of a prescribable class of speech can be swept up incidentally within the reach of a statute directed at conduct rather than speech." Id. at 2546. Thus, based on the Supreme Court's own limitations on the applicability of its **R.A.V.** decision, we conclude the **R.A.V.** decision does not invalidate LB 396 since LB 396 is a statute aimed at criminal conduct against individuals and not merely hateful speech.

2. **State v. Mitchell** and **State v. Wyant**

In our original opinion, we stated "a statute similar to LB 396 was upheld in **State v. Mitchell**, 473 N.W.2d 1 (Wis. App. 1991), when challenged as vague and overbroad." Subsequent to our opinion, the Wisconsin Supreme Court reversed this decision. **State v. Mitchell**, 485 N.W.2d 807 (Wis. 1992). This case, and an Ohio case decided two months later, **State v. Wyant**, 597 N.E.2d 450 (Ohio 1992), are much greater a threat to the constitutionality of LB 396 than **R.A.V.** On November 5, 1992, the State of Nebraska joined as an amicus curiae in support of the States of Wisconsin and Ohio. We have asked the U.S. Supreme Court to hear an appeal of the **Mitchell** and **Wyant** decisions and to reverse both decisions.[1] Obviously, we are of the opinion these cases were wrongly decided.

The statutes at issue in **Mitchell** and **Wyant** are very similar to LB 396. Both create the crime of "ethnic intimidation."

In **State v. Wyant**, the court found "the effect of {the Ohio hate crimes statute} is to create a 'thought crime.' " **Wyant**, 597 N.E.2d at 459. "If the thought or motive behind a crime can be separately punished, the legislative majority can punish virtually any viewpoint which it deems politically undesirable. . . ." Id. at 457.

In **State v. Mitchell**, the court stated, "Because all of the crimes under {the Wisconsin hate crimes statute} are already punishable, all that remains is an additional punishment for the defendant's motive in selecting the victim. The punishment of the defendant's bigoted motive by the hate crimes statute directly implicates and encroaches upon First Amendment rights." **Mitchell**, 485 N.W.2d at 812.

In their opinions, both the Ohio and Wisconsin Supreme Courts create a chilling scene of legislatively created "thought crimes." If that is what LB 396 did, it would and should be promptly declared unconstitutional. However, the frightening scenarios described in **Mitchell** and **Wyant** are the product of faulty reasoning.

LB 396, and similar statutes, do not punish constitutionally protected speech. Biased (i.e. racist) "thought" is not subject to prosecution under LB 396; neither is other biased First Amendment "speech." What is proscribed is certain criminal conduct directed at individual victims committed by reason of race, gender, etc. This is no different than many antidiscrimination statutes currently in use (i.e. statutes making it illegal to refuse to rent to a person because of the person's race). The biased motive is only punishable when manifested as conduct aimed at an individual.

The Ohio and Wisconsin courts lost sight of the fact that "ethnic intimidation" statutes do not punish speech protected by the First Amendment.[2] For example, a racist thought is protected by the First Amendment as silent First Amendment "speech." However, when a racist thought manifests itself in a manner likely to incite an immediate breach of the peace (i.e. conduct directed at an individual) it constitutes a "fighting word" which is a class of "speech" not protected by the First Amendment. Thus, we conclude a state may constitutionally proscribe "ethnic intimidation" consisting of criminal conduct committed against an individual by reason of race, gender, etc. as set forth in LB 396.[3] In such circumstances, the thought is not being punished, but rather conduct aimed at an individual victim. Our conclusion is consistent with at least one court decision, **Dobbins v. Florida**, 605 So.2d 922 (Fla. App. 5 Dist., Sept. 24, 1992) (not yet published). You should be advised, however, that only review of the **Mitchell** and **Wyant** decisions by the U.S. Supreme Court will produce a definitive answer to the question of the constitutionality of LB 396.

[1] As of the date of this opinion, the Court has not decided whether to grant the Petition for a Writ of Certiorari.

[2] Nor does LB 396 criminalize a sub-class of "fighting words" based on their content. See **R.A.V.**, 112 S.Ct. at 2547. Rather, only "fighting words" directed at individuals in the context of criminal activity is proscribed. "{A} particular content-based subcategory of a proscribable class of speech can be swept up incidentally within the reach of a statute directed at conduct rather than speech." Id. at 2546.

[3] See Op. Att'y Gen. No. 92078 for our discussion of other overbreadth concerns. As with our original opinion, this opinion is in no way intended to endorse the concept of making "sexual orientation" a protected class of the same status as gender, race or religion. This continues to be a policy matter for the Legislature to address.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Steve Grasz
Deputy Attorney General

3-985-3

Opinion No. 92127

DATE: December 17, 1992

SUBJECT: Application of Political Subdivision Budget Limitations to Tax Levy Provisions for City or Village Sewage Disposal Systems.

REQUESTED BY: Senator LaVon Crosby
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion as to the application of the statutory provisions imposing budget limitations on political subdivisions (other that school districts) contained in Neb. Rev. Stat. §§ 77-3437 to 77-3441 (Cum. Supp. 1992) to the statutory provisions governing tax levies by cities or villages for the financing of sewage disposal systems contained in Neb. Rev. Stat. § 18-501(4) (1991). You indicate that, should the budget limitations imposed on political subdivisions be deemed applicable to the levy provision contained in § 18-501(4), you may introduce amendatory legislation on this subject.

Section 77-3438 provides, in pertinent part: "(1) Except as provided in sections 77-3438.01, 77-3439, and 77-3440, no governing body shall adopt a budget statement pursuant to section 13-506. . . in which the

anticipated aggregate receipts from property taxes for any fiscal year exceed the anticipated aggregate receipts from property taxes for the prior fiscal year. . . ." Section 77-3437(3) provides the definition of "{g}overning body" shall be that found in § 13-503, with the exception of school boards or boards of education of school districts. Pursuant to § 13-503, the term "governing body" includes the council of a city or the board of trustees of a village. "Adopted budget statement" is defined in §77-3437(1) to have the same meaning as in § 13-503, in which the term is defined to mean "a proposed budget statement which has been adopted or amended and adopted as provided in section 13-506."

Section 77-3439 permits a governing body to "increase the anticipated aggregate receipts from property taxes by up to five percent more than the amount permitted by section 77-3438 upon an affirmative vote of at least seventy-five percent of the governing body." Section 77-3440 provides that, if an increase greater than that allowed under § 77-3439 is to be permitted, such must be approved at a special election called by the governing body" for the purpose of placing the question of such increase before the voters."

Neb. Rev. Stat. § 18-501 (1991) authorizes "{a}ny city or village in this state. . . to own, construct, equip, and operate,. . . a sewerage system. . . ." Subsection (3) of § 18-501 provides that a city or village may "make a special levy of not to exceed three and five-tenths cents on each one hundred dollars upon the actual value of all the taxable property within any such municipality, except intangible property,. . .", for "the purpose of owning, operating, constructing, maintaining, and equipping such sewage disposal plant and sewerage system,. . . ." In addition, subsection (4) of § 18-501 provides:

> In the event the present or proposed sewage disposal system of any city or village does not comply with the provisions of any other law relating to sewer systems, sewage disposal, or water pollution, such city or village shall levy each year a tax of seven cents on each one hundred dollars of actual valuation for such purpose until sufficient funds are available for the financing of a system in compliance with law. **Such levy shall not be subject to the maximum tax levy limit.** In the event any city or village is otherwise raising funds for such purpose, equivalent to such a levy, it shall not be required, in addition thereto, to make such levy. (Emphasis added).

Recently, in Op. Att'y Gen. No. 92105 (August 25, 1992), we addressed the applicability of the limits on political subdivision budgets imposed under §§ 77-3437 to 77-3441 to tax levy provisions for county or city ambulance service and for payment of insurance premiums or the cost of membership in a risk management pool by public agencies. The question addressed was whether language in these tax levy provisions providing that the levy of taxes authorized was permissible even if "in excess of any tax limitation imposed by statute" or "in addition to restrictions on the levy of taxes provided by statute"

operated to "exempt" taxes levied for these purposes from the budget limitations imposed under §§ 77-3437 to 77-3441.

In this opinion, we discussed at length several prior opinions in which this office addressed the relationship between statutory provisions granting authority to political subdivisions or other statutorily created entities to levy taxes up to a specified mill amount, or providing that the levying or taxing authority of a political subdivision was in addition to restrictions on the levy of taxes provided by statute, and the provisions of the Political Subdivision Budget Limit Act of 1979, Neb. Rev. Stat. §§ 77-3412 to 77-3430 (**repealed**, 1985 Neb. Laws, L.B. 6, § 7). Op. Att'y Gen. No. 92105 at 3-4 (**citing** 1979-80 Rep. Att'y Gen. 236-37; 327-29; and 490-91). We summarized the conclusions reached in our prior opinions as follows:

> {T}his office has previously adopted the view that, in situations where statutes authorized political subdivisions to levy taxes "in addition to other taxes" or "in addition to restrictions on the levy of taxes provided by statute," or to levy taxes up to a specified mill amount for a particular purpose, such provisions do not override or exempt such levies from the operation of a limitation on political subdivision budgets. The limits of both the former Political Subdivision Budget Limit Act, as well as the current lid imposed pursuant to §§ 77-3437 to 77-3441, apply to budgets, not tax levies. . . . Removal of statutory restrictions relating to the levy of taxes does not, based on our prior opinions, "exempt" such levies from the effect of statutorily imposed budget limitations.

With respect to the specific questions pertaining to the applicability of the budget limitations imposed under §§ 77-3437 to 77-3441 to the tax levy provisions for county or city ambulance services or payment of insurance premiums or the cost of membership in a risk management pool by public agencies, we concluded:

> While statutory provisions such as §§ 13-303 and 44-4317 indeed authorize the levy of taxes for the purposes specified, even if "in excess of any tax limitation imposed by statute" (§ 44-4317), or which are "in addition to restrictions on the levy of taxes imposed by statute" (§ 13-303), this does not constitute an exception to the **budget** limitations imposed under §§ 77-3437 to 77-3441, as such limit relates to the amount which may be spent based on revenues raised by property taxation, i.e. no budget statement may be adopted in which anticipated aggregate receipts from property taxes for a fiscal year exceed anticipated aggregate receipts for the prior year, unless an increase is approved by the governing body under § 77-3438, or by the voters of the political subdivision under § 77-3439. (Emphasis in original).

Based on for foregoing, it is our opinion that, while § 18-501(4) provides that the levy authorized "shall not be subject to the maximum tax levy limit", such language does not constitute an exception to the budget limitations imposed on governing bodies of cities or villages

pursuant to §§ 77-3437 to 77-3441. As we stated in a prior opinion addressing the Political Subdivision Limit Act of 1979:

> The limitations of {the Political Subdivision Budget Limit Act of 1979} applies {sic} to budgets not to tax levies. Any tax authorized may be levied. The limit arises in the amount that may be spent, i.e. no budget exceeding seven percent may be adopted. As long as the subdivision remains within a limit the tax may be levied.

1979-80 Rep. Att'y Gen. 328-29.

We are mindful of the fact that § 18-511 provides that "{t}he provisions of Chapter 18, article 5, shall be independent of and in addition to any other provisions of the laws of the State of Nebraska with reference to sewage disposal plants and sewerage systems in cities and villages. . ., and that this section further provides that "{t}he provisions of this article shall not be considered amendatory of or limited by any other provision of the laws of the State of Nebraska." While an argument could be made that this latter language indicates a legislative intent to remove the provisions of article 5 from the effect of any other legislative act, we do not believe this language can be so broadly construed, at least to the extent that it cannot be viewed to create an exception to §§ 77-3437 to 77-3441. The budget limitations established pursuant to these provisions are not inconsistent with article 5, and, absent a clear conflict, must be given effect. Thus, we conclude that, to the extent that you wish to establish a clear exception to the budget limitations imposed under §§ 77-3437 to 77-3441 in these circumstances, amendatory legislation would be necessary.

Very truly yours,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

7-531-7.17

Opinion No. 92129

DATE: December 22, 1992

SUBJECT: Proposed Legislation: One-Call Notification System Act

REQUESTED BY: Senator John C. Lindsay
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Jan E. Rempe, Assistant Attorney General

You have requested our opinion regarding potential constitutional problems with the proposed One-Call Notification System Act. This legislation was drafted in response to federal requirements Nebraska must meet in order to maintain a Department of Transportation pipeline safety grant. Specifically, you are concerned that the proposed act may constitute special legislation under article XII, section 1, and article III, section 18, of the Nebraska Constitution, and that penalties imposed in the proposed legislation may violate article VII, section 5, of the Nebraska Constitution. We will first address your specific concerns; we will then discuss other constitutional issues raised by your legislation.

I. The Proposed One-Call Notification System Act

The legislation at issue establishes a "one-call notification center," which will be operated by a nonprofit corporation and will receive and provide notice of excavation occurring in various areas. The proposed act requires excavators to notify the center of any proposed excavation, and the center then notifies all operators of underground facilities in the area of the proposed excavation. The operators which will be notified of excavation activity include operators of water, sewage, oil, and gas equipment; electronic, telephonic, and telegraphic communications; fiber optics; cable television; and electric energy. Under the proposed legislation, these operators must advise excavators of the approximate location of their underground facilities by marking the facilities' locations. The center is also responsible for informing excavators of operators having underground facilities in the relevant excavation area.

The proposed act requires every operator in the state to become a member of the center, receive its services, and share the costs of the center's operation. The center, operated by what appears to be a private nonprofit corporation, will be governed by a 20-member board of directors consisting of representatives from telecommunications, cable television, natural gas distribution, and transmission pipeline companies; municipalities; public power districts and rural electric utilities; the Department of Roads; governmental utility providers; and the excavation industry. The board of directors is initially appointed by the Governor, but the directors' successors will be elected pursuant to the center's bylaws.

The legislation states that the board of directors shall:

> establish the operating procedures and technology needed for a one-call notification center, establish a notification process, establish a competitive bidding procedure to select a vendor to provide the notification service, and establish a procedure by which members of the center share the costs of the center on a fair, reasonable, and nondiscriminatory basis.
>
> . . . .

> The board shall adopt and promulgate rules and regulations to carry out the One-Call Notification System Act. The initial rules and regulations shall be promulgated by March 1, 1994.

Proposed One-Call Notification System Act § 17.

The proposed act also provides penalties for damaging underground facilities and for violating the act in any respect. An excavator who fails to give notice of an excavation and who damages an underground facility is strictly liable to the damaged facility's operator for the cost of repairs. Similarly, an excavator who gives such notice and damages a facility is liable for the cost of repairs, unless the damage was due to the underground facility operator's failure to mark its facilities. Anyone who violates the act is also subject to a civil penalty. If the violation relates to natural gas and hazardous liquid pipelines, the penalty is an amount not to exceed $10,000 for each violation for each day the violation continues, up to a maximum of $500,000. If the violation relates to any other type of underground facility, the penalty may not exceed $500 per day, up to a maximum of $5,000.

The legislation is unclear regarding whether the state or the nonprofit corporation imposes and receives the penalties; the standards for imposition of the penalties; who enforces the penalties or brings action to collect the penalties; and what procedural protections are available when one violates the act and is assessed a penalty.

Although the proposed act is also unclear in this regard, the act appears to assign specific functions to, and impose various deadlines upon, one private, nonprofit entity. While the act makes the first board of directors somewhat accountable to the state via the board's appointment by the Governor, all subsequent board members will be privately selected pursuant to the corporation's bylaws.

Other states have enacted similar legislation, but many of these acts' key provisions differ from those contained in Nebraska's proposed legislation. See Colo. Rev. Stat. Ann. §§ 9-1.5-101 to 9-1.5-105 (West 1990) (underground facility operators may form a notification association; civil penalties to be imposed by court in favor of state; penalties collected credited to general fund); Iowa Code Ann. §§ 480.1 to 480.3 (West 1991) and 1992 Iowa Legis. Serv. ch. 1103 (West) (statewide notification center organized as nonprofit corporation; all underground facility operators must participate and share cost; penalties are collected in legal proceedings, remitted to state treasurer, and credited to general fund); Minn. Stat. Ann. §§ 216D.01 to 216D.09 (West 1992) and 1992 Minn. Sess. Law Serv. ch. 493 (West) (notification center administered through state commissioner of public safety and operated by nonprofit corporation approved by commissioner; underground facility operators must participate and share costs; civil penalties deposited in state treasury and credited to pipeline safety account; commissioner adopts rules establishing guidelines for imposing penalties; violations addressed through injunction proceeding where notice and opportunity for hearing are given); Mo. Ann. Stat. §§

319.010 to 319.045 (Vernon Cum. Supp. 1992) (nonprofit organization operates notification center; membership to center optional unless required by federal law; center funded by participants; liability to state for violations; state initiates legal action to collect civil penalties); Pa. Stat. Ann. tit. 73, §§ 176 to 182.4 (Supp. 1992) (mandatory membership in one-call system; operators share costs; board of directors chosen by operators; Auditor General may inspect information concerning system and system must submit annual report to General Assembly; state enforces penalties).[1]

II. Article XII, Section 1

Article XII, section 1, of the Nebraska Constitution provides in relevant part:

> The Legislature shall provide by general law for the organization, regulation, supervision and general control of all corporations . . . . No corporations shall be created by special law . . . except those corporations organized for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the state.

While the plain meaning of this constitutional provision may seem to prohibit creation of a specific nonprofit corporation to perform the functions described in the proposed legislation,[2] the Nebraska Supreme Court has interpreted "special law" within the meaning of article XII, section 1, as follows:

> An act is general, and not special or local, if it operates alike on all persons or localities of a class, or who are brought within the relations and circumstances provided for, if the classification so adopted by the legislature has a basis in reason, and is not purely arbitrary. . . . If a law affects equally all persons who come within its operation, it cannot be local or special within the meaning of the Constitution. . . . A law is not local or special in a constitutional sense that operates in the same manner upon all persons in like circumstances. General laws are those which relate to or bind all within the jurisdiction of the lawmaking power, and if a law is general and operates uniformly and equally upon all brought within the relation and circumstance for which it provides it is not a local or special law in the constitutional sense.

State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445, 454-55, 283 N.W.2d 12, 19-20 (1979).

The proposed One-Call Notification System Act operates uniformly and equally upon all persons who come within the act's operation: all underground facility operators meeting the statutory definition of "operator" must financially support the center and perform various other duties, and all people performing "excavation" within the meaning of the act must meet the act's requirements. While the act grants only one nonprofit corporation the privilege of operating the notification center, the analysis of article XII, section 1, of the Nebraska Constitution used by the Nebraska Supreme Court in **Douglas**

seems to focus upon whom comes within the act's operation and how equally the act operates on those affected by the act. Here, the proper analysis should presumably focus upon the excavators and operators who must perform various statutory duties and the uniformity with which the act operates on them.

The classifications within the proposed act seem based in reason and not arbitrary because the Nebraska Legislature has classified as being bound by the Act persons performing excavations which pose the greatest risk to underground equipment and operators who manage and control that underground equipment. These classifications were evidently made in the interest of protecting both public and private equipment and promoting public safety, arguably making these classifications rational.

Therefore, the proposed act seems to create by general law, and not in violation of article XII, section 1, of the Nebraska Constitution, a nonprofit corporation to operate a one-call notification center.

III. Article III, Section 18

Article III, section 18, of the Nebraska Constitution prohibits the Legislature from passing "local or special laws . . . {g}ranting to any corporation . . . any special or exclusive privileges, immunity, or franchise whatever . . . ." A legislative act can violate the special laws provision by (1) creating a totally arbitrary and unreasonable method of classification, or (2) by creating a permanently closed class. **Haman v. Marsh**, 237 Neb. 699, 467 N.W.2d 836 (1991); **Mapco v. State Bd. of Equalization**, 238 Neb. 565, 471 N.W.2d 734 (1991).

To be valid under the first prong above, legislative "{c}lassifications must be based on some substantial difference of situation or circumstances that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified." **Haman v. Marsh**, 237 Neb. at 713, 467 N.W.2d at 847 (emphasis in original). "'{T}he test for statutes challenged under the special-laws prohibitions . . . is that they must bear "a reasonable and substantial relation to the objects sought to be accomplished by the legislation."'" **Id.** (quoting **Benderson Devel. Co. v. Sciortino**, 236 Va. 136, 372 S.E.2d 751 (1988)).

As discussed in section II of this opinion, the proposed act does not create a totally arbitrary and unreasonable method of classifying which operators and excavators are covered by the act. If the objects sought to be accomplished by this legislation are to protect public and private equipment and to promote public safety, requiring notification of excavation which may potentially damage expensive or hazardous equipment arguably bears a reasonable and substantial relation to those objects. Therefore, the legislation would probably be held not to violate the special-laws prohibition as creating totally arbitrary classifications.

With regard to the closed class concern, "a classification which limits the application of the law to a present condition, and leaves no

room for opportunity for an increase in the numbers of the class by future growth or development, is special." **Haman v. Marsh**, 237 Neb. at 716, 467 N.W.2d at 848. Clearly, the proposed act allows an increase in the number of class members because the act applies to all excavators and underground facility operators. Anyone who becomes an excavator or operator in the future will thus be bound by the act and will increase the existing class.

Because the proposed act's classifications are not unreasonable and class membership may increase, the act would probably not violate Neb. Const. art. III, § 18, as special legislation.

IV. Article VII, Section 5

Under Article VII, section 5, of the Nebraska Constitution, all fines, penalties, and license money arising under the general laws of the state must be appropriated exclusively to the use and support of the common schools.

"Penalty," within the meaning of this constitutional language, means a pecuniary punishment imposed by, and for violations of, laws, ordinances, or police regulations. **School Dist. of McCook v. City of McCook**, 163 Neb. 817, 81 N.W.2d 224 (1957). If money exacted is punitive in character, and not remedial or compensatory, that money is a penalty within the meaning of article VII, section 5, of the Nebraska Constitution. **Id. See also Decamp v. City of Lincoln**, 202 Neb. 727, 277 N.W.2d 83 (1979); **School Dist. of Omaha v. Adams**, 147 Neb. 1060, 26 N.W.2d 24 (1947). A statute that imposes liability for actual damages and additional liability for the same act provides a penalty. **Abel v. Conover**, 170 Neb. 926, 104 N.W.2d 684 (1960).

As described in section I of this opinion, the proposed act does impose liability for the cost of repairing damaged underground facilities. This liability is not a "penalty" within the meaning of article VII, section 5, because it is remedial and compensatory toward actual damages. However, the legislation also imposes large civil penalties for any violation of the act, whether or not damage occurs. Such penalties are obviously punitive and are in addition to liability for actual damages. Therefore, the civil penalties collected under section 22 of the proposed act must be appropriated exclusively to the use and support of the common schools.

Because the proposed act does not expressly direct that these civil penalties be diverted from school funds, the proposed act, in theory, does not appear to violate the Nebraska Constitution. However, if, in practice, these penalties will be diverted from the use and support of the common schools, it will probably be deemed a violation of article VII, section 5.

V. Other Constitutional Issues

A. Delegation of Legislative Authority

Although the proposed act does not appear to violate the constitutional provisions discussed above, we are concerned that the

legislation unconstitutionally delegates legislative power to a private nonprofit corporation.

The Legislature may not delegate legislative authority, power, or functions to an administrative or executive authority or to private individuals. **Bosselman, Inc. v. State**, 230 Neb. 471, 432 N.W.2d 226 (1988); **Anderson v. Carlson**, 171 Neb. 741, 107 N.W.2d 535 (1961); Neb. Const. art. III, § 1 (the legislative authority of the state shall be vested in the Legislature). However, the Legislature may authorize an administrative or executive department to make rules and regulations to carry out an express legislative purpose, or to completely operate and enforce a law within designated limitations. **Bosselman, Inc. v. State**, 230 Neb. 471, 432 N.W.2d 226 (1988). These designated limitations and the standards by which the powers granted are to be administered must be clearly and definitely stated in the authorizing act. **Id.** These standards must be reasonably adequate, sufficient, and definite to guide the agency in exercising the power conferred upon it and must enable those affected to know their rights and obligations. **Id.** If the Legislature provides reasonable limitations and standards for carrying out delegated duties, there is not an unconstitutional delegation of legislative authority. **Id.**

With respect to the proposed legislation at issue, the question is whether its provisions contain adequate, sufficient, and definite standards within which the nonprofit corporation is to exercise its discretion. As described in section I of this opinion, section 17 of the proposed act requires the board of directors to establish notification center procedures, technology, and processes with absolutely no guidelines or standards by which to complete its assigned tasks. Instead of the Legislature performing its function of formulating policies, rights, duties, and rules of conduct and granting to the nonprofit corporation the authority to operate, enforce, or carry out legislatively formulated purposes within designated limits, the Legislature has extended the corporation complete discretion to decide what technology is needed to create the center and the standards to be used in selecting this technology; who shall actually provide the notification service and the standards by which the vendor will be selected; and how much and when center members must pay to operate the center. The proposed act also fails to state a legislative purpose to be carried out by the nonprofit corporation.

Because the proposed act fails to set reasonably adequate, sufficient, and definite standards to guide the nonprofit corporation in exercising powers conferred upon it, we believe the act contains an unconstitutional delegation of legislative authority.

B. Rules and Regulations

You should also note that the rules and regulations to be adopted by the board of directors pursuant to section 17 of the proposed act may not have the force of law, as do regulations properly promulgated under the Administrative Procedure Act ("APA"), Neb. Rev. Stat. §§

84-901 to 84-920 (1987). **Nucor Steel v. Leuenberger**, 233 Neb. 863, 448 N.W.2d 909 (1989).

As stated above, the Legislature may delegate to an administrative or executive agency or department the power to make rules and regulations to implement statutory policy. **Bosselman, Inc. v. State**, 230 Neb. 471, 432 N.W.2d 226 (1988); **State ex rel. Spire v. Stodola**, 228 Neb. 107, 421 N.W.2d 436 (1988). Here, it is highly questionable whether the nonprofit corporation that will operate the center is an administrative or executive agency or department; therefore, it is also questionable whether the Legislature may delegate to the nonprofit corporation the responsibility to adopt rules and regulations. Further, since the APA applies to "agencies," which are defined as units of state government, Neb. Rev. Stat. § 84-901 (1987), rules and regulations adopted by a private nonprofit corporation would not be properly promulgated under the APA and would therefore have no legal effect.

C. Potential Due Process Concerns

Even if the above constitutional problems are remedied, it is conceivable that a due process argument could be made regarding the act's provisions that force all underground facility operators to financially support the notification center and receive its services, and that impose large civil penalties without outlining applicable procedural safeguards. Neb. Const. art I, § 3.

VI. Conclusion

We conclude that the proposed act probably does not violate the provisions of the Nebraska Constitution contained in article XII, section 1; article III, section 18; and article VII, section 5. However, the legislation appears to unconstitutionally delegate legislative power to a nonprofit corporation in violation of article III, section 1, of the Nebraska Constitution; to provide for the adoption of rules and regulations which will have no legal effect; and to be vulnerable to due process attacks.

It may be possible to cure these constitutional infirmities by providing a legislative purpose and sufficient standards by which the corporation is to carry out legislative policy. Further, if the act were administered by a unit of state government, see Minn. Stat. Ann. §§ 216D.01 to 216D.09 (West 1992), rules and regulations adopted by that unit under the APA would be legally effective; other procedural safeguards afforded by the APA would be available; and the governing board of the center would have a much higher degree of political and public accountability.

[1]We were unable to locate any case law or attorney general opinions involving similar acts in other states.

[2]In **Frye v. Hass**, 182 Neb. 73, 152 N.W.2d 121 (1967), the Nebraska Supreme Court stated that "the plain meaning of this

constitutional provision is that you cannot create a corporation by special law." **Id.** at 82, 152 N.W.2d at 127 (emphasis in original). Members of the Nebraska Constitutional Convention of 1919-1920 commented on this general law provision in the course of amending general corporations provisions:

> MR. PETERSON: I think the Convention ought to bear in mind the original purpose of Section 1 in this article of our present Constitution. . . . The first sentence, "the legislature shall provide by general law for the organization of all corporations hereafter to be created" was intended as a limitation on the power of the legislature to incorporate corporations controlled by special acts. That was the old system where a corporation would go to the legislature and get a special act passed for the incorporation of that particular corporation. They found it was hampering . . . . The second provision has merely implied no corporations shall be created by special law, and it is merely stating it the other way around . . . . Why shall you say that the regulations of those corporations shall be by general law unless you intend that it shall be general as to all corporations?
>
> . . . .
>
> MR. McDONALD . . . If you limit the Legislature to the power to regulate and control the corporations by general law, I think you are prohibiting the Legislature the power to control a corporation by a special law applicable to a particular body, to a particular corporation.

Proceedings of 1919-1920 Nebraska Constitutional Convention, at 1734-35, 1747.

Sincerely,
DON STENBERG
Attorney General
(Signed) Jan E. Rempe
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
13-275-6.92c

NATURAL RESOURCE DISTRICT REPORTS

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1992 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Central Platte Natural Resources District	
Cook, Wightman, Doyle	28,193.97
Shamberg & Wolf	2,619.58

H.J. Moors & Associates	4,000.00
Lower Elkhorn Natural Resources District	
Jewell Gantz Collins	
Dreier & Fitzgerald	37,700.39
Lower Loup Natural Resources District	
J. Marvin Weems, P.C.	112.20
Grant, Rogers, Maul, & Grant	
Attorneys At Law	2,268.03
Lower Niobrara Natural Resources District	
Palmer & Kozisek, P.C., Attorneys At Law	7,512.80
Lower Platte North Natural Resources District	
Mr. George Svoboda	30,971.13
Knudsen, Berkheimer, Richardson	
and Endacott	1,834.32
Crosby, Guenzel, Davis,	
Kessner and Kuester	50.00
Lower Platte South Natural Resources District	
Crosby, Guenzel, Davis,	
Kessner & Kuester law firm	34,422.37
Lower Republican Natural Resources District	
Anderson, Klein, Peterson &	
Swan, Holdrege	252.50
Duncan, Duncan, Jelken & Walker, Alma	75.00
Duncan, Duncan, Jelken & Walker, Alma	127.50
Nebraska Natural Resources Commission	None
North Platte Natural Resources District	
Holtorf, Kovarik, Ellison &	
Mathis, P.C.	248.40
Papio-Missouri River Natural Resources District	
Golby Uhlir	3,028.00
Paul F. Peters, Gast & Peters, Attorneys	138,101.40
Richard A. Lombardi, American	
Communications Group	11,800.00
Twin Platte Natural Resources District	
Nielsen & Birch Law Office	3,395.50
Upper Big Blue Natural Resources District	
Crosby, Guenzel, Davis, Kessner, & Kuester	18,202.99
Upper Loup Natural Resources District	
Arganbright Law Office	435.25
Upper Niobrara-White Natural Resources District	None

REPORTS

The following reports were received by the Legislature:

Statements of deposits from the Department of Roads to the Highway Cash fund and Roads Operation Cash fund for the calendar months of

October and November 1992 in compliance with section 66-4,144, R.S. Supp. 1991.

Minutes of the Board of Public Roads Classifications and Standards for October and November 1992.

Report from the Game and Parks Commission containing a one-year plan for 1993 road construction projects, the certified future recreation road plan, the future plan's project data, certified recreation road projects listing, the 1992 state recreation road construction program, and a summary of maintenance needs in accordance with provisions of Section 39-1391-92, R.R.S. Statutes 1974.

Annual report from the Department of Social Services on Nebraska Community Service Programs as required by LB 227, 1991.

Report from the Nebraska Investment Finance Authority (NIFA) on the state Revolving Fund Revenue Bonds, Series 1993, pursuant to Neb. Rev. Stat. § 58-270.

Quarterly report from the Nebraska Investment Finance Authority (NIFA) on the use of the proceeds of the 1992 A-D Single Family Issue pursuant to Neb. Rev. Stat. § 58-270(4).

Quarterly report from the Nebraska Investment Finance Authority (NIFA) on the use of the proceeds of the 1992 Series A and Series B Community Development Loan Notes (City of Lincoln - 1992) Program pursuant to Neb. Rev. Stat. § 58-270(4).

Report from the Supreme Court of Nebraska of the Nebraska Probation System, 1990 and 1991, pursuant to Neb. Rev. Stat., section 29-2225 (Reissue 1989).

Annual report from the Coordinating Commission for Postsecondary Education for 1992.

Biennial report from the Nebraska Power Review Board for the fiscal period of July 1, 1990, to June 30, 1992.

Report from the Department of Roads of the 1992 State Highway Plan and Needs in accordance with the provisions of Nebraska Revised Statutes, Section 39-1365.02, 1988 Supplement.

Executive summary from the Department of Aeronautics of the new Nebraska State Airport System Plan.

Biennial report from the Natural Resources Commission in accordance with Section 2-1588 R.R.S., 1943 of the Nebraska Resources Development Fund Act.

Annual report from the Department of Environmental Quality in response to LB 528, 1991.

Progress report for the Nebraska 2000 program, the National Goals for Education.

Third quarter report from the Nebraska Small Business Development Center (NBDC).

Annual report from the Department of Social Services for the Disabled Persons and Family Support Program in accordance with Section 68-1518, Reissue Revised Statutes of Nebraska, 1943, for the fiscal year July 1, 1991, through June 30, 1992.

Report from the University of Nebraska Medical Center of the Rural Health Education Network (RHEN) in compliance with LB 652, 1991.

Biennial report from the Board of Educational Lands and Funds for the period from July 1, 1990, through June 30, 1992.

Report from the Department of Insurance relating to property and casualty insurance in Nebraska in accordance with LB 214, 1989.

Report from the Department of Roads for the One- and Five-Year Program in accordance with the provisions of Sections 39-1390 and 39-1392 R.R.S., 1943.

MESSAGE FROM THE SECRETARY OF STATE

January 7, 1993

Speaker of the Legislature
Ninety-Third Legislature, First Session (Regular) 1993
State Capitol
Lincoln, Nebraska

Honorable Speaker:

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

January, 1993, and ending as provided by law, are on file in the office of Secretary of State.

Rod Johnson, Public Service Commissioner, D-4
Daniel G. Urwiller, Public Service Commissioner, D-5
John W. Payne, Regent, University of Nebraska, D-6
Don Blank, Regent, University of Nebraska, D-7
Max D. Larsen, Member, State Board of Education, D-1
Ally Milder, Member, State Board of Education, D-2
Walter Thompson, Member, State Board of Education, D-3
Bobie A. Nolte, Member, State Board of Education, D-4
Dale E. Fahrnbruch, Judge, Nebraska Supreme Court, D-1
D. Nick Caporale, Judge, Nebraska Supreme Court, D-2
C. Thomas White, Judge, Nebraska Supreme Court, D-3
Thomas M. Shanahan, Judge, Nebraska Supreme Court, D-6
James R. Coe, Judge, Nebraska Workers' Compensation Court
James P. Monen, Judge, Nebraska Workers' Compensation Court
Michael P. Cavel, Judge, Nebraska Workers' Compensation Court

By law, the terms of the Nebraska Workers' Compensation Court begin January 7, 1993.

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

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the required oaths have been filed in the office of Secretary of State, as required by law, by Rod Johnson and Daniel G. Urwiller, Public Service Commissioners; John W. Payne and Don Blank, Regents of the University of Nebraska; Max D. Larsen, Ally Milder, Walter Thompson, and Bobie A. Nolte, Members of the State Board of Education; Dale E. Fahrnbruch, D. Nick Caporale, C. Thomas White, and Thomas M. Shanahan, Judges of the Nebraska Supreme Court; James R. Coe, James P. Monen, and Michael P. Cavel, Judges of the Nebraska Workers' Compensation Court.

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

Done at Lincoln this Seventh Day of January in the year of our Lord, one thousand nine hundred and ninety-three.

(SEAL) Allen J. Beermann, Secretary of State

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1. Introduced by Executive Board: Warner, 25, Chairperson.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3311 and 54-1382, Reissue Revised Statutes of Nebraska, 1943; to eliminate conflicting language relating to the rules and regulations to be used by the Soybean Development, Utilization, and Marketing Board; to eliminate obsolete language relating to the Nebraska Bovine Brucellosis Act; and to repeal the original sections.

LEGISLATIVE BILL 2. Introduced by Executive Board: Warner, 25, Chairperson.

A BILL FOR AN ACT relating to veterans; to amend section 80-401.01, Revised Statutes Supplement, 1992; to redefine a term; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 3. Introduced by Executive Board: Warner, 25, Chairperson.

A BILL FOR AN ACT relating to the Department of Environmental Quality; to amend sections 2-1504.02, 2-15,100, 2-3241, 2-4215, 2-4604, 46-2,109, 46-565, 46-663, 46-665, 46-673.03, 46-674.02, 46-674.03, 46-674.04, 46-674.05, 46-674.11, 46-674.13, 46-674.15, 46-674.16, 46-1102, 46-1107, 46-1108, 46-1109, 46-1217, 46-1227, 60-2201, 60-2205, 66-1105, 66-1504, 69-2011, 77-27,150, 77-27,151, 77-27,152, 77-27,154, 81-1533, 81-1537, 81-1538, 81-1540, 81-1561, 81-1584, 81-1586, 81-1587, 81-15,118, 81-15,125, 81-15,126, 81-15,127, 81-15,129, and 88-550, Reissue Revised Statutes of Nebraska, 1943, and sections 46-657, 46-658, 46-673.05, 46-674.06, 46-674.07, 46-674.10, 46-674.12, 46-674.14, 46-674.18, 49-506, 66-1518, 66-1522, 66-1529.02, 81-1504.01, 81-1505.01, 81-15,120, 81-15,123, 81-15,124, 81-15,124.01, 81-15,124.02, 81-15,149, 81-15,151, 81-15,153, 81-15,161, 81-15,166, and 81-2602, Revised Statutes Supplement, 1992; to substitute a phrase related to the renaming of the Department of Environmental Control, the Director of Environmental Control, and the Environmental Control Council; to

harmonize provisions; to repeal obsolete provisions relating to duties of the department that were to be completed by December 31, 1987, January 1, 1988, and October 30, 1988; and to repeal the original sections, and also sections 46-1301, 46-1302, 46-1303, 81-15,144, 81-15,145, and 81-15,146, Reissue Revised Statutes of Nebraska, 1943, and section 81-15,180, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 4. Introduced by Executive Board: Warner, 25, Chairperson.

A BILL FOR AN ACT relating to property taxation; to amend section 77-1736.08, Revised Statutes Supplement, 1992; to eliminate a reference to a repealed section; and to repeal the original section.

LEGISLATIVE BILL 5. Introduced by Executive Board: Warner, 25, Chairperson.

A BILL FOR AN ACT relating to income taxation; to amend sections 19-4617, 77-2715.07, and 81-1632, Reissue Revised Statutes of Nebraska, 1943, and sections 57-705 and 77-2734.03, Revised Statutes Supplement, 1992; to eliminate renewable energy source tax credits which terminated on December 31, 1989; to eliminate funding provisions; to harmonize provisions; and to repeal the original sections, and also sections 66-1029 to 66-1055, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 6. Introduced by Executive Board: Warner, 25, Chairperson.

A BILL FOR AN ACT relating to public power and irrigation districts; to amend section 70-624.02, Reissue Revised Statutes of Nebraska, 1943; to restore certain provisions amended by Laws 1990, LB 730, section 2; and to repeal the original section.

LEGISLATIVE BILL 7. Introduced by Executive Board: Warner, 25, Chairperson.

A BILL FOR AN ACT relating to commercial drivers' licenses; to amend sections 60-490, 60-4,132, 60-4,137, and 60-4,141, Revised Statutes Supplement, 1992; to eliminate provisions which terminated on March 31, 1992; to harmonize provisions; and to repeal the original sections, and also sections 60-4,133 to 60-4,135, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 8. Introduced by Executive Board: Warner, 25, Chairperson.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702.10 and 77-2702.15, Revised Statutes Supplement, 1992; to redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 9. Introduced by Executive Board: Warner, 25, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Health Care Certificate of Need Act; to amend section 71-5849, Reissue Revised Statutes of Nebraska, 1943, and section 71-5801, Revised Statutes Supplement, 1992; to eliminate a reference to a statute repealed in 1980; to eliminate a provision relating to applications received prior to September 1, 1979; to harmonize provisions; and to repeal the original sections, and also section 71-5872, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 10. Introduced by Executive Board: Warner, 25, Chairperson.

A BILL FOR AN ACT relating to the Comprehensive Health Insurance Pool Act; to amend section 44-4233, Revised Statutes Supplement, 1992; to harmonize provisions enacted by the Ninety-second Legislature; and to repeal the original section.

LEGISLATIVE BILL 11. Introduced by Hohenstein, 17.

A BILL FOR AN ACT relating to motor vehicles; to amend section 77-1240, Reissue Revised Statutes of Nebraska, 1943, and section 60-302, Revised Statutes Supplement, 1992; to change provisions relating to registration as prescribed; to change provisions relating to determination of tax situs; and to repeal the original sections.

LEGISLATIVE BILL 12. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the State Tort Claims Act; to amend section 81-8,235, Reissue Revised Statutes of Nebraska, 1943; to limit recovery for claims under the State Tort Claims Act; to harmonize a provision; and to repeal the original section.

LEGISLATIVE BILL 13. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to judges; to amend section 24-708, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to retirement as prescribed; and to repeal the original section.

LEGISLATIVE BILL 14. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to security interests; to amend section 76-276, Reissue Revised Statutes of Nebraska, 1943; to authorize creation of security interests in rents; to define terms; to provide for recording, priorities, and enforcement of such security interests; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 15. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to highways; to amend sections 39-891, 39-893, 39-1301, 39-1302, and 39-1309, Reissue Revised Statutes of Nebraska, 1943, and section 39-1320, Revised Statutes Supplement, 1992; to authorize certain road projects as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 16. Introduced by Lynch, 13; Wesely, 26.

A BILL FOR AN ACT relating to adoption; to amend section 43-102, Reissue Revised Statutes of Nebraska, 1943, and section 43-107, Revised Statutes Supplement, 1992; to require a preplacement adoptive home study and a criminal history record information check in certain adoption proceedings; and to repeal the original sections.

LEGISLATIVE BILL 17. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to the State Electrical Act; to amend sections 81-2101, 81-2102, 81-2105, 81-2113 to 81-2115, 81-2117 to 81-2119, 81-2124, 81-2125, 81-2132, 81-2135, 81-2143, and 81-2144, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change provisions relating to apprentice electricians; to require classroom training as provided; to harmonize provisions; to eliminate obsolete provisions; and to repeal the original sections, and also sections 81-2122 and 81-2145, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 18. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to birth certificates; to amend section 43-2001, Reissue Revised Statutes of Nebraska, 1943, and section 71-612, Revised Statutes Supplement, 1992; to provide for a certified birth certificate at no charge if certain requirements are met; to change fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 19. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to hunting; to amend sections 28-522 and 28-1335, Reissue Revised Statutes of Nebraska, 1943, and sections

37-501 and 37-510, Revised Statutes Supplement, 1992; to provide a defense to trespass; to change offenses dealing with discharging firearms and weapons on roads; to prohibit certain actions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 20. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to schools; to amend section 79-1254.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to administrators; and to repeal the original section.

LEGISLATIVE BILL 21. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.01 and 77-2701.02, Reissue Revised Statutes of Nebraska, 1943; to change the sales and use tax and income tax rates; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 22. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2602, Revised Statutes Supplement, 1992, as amended by section 1, Legislative Bill 9, Ninety-second Legislature, Third Special Session, 1992, and section 1, Legislative Bill 11, Ninety-second Legislature, Third Special Session, 1992; to increase the cigarette tax; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 23. Introduced by Warner, 25.

A BILL FOR AN ACT relating to motor fuel tax; to amend section 66-4,142, Revised Statutes Supplement, 1992; to change provisions relating to adjustments to tax rates; and to repeal the original section.

LEGISLATIVE BILL 24. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.01, 77-2715.02, 77-2734.02, 77-27,156, and 81-125.01, Reissue Revised Statutes of Nebraska, 1943, section 81-125, Revised Statutes Supplement, 1992, and section 77-2703, Revised Statutes Supplement, 1992, as amended by section 26, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992; to require the State Board of Equalization and Assessment to set the rates for sales and income taxes; to provide powers and duties for the board, the Tax Commissioner, the Director of Administrative Services, and the Legislative Fiscal Analyst; to harmonize provisions; to eliminate provisions setting the rates of sales and income tax; to provide

operative dates; and to repeal the original sections, and also sections 77-2701.01 and 77-2701.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 25. Introduced by Chambers, 11; Lindsay, 9.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-664, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the corroboration of visual observations of speeding and the apprehension of a driver by a peace officer as prescribed; and to repeal the original section.

LEGISLATIVE BILL 26. Introduced by Chambers, 11; Lindsay, 9.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-667, Reissue Revised Statutes of Nebraska, 1943; to require proof of the essential elements of the offense of speeding; and to repeal the original section.

LEGISLATIVE BILL 27. Introduced by Withem, 14; Lindsay, 9; Lynch, 13.

A BILL FOR AN ACT relating to the University of Nebraska; to amend sections 85-105 and 85-133, Reissue Revised Statutes of Nebraska, 1943; to require the consent of the Legislature for acquisition of real property as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 28. Introduced by Hohenstein, 17; Bernard-Stevens, 42.

A BILL FOR AN ACT relating to the powers of officers; to amend sections 49-801, 60-1301, and 81-2005, Reissue Revised Statutes of Nebraska, 1943, and sections 39-6,192, 60-1303, 60-1306, and 83-1011, Revised Statutes Supplement, 1992; to provide powers and duties; to redefine terms; to eliminate a penalty for resisting arrest; to harmonize provisions; and to repeal the original sections, and also section 60-1309, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 29. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-852, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to amendments of pleadings; and to repeal the original section.

LEGISLATIVE BILL 30. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Comprehensive Health Insurance Pool; to amend section 44-4220, Revised Statutes Supplement, 1992; to subject the Board of Directors and its actions to the Administrative Procedure Act; and to repeal the original section.

LEGISLATIVE BILL 31. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to penal and correctional facilities; to amend sections 83-123, 83-171, 83-177 to 83-179, 83-182, 83-183, 83-185, 83-227.02, 83-422 to 83-424, 83-427, 83-443, 83-444, 84-465, 83-467, 83-469, 83-470, 83-472, 83-473, 83-474.01, 83-487, 83-490, 83-4,101, 83-4,104, 83-4,109 to 83-4,113, 83-4,115 to 83-4,119, 83-905, 83-909, 83-910, 83-913.01, 83-922, 83-924, 83-925 to 83-928, 83-930 to 83-933, 83-936, 83-939, and 83-943, Reissue Revised Statutes of Nebraska, 1943, and sections 83-134, 83-176, 83-4,122, 83-4,123, and 83-916, Revised Statutes Supplement, 1992; to change, provide, and eliminate divisions, programs, duties, and responsibilities of the Department of Correctional Services; to change provisions relating to disciplinary actions against inmates; to change provisions relating to inmate grievances; to eliminate provisions relating to rewards; to eliminate provisions relating to cross-employment; to eliminate obsolete provisions; to transfer sections; to harmonize provisions; and to repeal the original sections, and also sections 83-123.01, 83-428, 83-466, 83-903, 83-904, 83-906, 83-909.01, 83-917, 83-923, 83-934, 83-935, 83-937, 83-940, and 83-941, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 32. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 81-1835 and 83-183, Reissue Revised Statutes of Nebraska, 1943; to change and eliminate provisions relating to wages and other money committed to the Department of Correctional Services; to harmonize provisions; and to repeal the original sections, and also section 83-183.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 33. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3507, Reissue Revised Statutes of Nebraska, 1943; to change the homestead exemption as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 34. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3507, Reissue Revised Statutes of Nebraska, 1943; to change the homestead exemption as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 35. Introduced by Moore, 24.

A BILL FOR AN ACT relating to counties; to amend section 23-172, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the adoption of standard codes; and to repeal the original section.

LEGISLATIVE BILL 36. Introduced by Moore, 24; Coordsen, 32; McKenzie, 34.

A BILL FOR AN ACT relating to ground water conservation districts; to amend section 46-634.01, Revised Statutes Supplement, 1992, and Laws 1981, LB 81, section 5, as amended by Laws 1986, LB 124, section 3, Laws 1991, LB 137, section 2, Laws 1992, LB 1063, section 206, and section 177, Legislative Bill 1, Ninety-second Legislature, Second Special Session, 1992; to change the dissolution date of such districts; to provide a termination date; to eliminate outright repeal provisions; to harmonize provisions; and to repeal the original sections, and also Laws 1981, LB 81, section 6, as amended by Laws 1992, LB 1063, section 207, and section 178, Legislative Bill 1, Ninety-second Legislature, Second Special Session, 1992.

LEGISLATIVE BILL 37. Introduced by Moore, 24.

A BILL FOR AN ACT relating to fertilizer; to eliminate a fee on commercial fertilizer; to repeal section 77-4401, Revised Statutes Supplement, 1992, as amended by section 41, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992; and to declare an emergency.

LEGISLATIVE BILL 38. Introduced by Warner, 25; Moore, 24.

A BILL FOR AN ACT relating to state government; to amend sections 50-419 and 84-612, Revised Statutes Supplement, 1992; to require certain statements of General Fund receipts; to require the transfer of funds as prescribed; to provide calculations for the General Fund budget limitation; to provide duties for the Legislative Fiscal Analyst, the Director of Administrative Services, and the Tax Commissioner; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 39. Introduced by Landis, 46.

A BILL FOR AN ACT relating to cities of the primary class; to amend sections 15-106, 15-106.01, and 15-901, Reissue Revised Statutes of Nebraska, 1943; to provide for approval of additions and plats by the city planning commission; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 40. Introduced by Landis, 46.

A BILL FOR AN ACT relating to real property taxes; to authorize property tax work-off programs; to define terms; to provide requirements; to provide for issuance of checks; and to require public information.

LEGISLATIVE BILL 41. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Nebraska State Board of Public Accountancy; to amend sections 1-112, 1-136.02, 1-137, 1-138, 1-139, and 1-148, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the issuance of rules and regulations; to provide for the issuance of a permit to practice to a holder of a reciprocal certificate as prescribed; to change provisions relating to disciplinary actions as prescribed; to provide powers and duties; and to repeal the original sections, and also section 1-127, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 42. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 75-140, 75-141, and 75-144, Reissue Revised Statutes of Nebraska, 1943; to adopt the Intrastate Pay-Per-Call Regulation Act; to define a term; to change provisions relating to orders, enforcement, and violations of the orders of the commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 43. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to county officers; to amend section 32-308, Revised Statutes Supplement, 1992; to change the population requirements for the election of the county clerk and the register of deeds; and to repeal the original section.

LEGISLATIVE BILL 44. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend section 81-1307, Reissue Revised Statutes of Nebraska, 1943, as amended by section 15, Legislative Bill 14,

Ninety-second Legislature, Third Special Session, 1992; to change responsibilities of the Director of Personnel; to create a fund; and to repeal the original section.

LEGISLATIVE BILL 45. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to elevators; to amend section 48-418.14, Reissue Revised Statutes of Nebraska, 1943; to eliminate provisions relating to photoelectric tube devices; to harmonize provisions; and to repeal the original section, and also section 48-418.13, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 46. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to income tax refunds; to amend sections 48-655, 48-665, and 48-665.01, Reissue Revised Statutes of Nebraska, 1943, and section 77-27,119, Revised Statutes Supplement, 1992; to authorize a refund setoff system for amounts due the Department of Labor; to state intent; to define terms; to establish procedures; to provide for hearings and appeals; to require rules and regulations; to authorize disclosures by the Department of Revenue; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 47. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to employment security; to amend section 48-628.03, Reissue Revised Statutes of Nebraska, 1943; to suspend provisions relating to extended benefits as provided; and to repeal the original section.

LEGISLATIVE BILL 48. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to massage therapy; to amend sections 71-101 and 71-1,278, Revised Statutes Supplement, 1992; to provide for issuance and revocation of a temporary license; to provide a fee; and to repeal the original sections.

LEGISLATIVE BILL 49. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska Natural Gas Pipeline Safety Act of 1969; to amend section 81-546, Reissue Revised Statutes of Nebraska, 1943; to increase the maximum civil penalty; and to repeal the original section.

LEGISLATIVE BILL 50. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the State Treasurer; to create a fund; to provide for its use; to authorize fees for certain services; to provide powers to the State Treasurer; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 51. Introduced by Hohenstein, 17.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-2818, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to limitations on proceedings against trustees; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 52. Introduced by Witek, 31.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 79-4,230 and 79-4,232, Revised Statutes Supplement, 1992; to change dates relating to the multicultural education program; and to repeal the original sections.

LEGISLATIVE BILL 53. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-123.02, Revised Statutes Supplement, 1992; to provide for the sampling of alcoholic liquor, except beer, upon the premises of a licensed retailer as prescribed; and to repeal the original section.

LEGISLATIVE BILL 54. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to gift enterprises; to amend section 9-701, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to prohibited acts by an operator of a gift enterprise; and to repeal the original section.

LEGISLATIVE BILL 55. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to redistricting; to define terms; to provide procedures for drawing legislative and congressional district boundaries; to create an advisory commission; and to provide powers and duties.

LEGISLATIVE BILL 56. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 60-505.02 and 60-569, Reissue Revised Statutes of Nebraska, 1943, and sections 39-6,106.01, 60-115, 60-302, 60-462, 60-479, 60-480, 60-483, 60-490, 60-4,107, 60-4,112, 60-4,115,

60-4,124, 60-4,125, 60-4,126, 60-4,148, 60-4,158, and 60-4,181, Revised Statutes Supplement, 1992; to provide for a medical hardship permit as a classification of a motor vehicle operators' license; to change the expiration date of operators' licenses; to change and provide fees; to change the distribution of fees; to provide a penalty; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 57. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to the Antique Farm Machinery and Equipment Commission; to amend section 51-601, Reissue Revised Statutes of Nebraska, 1943; to increase the membership of the commission; and to repeal the original section.

LEGISLATIVE BILL 58. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-1201 and 18-1202, Revised Statutes Supplement, 1992; to increase the rate of tax authorized for certain public safety purposes; and to repeal the original sections.

LEGISLATIVE BILL 59. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-202, 17-503, 17-953.01, 51-216, and 51-511, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the collection of signatures for and filing of a remonstrance against the sale or conveyance of publicly owned real estate or the purchase or construction of a public building; and to repeal the original sections.

LEGISLATIVE BILL 60. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 60-505.02 and 60-569, Reissue Revised Statutes of Nebraska, 1943, and sections 39-6,106.01, 60-115, 60-302, 60-462, 60-479, 60-480, 60-483, 60-4,107, 60-4,112, 60-4,115, 60-4,124, 60-4,125, 60-4,126, 60-4,148, 60-4,158, and 60-4,181, Revised Statutes Supplement, 1992; to provide for a medical hardship permit as a classification of a motor vehicle operator's license; to change and provide fees; to change the distribution of fees; to provide a penalty; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 61. Introduced by Schimek, 27; Rasmussen, 20.

A BILL FOR AN ACT relating to employment practices; to prohibit an employer from discriminating in hiring or dismissal as prescribed; to provide for remedies; and to provide exceptions.

LEGISLATIVE BILL 62. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to highways and roads; to amend section 39-1315.01, Reissue Revised Statutes of Nebraska, 1943; to provide for removal of certain roads from the state highway system; and to repeal the original section.

LEGISLATIVE BILL 63. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to plastic containers; to adopt the Plastic Container Coding Act; and to provide severability.

LEGISLATIVE BILL 64. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to criminal procedure; to authorize the Supreme Court to award costs in certain criminal prosecutions when a statute or ordinance is found unconstitutional as prescribed.

LEGISLATIVE BILL 65. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to political subdivisions; to amend section 28-522, Reissue Revised Statutes of Nebraska, 1943; to provide for entry upon property as prescribed; to provide for damages; to provide an affirmative defense to criminal trespass; and to repeal the original section.

LEGISLATIVE BILL 66. Introduced by Vrtiska, 1; Cudaback, 36; Lynch, 13.

A BILL FOR AN ACT relating to counties; to amend section 23-175, Reissue Revised Statutes of Nebraska, 1943; to exempt members of risk management pools from certain insurance requirements; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 67. Introduced by Wickersham, 49; Coordsen, 32.

A BILL FOR AN ACT relating to fire clothing and equipment; to amend section 35-801, Revised Statutes Supplement, 1992; to define a term; and to repeal the original section.

LEGISLATIVE BILL 68. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101 and 53-180.02, Revised Statutes Supplement, 1992; to prohibit consumption of alcoholic liquor by minors as prescribed; to provide for liability of a natural person who knowingly permits or fails to prevent the consumption of alcoholic liquor by a minor; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 69. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to county courts; to amend section 25-2706, Revised Statutes Supplement, 1992; to change provisions relating to county court jurisdiction; and to repeal the original section.

LEGISLATIVE BILL 70. Introduced by Baack, 47.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2702.13, Revised Statutes Supplement, 1992; to exempt oxygen for use in aquaculture from taxation; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 71. Introduced by Baack, 47.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 79-101.01, 79-438.12, 79-1303, and 79-3806, Revised Statutes Supplement, 1992; to define a term; to provide a general fund property tax requirement for certain school districts; to change provisions relating to computation of a tax levy as prescribed; to change a provision relating to the distribution of in lieu of tax money; to change a provision relating to equalization aid; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 72. Introduced by Baack, 47, at the request of the Governor.

A BILL FOR AN ACT relating to low-level radioactive waste; to amend sections 71-3508.02 and 81-15,102, Reissue Revised Statutes of Nebraska, 1943; to eliminate provisions relating to the acceptance or acquisition of radioactive waste by the state; and to repeal the original sections.

LEGISLATIVE BILL 73. Introduced by Withem, 14.

A BILL FOR AN ACT relating to fire prevention; to adopt the Fire Suppression Systems Act; and to provide an operative date.

LEGISLATIVE BILL 74. Introduced by Withem, 14.

A BILL FOR AN ACT relating to veterans; to amend section 80-411, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to waiver of tuition at institutions of higher education; to change eligibility requirements based on disability; to limit the validity of the waiver; and to repeal the original section.

LEGISLATIVE BILL 75. Introduced by Withem, 14.

A BILL FOR AN ACT relating to libraries; to amend section 51-212, Revised Statutes Supplement, 1992; to provide for the free use of certain libraries by students as prescribed; and to repeal the original section.

EASE

The Legislature was at ease from 10:37 a.m. until 11:16 a.m.

MR. COORDSEN PRESIDING

RESOLUTIONS

LEGISLATIVE RESOLUTION 2CA. Introduced by Landis, 46; Ashford, 6.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article I, section 13:

I-13 "All courts shall be open, and every person, for any injury done him or her in his or her lands, goods, person, or reputation, shall have a remedy by due course of law; and justice administered without denial or delay, except that the Legislature may provide for the enforcement of mediation, binding arbitration agreements, and other forms of dispute resolution which are entered into voluntarily and which are not revocable other than upon such grounds as exist at law or in equity for the revocation of any contract.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize the Legislature to provide for enforcement of mediation, binding arbitration agreements, and other forms of dispute resolution.

For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 3CA. Introduced by Withem, 14.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article VII, section 10:

VII-10 "The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in a board of not less than six nor more than eight regents to be designated the Board of Regents of the University of Nebraska, who shall be elected from and by districts as herein provided and three students of the University of Nebraska who shall serve as nonvoting members. Such nonvoting student members shall consist of the student body president of the University of Nebraska at Lincoln, the student body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center. The terms of office of elected members shall be ~~for six years~~ limited to two four-year terms each. The terms of office of student members shall be for the period of service as student body president. Their duties and powers shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.

The Legislature shall divide the state, along county lines, into as many compact regent districts, as there are regents provided by the Legislature, of approximately equal population, which shall be numbered consecutively.

The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Whenever the state is so redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to change and limit the terms of members of the Board of Regents of the University of Nebraska from six years to two four-year terms.

For

Against".

Referred to the Reference Committee.

SPEAKER BAACK PRESIDING

BILLS ON FIRST READING

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

LEGISLATIVE BILL 76. Introduced by Withem, 14; Baack, 47.

A BILL FOR AN ACT relating to elections; to amend sections 2-945.01, 2-953, 2-2435, 2-2437, 2-2447, 2-3213 to 2-3215, 3-502, 3-611, 3-701, 3-703, 10-702, 11-125, 14-201, 14-201.03, 14-204 to 14-208, 14-217.02, 15-249, 15-301, 15-302, 16-103, 16-104, 16-217, 16-302.01, 16-305, 16-306, 16-311, 17-103, 17-104, 17-107, 17-108.02, 17-202, 17-203, 17-311, 17-312, 17-601.01 to 17-603, 18-2514, 18-2516, 18-2517, 18-2521, 18-2525, 18-2530, 18-2536, 19-402, 19-404 to 19-407, 19-409, 19-411, 19-415, 19-421, 19-423, 19-433, 19-612, 19-613, 19-613.01, 19-3002, 19-3005, 19-3019, 19-3023, 19-3025, 19-3026, 19-3029, 19-3030, 19-3034, 19-3040, 19-3041, 19-3050, 19-3051, 22-202, 23-148, 23-150, 23-151, 23-204, 23-222, 23-268, 23-269, 23-1502, 23-1901, 23-3301, 23-3401, 23-3534, 23-3557, 23-3575, 24-814, 24-815, 24-818, 31-735.03, 39-1606, 43-2,112, 43-2,127, 46-112, 46-530, 46-534, 49-202, 49-204, 49-206 to 49-210, 49-214, 49-215, 49-218, 49-219, 49-222, 49-228, 49-237, 49-238, 49-1419, 51-202, 70-604.03, 70-604.04, 70-604.08, 70-605, 70-606, 70-610, 70-611, 70-615, 75-101, 79-323, 79-324, 79-426.15, 79-426.25, 79-439.01, 79-462, 79-522, 79-601.01, 79-803.03, 79-803.11, 79-902.01, 79-1003, 79-1109, 79-2646, and 81-1632, Reissue Revised Statutes of Nebraska, 1943, and sections 2-2434, 2-3225, 10-703.01, 14-2102, 14-2103, 18-2528, 23-3201, 29-3913, 49-1461, 53-122, 70-619, 70-624.04, 77-370.01, 79-322, 79-426.05, 79-426.19, 79-701, 79-802, 79-1103, 79-2203, 79-2647, 79-3820, and 85-103, Revised Statutes Supplement, 1992; to adopt the Election Act; to change and eliminate provisions relating to elections in political subdivisions; to change, eliminate, and provide penalties; to repeal general provisions found in Chapter 32 relating to elections; to harmonize provisions; and to repeal the original sections, and also

sections 3-704, 14-201.04, 15-313, 16-307, 16-315, 17-107.02, 17-115, 17-203.01, 17-221, 19-408, 19-410, 19-425, 19-614, 19-621, 19-623, 19-624, 19-627, 23-152, 23-157, 23-3208, 23-3309, 23-3537, 32-101 to 32-114, 32-116, 32-117, 32-119 to 32-121, 32-201 to 32-205, 32-207 to 32-211, 32-214 to 32-231.01, 32-231.08 to 32-232, 32-264, 32-265, 32-301, 32-304, 32-304.01, 32-305, 32-309, 32-312, 32-315, 32-316, 32-402.01, 32-404 to 32-419, 32-420.01, 32-420.02, 32-422.01, 32-426, 32-428, 32-428.03, 32-428.04, 32-428.07 to 32-430.01, 32-432 to 32-438, 32-439 to 32-444, 32-445.01, 32-448, 32-450.01, 32-452, 32-454, 32-455, 32-457, 32-458, 32-460, 32-461, 32-463, 32-465 to 32-471, 32-473 to 32-478, 32-479.01 to 32-482, 32-490, 32-491, 32-492.01 to 32-493.01, 32-499, 32-499.01, 32-4,102, 32-4,105, 32-4,107, 32-4,108, 32-4,110 to 32-4,112, 32-4,115 to 32-4,125, 32-4,127, 32-4,129, 32-4,130, 32-4,133, 32-4,135 to 32-4,147, 32-4,149, 32-4,151, 32-4,153, 32-4,154, 32-4,156 to 32-4,158, 32-501, 32-502, 32-504, 32-504.01, 32-505 to 32-512, 32-513.01 to 32-516, 32-519 to 32-522, 32-524 to 32-526.02, 32-528 to 32-530.01, 32-532, 32-534, 32-535, 32-542, 32-542.02, 32-542.03, 32-545 to 32-547, 32-549 to 32-552, 32-558, 32-560 to 32-562, 32-601, 32-703, 32-703.01, 32-704.01, 32-705.01, 32-707.01 to 32-708, 32-710, 32-711, 32-713 to 32-715, 32-827 to 32-834, 32-836 to 32-844, 32-846 to 32-853, 32-1001, 32-1001.03 to 32-1001.05, 32-1001.17 to 32-1001.22, 32-1001.24 to 32-1001.28, 32-1001.32 to 32-1002, 32-1038, 32-1042 to 32-1056, 32-1201 to 32-1240, 32-1301.01 to 32-1310, 32-1312 to 32-1314, 46-531, 46-532, 46-533, 70-614, 79-464, 79-465, 79-540, 79-550.01, 79-706, 79-803.08 to 79-803.10, 79-803.12, 79-1003.03, 79-2202.01, and 79-2646.01, Reissue Revised Statutes of Nebraska, 1943, and sections 23-222.01, 32-210.01, 32-212, 32-303, 32-307, 32-308, 32-310, 32-403, 32-421.01, 32-424, 32-425, 32-428.05, 32-428.06, 32-450, 32-451, 32-456, 32-464, 32-485, 32-4,101, 32-4,103, 32-4,104, 32-4,113, 32-4,114, 32-4,132, 32-4,150, 32-4,152, 32-4,155, 32-4,159, 32-503.01, 32-513, 32-517, 32-537, 32-548, 32-556, 32-702, 32-704, 32-704.02, 32-705, 32-706, 32-707, 32-709, 32-712, 32-835, 32-845, 32-1001.06 to 32-1001.10, 32-1001.23, 32-1001.29 to 32-1001.31, 32-1037, 32-1039, 32-1040, 32-1057 to 32-1059, 32-1401 to 32-1409, 32-1501 to 32-1503, 79-803.07, and 79-2665, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 77. Introduced by Schimek, 27; Crosby, 29; McKenzie, 34.

A BILL FOR AN ACT relating to liquor; to amend section 53-186, Reissue Revised Statutes of Nebraska, 1943; to change provisions regulating the consumption of alcoholic liquor on public property and the issuance of licenses; and to repeal the original section.

LEGISLATIVE BILL 78. Introduced by Hudkins, 21; Avery, 3; Bernard-Stevens, 42; Beutler, 28; Bromm, 23; Coordsen, 32; Crosby, 29; Landis, 46.

A BILL FOR AN ACT relating to political subdivisions; to amend section 15-201, Reissue Revised Statutes of Nebraska, 1943; to permit cities of the primary class and other political subdivisions to exchange services as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 79. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to the Industrial Ground Water Regulatory Act; to amend section 46-677, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 80. Introduced by Crosby, 29; Hudkins, 21; Schmitt, 41; Vrtiska, 1.

A BILL FOR AN ACT relating to operating a boat or car while intoxicated; to amend sections 37-1254.01, 37-1254.02, 37-1254.05, 37-1254.06, 37-1254.08, 39-669.07, and 39-669.26, Revised Statutes Supplement, 1992; to change the prohibited concentration of alcohol; to change provisions relating to blood tests under the State Boat Act; to change provisions prohibiting operation of a motorboat; to change provisions relating to enhancement of penalties for driving a motor vehicle when under the influence of alcohol or any drug; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 81. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-101, 8-126, 8-141, 8-148, 8-148.01, 8-159 to 8-162, 8-201 to 8-233, 8-345.01, and 28-618, Reissue Revised Statutes of Nebraska, 1943, and sections 8-157, 8-157.01, and 8-602, Revised Statutes Supplement, 1992; to define and redefine terms; to provide for revocation by the Department of Banking and Finance of director approval as prescribed; to change the term copartnership to partnership; to change provisions relating to lending limits for an individual in a limited partnership as prescribed; to allow banks to own stock or have other interests in community development corporations; to change provisions relating to electronic terminals; to provide for point-of-sale terminals; to change provisions relating to trust companies; to provide powers and duties; to provide for certain investments; to provide for inactive trust companies; to provide for merger or consolidation; to harmonize provisions; to provide a duty for the Revisor of Statutes; to

provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 82. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to vehicular pursuit; to amend sections 13-911 and 29-211, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,215.01, Revised Statutes Supplement, 1992; to change provisions relating to liability for and procedures of vehicular pursuit; and to repeal the original sections.

LEGISLATIVE BILL 83. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to firearms; to amend section 28-101, Revised Statutes Supplement, 1992; to require firearms to be stored securely as prescribed; to require notices and warnings upon the sale, trade, or transfer of a firearm; to define terms; to provide penalties for violations; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 84. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to public lettings; to amend section 73-101.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to preferences given to resident bidders as prescribed; and to repeal the original section.

LEGISLATIVE BILL 85. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to the Civil Service Act; to amend sections 19-1826 to 19-1828, Reissue Revised Statutes of Nebraska, 1943; to change applicability of the act; to define and redefine terms; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 86. Introduced by Robinson, 16; Lynch, 13; Pedersen, 39; Pirsch, 10.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-6,129, Reissue Revised Statutes of Nebraska, 1943; to change a penalty; and to repeal the original section.

LEGISLATIVE BILL 87. Introduced by Fisher, 35.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to adopt uniform provisions governing a lost, destroyed, or stolen cashier's check, teller's check, or certified check; to provide duties for the Revisor of Statutes; and to declare an emergency.

LEGISLATIVE BILL 88. Introduced by Will, 8.

A BILL FOR AN ACT relating to property taxation; to amend sections 77-3501, 77-3509.01, 77-3509.02, 77-3511, 77-3521, 77-3522, 77-3523, and 77-3529, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3509.03, 77-3510, 77-3512, 77-3513, 77-3514, and 77-3516, Revised Statutes Supplement, 1992; to provide a homestead exemption for all homesteads; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 89. Introduced by Will, 8, at the request of the Governor.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend section 77-4101, Reissue Revised Statutes of Nebraska, 1943; to authorize a local option for a property tax exemption; and to repeal the original section.

LEGISLATIVE BILL 90. Introduced by Robinson, 16.

A BILL FOR AN ACT relating to public power districts; to amend section 70-610, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the payment of election expenses by districts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 91. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-3205, Reissue Revised Statutes of Nebraska, 1943; to provide for certain investments of funds by a bank or trust company acting as fiduciary; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 92. Introduced by Withem, 14.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-445, Revised Statutes Supplement, 1992, as amended by section 1, Legislative Bill 3, Ninety-second Legislature, Third Special Session, 1992; to change provisions relating to reimbursement of education costs for state wards; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 93. Introduced by Withem, 14.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-1101 and 85-1104, Reissue Revised Statutes of Nebraska, 1943, and section 85-1103, 85-1107, 85-1108, and 85-1412, Revised

Statutes Supplement, 1992; to change provisions relating to establishment of programs by out-of-state institutions as prescribed; to change and provide powers and duties for the Coordinating Commission for Postsecondary Education; to define terms; to change a penalty; to change provisions relating to notice and approval of certain petitions by private colleges as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 94. Introduced by Withem, 14.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-3805, Revised Statutes Supplement, 1992; to change provisions relating to calculation of tiered cost per student; and to repeal the original section.

LEGISLATIVE BILL 95. Introduced by Withem, 14.

A BILL FOR AN ACT relating to appropriations; to state intent; and to appropriate funds for geographic education.

LEGISLATIVE BILL 96. Introduced by Withem, 14.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 17-601.01, 17-601.02, 79-464, 79-803.03, 79-803.08, 79-803.09, 79-902.01, and 79-1003, Reissue Revised Statutes of Nebraska, 1943, and sections 79-601, 79-803.07, and 79-1103, Revised Statutes Supplement, 1992; to change and eliminate provisions relating to caucuses and primary elections; to provide for an election to establish nominations by caucus; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 97. Introduced by Withem, 14.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-3806, Revised Statutes Supplement, 1992; to change provisions relating to minimum amounts of state aid; and to repeal the original section.

LEGISLATIVE BILL 98. Introduced by Withem, 14.

A BILL FOR AN ACT relating to sales and use taxes; to amend sections 77-2704.10 and 77-2704.24, Revised Statutes Supplement, 1992; to redefine terms; to impose tax on sales and use of carbonated beverages, candy, snack food, and confectionaries as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 99. Introduced by Withem, 14.

A BILL FOR AN ACT relating to the Professional Practices Commission; to amend sections 79-1281, 79-1281.01, and 79-1286, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1247.07 and 79-1282 to 79-1285, Revised Statutes Supplement, 1992; to change provisions relating to the commission; to define terms; to eliminate the position of executive director; to provide for a clerk, for hearing panels, for legal counsel, and for transcription of testimony; to provide and change duties for the commission, the Commissioner of Education, the State Board of Education, and the State Department of Education; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 100. Introduced by Byars, 30.

A BILL FOR AN ACT relating to schools; to amend sections 79-201 and 79-2011, Reissue Revised Statutes of Nebraska, 1943, and section 79-1415, Revised Statutes Supplement, 1992; to change the age of compulsory education; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 101. Introduced by Byars, 30.

A BILL FOR AN ACT relating to Nebraska Rules of the Road; to amend section 39-6,177, Revised Statutes Supplement, 1992; to change size, weight, and load provisions for farm equipment dealers; and to repeal the original section.

LEGISLATIVE BILL 102. Introduced by Schellpeper, 18; Hartnett, 45; Hohenstein, 17.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1201, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to membership on the State Racing Commission; to state intent; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 103. Introduced by Schimek, 27; Horgan, 4.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-285, Revised Statutes Supplement, 1992; to provide for a written independent living plan for certain juveniles as prescribed; and to repeal the original section.

LEGISLATIVE BILL 104. Introduced by Schimek, 27; Dierks, 40.

A BILL FOR AN ACT relating to physicians; to define a term; to provide for the posting of information relating to the medicare

assignment program; to provide duties for the Commission on Medical Qualifications and the Department of Health; and to provide an operative date.

LEGISLATIVE BILL 105. Introduced by Robinson, 16; Byars, 30.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-602, 39-669.27, 39-669.30, 60-462, 60-474, 60-480, 60-4,107, and 60-4,112, Revised Statutes Supplement, 1992; to redefine terms; to provide for a medical hardship driving permit; to provide a fee and a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 106. Introduced by Byars, 30.

A BILL FOR AN ACT relating to motor vehicle industry licensing; to amend sections 60-1413 and 60-1415, Reissue Revised Statutes of Nebraska, 1943, and section 60-1411.02, Revised Statutes Supplement, 1992; to provide for administrative fines; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 107. Introduced by Horgan, 4.

A BILL FOR AN ACT relating to retirement; to amend sections 79-1034, 79-1036, and 79-1049.06, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1032, 79-1043, 79-1045, 79-1046, 79-1047 to 79-1049, and 79-1056.06, Revised Statutes Supplement, 1992; to change provisions relating to school employee retirement systems for Class V school districts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 108. Introduced by Byars, 30; Hillman, 48.

A BILL FOR AN ACT relating to highways; to provide for tourist-oriented directional sign panels; to provide fees; and to provide powers and duties for the Department of Roads.

LEGISLATIVE BILL 109. Introduced by Schimek, 27; Lindsay, 9; Pedersen, 39.

A BILL FOR AN ACT relating to state employees; to eliminate certain prohibitions on cross-employment; and to repeal sections 68-701.03, 83-101.09, and 83-903, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 110. Introduced by Lindsay, 9; Crosby, 29; Dierks, 40; Witek, 31.

A BILL FOR AN ACT relating to abortion; to amend sections 28-326 and 28-327, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to informed consent; to redefine a term; and to repeal the original sections.

LEGISLATIVE BILL 111. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to the Consumer Rental Purchase Agreement Act; to amend sections 69-2101, 69-2103, 69-2109, and 69-2110, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to prohibit a lessor from possessing or utilizing forms as prescribed; to authorize a reinstatement fee; to provide for enforcement of the act; to provide powers and duties for the Director of Banking and Finance; to provide for appeals; to provide for personal jurisdiction; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 112. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-108, 60-110, 60-111, 60-113, 60-119, 60-122, and 77-1240.04, Reissue Revised Statutes of Nebraska, 1943, and sections 60-106, 60-107, 60-112, 60-115, and 77-1240.03, Revised Statutes Supplement, 1992; to authorize county boards to consolidate services relating to the issuance of certificates of title, registration certificates, license plates, and renewal decals; to notation and cancellation of liens, and collection of fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 113. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to jails; to amend sections 47-501 and 47-502, Reissue Revised Statutes of Nebraska, 1943, and section 83-1,106, Revised Statutes Supplement, 1992; to change provisions relating to sentence reduction and delivery of an offender; and to repeal the original sections.

LEGISLATIVE BILL 114. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to insurance; to amend section 44-391, Reissue Revised Statutes of Nebraska, 1943, and section 29-110, Revised Statutes Supplement, 1992; to adopt the Health Care Fraudulent Claims Act; to provide a statute of limitations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 115. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to child custody; to amend section 42-364, Revised Statutes Supplement, 1992; to provide parents with certain rights; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 116. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to corporations; to amend sections 21-2027, 21-2029, 21-2030, 21-2036, and 21-2052, Reissue Revised Statutes of Nebraska, 1943; to provide for an investment company to eliminate annual meetings of shareholders as prescribed; to change provisions relating to articles of incorporation, annual meetings, and elections of directors; to change when notice of a special meeting is to be sent and the record date for a determination of shareholders; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 117. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-416, Revised Statutes Supplement, 1992; to prohibit possession of a firearm as prescribed; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 118. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to the executions of judgments; to amend sections 25-1563.02 and 48-149, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to exemption from executions of certain settlements, compensation, and benefits as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 119. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-238, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the composition of the board of health; and to repeal the original section.

LEGISLATIVE BILL 120. Introduced by Pirsch, 10; Will, 8.

A BILL FOR AN ACT relating to childhood sexual abuse; to amend sections 25-212 and 25-213, Reissue Revised Statutes of Nebraska, 1943; to establish a statute of limitations for civil actions based on childhood sexual abuse; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 121. Introduced by Kristensen, 37; Beutler, 28; Landis, 46; Lindsay, 9; Wickersham, 49.

A BILL FOR AN ACT relating to limited liability companies; to adopt the Limited Liability Company Act.

LEGISLATIVE BILL 122. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,120.01, Revised Statutes Supplement, 1992; to revise the power of credit unions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 123. Introduced by Byars, 30; Lynch, 13.

A BILL FOR AN ACT relating to watercraft; to amend sections 37-1204 and 37-1217, Reissue Revised Statutes of Nebraska, 1943, and section 77-2703, Revised Statutes Supplement, 1992, as amended by section 26, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992; to adopt the Watercraft Title Act; to change provisions relating to fees; to provide for tax situs; to define and redefine terms; to change provisions relating to the payment of sales tax; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 124. Introduced by Landis, 46; Byars, 30; Robak, 22.

A BILL FOR AN ACT relating to employment practices; to amend sections 48-1104 and 48-1119, Reissue Revised Statutes of Nebraska, 1943, and sections 48-1102 and 48-1118, Revised Statutes Supplement, 1992; to define a term; to make harassment based upon race, color, religion, sex, disability, marital status, or national origin an unlawful employment practice; to change the time for filing a written charge of violation; to authorize relief for violations of the Nebraska Fair Employment Practice Act; and to repeal the original sections.

LEGISLATIVE BILL 125. Introduced by Elmer, 38; Coordsen, 32; Cudaback, 36; Dierks, 40; Haberman, 44; Hartnett, 45; Hillman, 48; Hohenstein, 17; Horgan, 4; Lynch, 13; McKenzie, 34; Moore, 24; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-530, 37-532, and 37-533, Reissue Revised Statutes of Nebraska, 1943, and section 37-102, Revised Statutes Supplement, 1992; to prohibit interference with a person engaged in hunting, trapping, or

fishing as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 126. Introduced by Robak, 22; Lindsay, 9; Moore, 24.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-4,120 and 60-4,150, Revised Statutes Supplement, 1992; to change and specify time periods for applications for replacement licenses and identification cards; and to repeal the original sections.

LEGISLATIVE BILL 127. Introduced by Robak, 22; Lindsay, 9.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-123.04 and 53-124, Revised Statutes Supplement, 1992; to permit wine sampling in certain retail outlets as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 128. Introduced by Robak, 22; Hartnett, 45.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-2708, Revised Statutes Supplement, 1992, as amended by section 28, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992; to change provisions relating to tax returns as prescribed; and to repeal the original section.

LEGISLATIVE BILL 129. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-122, 53-124, and 53-124.14, Revised Statutes Supplement, 1992; to provide for a license to sell alcoholic liquor outside the corporate limits of cities and villages as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 130. Introduced by Robak, 22.

A BILL FOR AN ACT relating to professional counselors; to amend sections 28-382, 28-707, 28-714, and 71-1,204, Reissue Revised Statutes of Nebraska, 1943, and section 27-504, Revised Statutes Supplement, 1992; to create a professional counselor-patient privilege; to define a term; to harmonize provisions; and to repeal the original sections.

EASE

The Legislature was at ease from 11:30 a.m. until 11:45 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 131. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to water wells; to amend sections 46-601, 46-602, 46-602.01, 46-604, 46-606, 46-608, 46-609, 46-610, 46-611, 46-613.01, 46-613.02, 46-625, 46-630, 46-636, 46-637, 46-638, 46-639, 46-651, 46-653, 46-654, 46-659, 46-660, 46-661, 46-662, 46-663, 46-666, 46-667, 46-1208, 46-1212, 46-1217, 46-1224, 46-1225, 46-1235, 46-1236, 46-1237, and 46-1241, Reissue Revised Statutes of Nebraska, 1943, sections 46-640, 46-657, 46-673.09, 46-1201, 46-1203, 46-1223, and 46-1240, Revised Statutes Supplement, 1992, Laws 1981, LB 81, section 5, as amended by Laws 1986, LB 124, section 3, Laws 1991, LB 137, section 2, Laws 1992, LB 1063, section 206, and section 177, Legislative Bill 1, Ninety-second Legislature, Second Special Session, 1992, and Laws 1981, LB 81, section 6, as amended by Laws 1992, LB 1063, section 207, and section 178, Legislative Bill 1, Ninety-second Legislature, Second Special Session, 1992; to change provisions relating to water well registration; to define and redefine terms; to change and authorize fees; to change, provide, and eliminate penalties and a definition; to change and eliminate log requirements; to change provisions of the Water Well Standards and Contractors' Licensing Act; to authorize disciplinary actions and provide procedures for disciplinary actions; to provide reinstatement procedures; to change and provide hearing procedures; to provide immunity for the Water Well Standards and Contractors' Licensing Board; to change an operative date provision and repealer as prescribed; to harmonize provisions; and to repeal the original sections, and also sections 46-603, 46-607, 46-612, and 46-1204, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 132. Introduced by Will, 8; Wickersham, 49.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-101, Revised Statutes Supplement, 1992; to redefine terms; and to repeal the original section.

LEGISLATIVE BILL 133. Introduced by Ashford, 6; Abboud, 12; Horgan, 4; Will, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 43-801, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1992; to prohibit institutional vandalism and criminal intimidation; to provide penalties;

to authorize a civil action for violations of such offenses; to require the Nebraska State Patrol to maintain information on crimes motivated by bigotry or bias; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 134. Introduced by Cudaback, 36; Hall, 7; Schellpeper, 18.

A BILL FOR AN ACT relating to county treasurers; to amend sections 33-114, 70-651.04, 77-1706, and 77-2208, Reissue Revised Statutes of Nebraska, 1943, and sections 60-311, 77-1240.01, and 77-1704, Revised Statutes Supplement, 1992; to change provisions relating to fees, to the issuance of license plates, to distribution of revenue, and to the receipts made for payment of taxes; to provide for allocation of motor vehicle tax revenue for prior years; and to repeal the original sections.

LEGISLATIVE BILL 135. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to health; to require inspections of tattoo establishments as prescribed.

LEGISLATIVE BILL 136. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.02, 77-2715.02, and 77-2734.02, Reissue Revised Statutes of Nebraska, 1943, and sections 13-509, 77-101, 77-201, and 77-202, Revised Statutes Supplement, 1992; to eliminate the property tax on personal property other than motor vehicles; to increase the rate of sales and use tax; to change income tax calculations; to provide a duty for the Revisor of Statutes; to harmonize provisions; to eliminate provisions related to taxation of personal property; to state intent; to provide operative dates; and to repeal the original sections, and also sections 77-118 to 77-120 and 77-122, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 137. Introduced by Will, 8; Abboud, 12; Hillman, 48; Lindsay, 9; Schellpeper, 18.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-224, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the commencement and limitation of product liability actions; and to repeal the original section.

LEGISLATIVE BILL 138. Introduced by Will, 8, Baack, 47, Schellpeper, 18, Withem, 14, at the request of the Governor.

A BILL FOR AN ACT relating to the State Lottery Act; to amend sections 9-1,104, 9-204, 9-226, 9-312, 9-315, 9-322, 9-402, 9-411, 9-415, 9-422, 9-502, 9-507, 9-509, 9-607, 9-620, 9-629, 9-801 to 9-806, 9-808 to 9-811, 9-813, 9-814, 9-816 to 9-822, 9-824 to 9-830, 9-832 to 9-841, 15-258, 16-226, 17-120, 17-207, 77-27,160, 77-27,165 to 77-27,169, 77-27,171, and 77-27,172, Reissue Revised Statutes of Nebraska, 1943, sections 9-812, 9-823, 14-102, 28-1101, 28-1105, 28-1113, 77-27,161, 81-15,170, and 81-15,176, Revised Statutes Supplement, 1992, section 9-807, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 14, Ninety-second Legislature, Third Special Session, 1992, and section 77-2701, Revised Statutes Supplement, 1992, as amended by section 22, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992; to change and reenact provisions of Laws 1991, LB 849; to provide a sales and use tax exemption; to provide for setoffs for child support debts; to change the membership of the Nebraska Environmental Trust Board; to provide restrictions on priorities for allocation of funds; to eliminate an operative date provision, a provision on use of General Funds, and compensation provisions for lottery game retailers; to harmonize provisions; to repeal the original sections, and also sections 9-815, 9-831, and 9-842, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 139. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to livestock; to amend section 54-137.01, Revised Statutes Supplement, 1992; to provide for the brand committee to contract with certain agencies or organizations to collect certain assessments as prescribed; to eliminate provisions relating to certain fees; and to repeal the original section.

LEGISLATIVE BILL 140. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to railroads; to amend section 74-915, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to health and safety rules and regulations; and to repeal the original section.

LEGISLATIVE BILL 141. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to cities and villages; to eliminate a provision authorizing use of municipal employees and equipment for street improvement and repair; and to repeal section 19-1313, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 142. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to property; to amend section 25-2501, Reissue Revised Statutes of Nebraska, 1943; to exempt municipalities from procedure for acquiring private property for public purposes as prescribed; and to repeal the original section.

LEGISLATIVE BILL 143. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to motor vehicle insurance; to amend sections 60-569, 60-575, 60-579, 60-580, and 60-582, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to underinsured and uninsured coverages; to prohibit exclusion of certain coverage; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 144. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-15,124, Revised Statutes Supplement 1992; to provide notice by the Department of Environmental Control for remedial action plans as prescribed; and to repeal the original section.

LEGISLATIVE BILL 145. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-484, Revised Statutes Supplement, 1992; to require certain persons to produce a certified birth certificate or other evidence to obtain an operator's license or state identification card as prescribed; and to repeal the original section.

LEGISLATIVE BILL 146. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to soldiers and sailors; to amend section 80-401.01, Revised Statutes Supplement, 1992; to redefine a term relating to veterans; and to repeal the original section.

LEGISLATIVE BILL 147. Introduced by Dierks, 40; Crosby, 29; Hillman, 48; Horgan, 4; Preister, 5.

A BILL FOR AN ACT relating to dogs and cats; to amend section 54-857, Reissue Revised Statutes of Nebraska, 1943, and section 54-856, Revised Statutes Supplement, 1992; to adopt the Commercial Dog and Cat Operator Inspection Act; to provide additional fees on pet food; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 148. Introduced by Dierks, 40; Preister, 5.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-15,102, Reissue Revised Statutes of Nebraska, 1943; to

change provisions relating to radioactive waste disposal sites; and to repeal the original section.

LEGISLATIVE BILL 149. Introduced by Dierks, 40; Preister, 5.

A BILL FOR AN ACT relating to the Low-Level Radioactive Waste Disposal Act; to amend section 81-1578, Revised Statutes Supplement, 1992; to restrict the issuance and provide for the revocation of a license as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 150. Introduced by Dierks, 40; Hohenstein, 17; Schellpeper, 18; Wesely, 26.

A BILL FOR AN ACT relating to state funds; to amend section 72-1269, Reissue Revised Statutes of Nebraska, 1943, and section 72-1243, Revised Statutes Supplement, 1992; to authorize the State Treasurer to deposit funds in lending institutions for small business loans; to state intent; to define terms; to provide requirements for the deposits and loans; to provide a duty for the state investment officer; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 151. Introduced by Dierks, 40; Hohenstein, 17.

A BILL FOR AN ACT relating to crimes and punishment; to amend sections 28-109, 28-906, and 28-931, Reissue Revised Statutes of Nebraska, 1943; to define a term; to provide penalties for offenses involving police animals; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 152. Introduced by Dierks, 40; Horgan, 4; Schellpeper, 18.

A BILL FOR AN ACT relating to physicians; to amend sections 71-5201, 71-5203, and 71-5206, Reissue Revised Statutes of Nebraska, 1943, and section 71-5647, Revised Statutes Supplement, 1992; to authorize funding for certain family practice residency programs as prescribed; to provide powers and duties for the Office of Rural Health; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 153. Introduced by Dierks, 40; Jones, 43.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 39-6,100 and 39-6,177, Revised Statutes Supplement, 1992; to change a fee; to require a permit for certain width livestock forage vehicles using the highways as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 154. Introduced by Withem, 14.

A BILL FOR AN ACT relating to juvenile courts; to amend section 43-2,125, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to temporary appointment of judges; and to repeal the original section.

LEGISLATIVE BILL 155. Introduced by Fisher, 35.

A BILL FOR AN ACT relating to the Nebraska Resources Development Fund; to amend section 2-1588, Reissue Revised Statutes of Nebraska, 1943; to eliminate restrictions on the allocation of funds; and to repeal the original section.

LEGISLATIVE BILL 156. Introduced by Dierks, 40; Horgan, 4; Lindsay, 9; Witek, 31.

A BILL FOR AN ACT relating to abortion; to prohibit certain acts by public employees relating to abortions; to prohibit the use of public facilities and funds for certain purposes as prescribed; to define terms; and to provide for enforcement.

LEGISLATIVE BILL 157. Introduced by Hillman, 48.

A BILL FOR AN ACT relating to cities and villages; to amend sections 14-556, 16-716, and 17-720, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to deposits in certain financial institutions; and to repeal the original sections.

LEGISLATIVE BILL 158. Introduced by Hillman, 48, Baack, 47, Elmer, 38, Fisher, 35, Lynch, 13, Robak, 22, Wesely, 26, Wickersham, 49, at the request of the Governor.

A BILL FOR AN ACT relating to public transportation; to amend sections 13-1201, 13-1203 to 13-1206, 13-1209, and 13-1211, Reissue Revised Statutes of Nebraska, 1943; to provide for intercity bus systems; to define a term; to provide for funding for such systems; to provide for a report; to harmonize provisions; and to repeal the original sections.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Hartnett asked unanimous consent to have his name added as cointroducer to LB 118. No objections. So ordered.

Messrs. Will, Schellpeper, and Hartnett asked unanimous consent to have their names added as cointroducers to LB 17. No objections. So ordered.

ANNOUNCEMENT

Mr. Hall announced the Reference Committee will meet in Room 2102 for referencing bills and constitutional amendments for the following days:

Monday	January 11, 1993	9:00 a.m.
Tuesday	January 12, 1993	3:30 p.m.
Wednesday	January 13, 1993	9:00 a.m.
Thursday	January 14, 1993	9:00 a.m.
Wednesday	January 20, 1993	9:00 a.m.
Thursday	January 21, 1993	9:00 a.m.
Friday	January 22, 1993	2:00 p.m.

MOTION - Escort Committees

Mr. Elmer moved that a series of committees be appointed to escort the various state and constitutional officers for the purpose of administering their oaths of office.

The motion prevailed.

RECESS

At 12:08 p.m., on a motion by Mr. Preister, the Legislature recessed until 1:45 p.m.

AFTER RECESS

The Legislature reconvened at 1:48 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Chambers, Hall, Warner, Mmes. Rasmussen, Robak, and Ms. Schimek who were excused.

PRESIDENT MOUL PRESIDING

ANNOUNCEMENT

Mr. Kristensen announced the Transportation Committee elected Mr. Fisher as Vice Chairperson.

INAUGURAL CEREMONIES

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

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska National Guard.

PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator. Chief Justice William C. Hastings administered the Oath of Office to the newly elected state officials.

The newly elected state officials were escorted from the Chamber.

VISITOR

The Doctor of the Day was Dale Michels from Lincoln.

ADJOURNMENT

At 2:37 p.m., on a motion by Mr. Horgan, the Legislature adjourned until 10:00 a.m., Friday, January 8, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRD DAY - JANUARY 8, 1993

LEGISLATIVE JOURNAL

THIRD DAY - JANUARY 8, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 8, 1993

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

PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Avery, Hall, Landis, Robinson, Warner, Will, and Withem who were excused until they arrive; and Mr. Moore who was excused.

CORRECTIONS FOR THE JOURNAL

Page 62, lines 18 and 36, strike "1993" and insert "1992".
Page 63, lines 7, 11, 18, 33, 34, and 36, strike "1993" and insert "1992".
Page 64, lines 4, 10, and 19, strike "1993" and insert "1992".
The Journal for the second day was approved as corrected.

MOTION - Adopt Temporary Rules

Mr. Baack moved that the Rules, as now in our possession, be adopted for today only, Friday, January 8, 1993.

The motion prevailed.

NATURAL RESOURCE DISTRICT REPORTS

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1992 to attorneys, lobbyists, and

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

DISTRICT	FEE
Nemaha Natural Resources District	
Steve Seglin of	
Crosby, Guenzel, Davis, Kessner & Kuester	5,423.75
Upper Republican Natural Resources District	
Terry Savage, Attorney at Law	16,723.99

REPORTS

Received quarterly audit reports from Auditor of Public Accounts for the following: NE Supreme Court, NE Department of Education, NE State Historical Society, NE State Patrol, NE Workers' Compensation Court, NE Department of Administrative Services, NE Department of Correctional Services, NE Department of Revenue, Governor's Policy Research and Energy Office, NE Military Department, NE Oil and Gas Conservation Commission, Department of Justice, NE Commission on Law Enforcement and Criminal Justice, University of Nebraska, NE Department of Motor Vehicles, NE Library Commission, NE State Fire Marshal, NE Department on Aging, Department of Environmental Control, NE Natural Resources Commission, Peru State College, Wayne State College, Chadron State College, NE Department of Roads, NE Equal Opportunity Commission, and NE Motor Vehicle Industry Licensing Board.

ANNOUNCEMENT

Mr. Dierks announced the Agriculture Committee elected Mr. Cudaback as Vice Chairperson.

RESOLUTION

LEGISLATIVE RESOLUTION 1. Read. Considered.

LR 1 was adopted with 32 ayes, 0 nays, and 17 not voting.

COMMITTEE ON COMMITTEES REPORT

Mrs. Crosby moved to refer the Committee on Committees' report on senators committee assignments back to the Committee on Committees for further consideration.

The motion prevailed with 27 ayes, 7 nays, 9 present and not voting, and 6 excused and not voting.

ANNOUNCEMENT

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

BILLS ON FIRST READING

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

LEGISLATIVE BILL 159. Introduced by Jones, 43; Avery, 3; Bromm, 23; Coordsen, 32; Dierks, 40; Elmer, 38; Moore, 24; Schellpeper, 18; Schmitt, 41; Vrtiska, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 37-110, Reissue Revised Statutes of Nebraska, 1943; to change the manner of calculating in lieu of tax payments to be made by the Game and Parks Commission; and to repeal the original section.

LEGISLATIVE BILL 160. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to child support; to amend sections 42-368, 43-512.12, 43-512.14, 43-512.15, and 43-512.17, Revised Statutes Supplement, 1992; to change provisions relating to review and modification of child support orders as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 161. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to debtors and creditors; to amend sections 77-377.01, 77-27,107, and 77-2710, Reissue Revised Statutes of Nebraska, 1943, and section 77-4312, Revised Statutes Supplement, 1992, as amended by section 40, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992; to authorize state agencies and political subdivisions to contract with collection agencies as prescribed; to change provisions relating to the collection of delinquent taxes as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 162. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to child labor; to amend section 48-313, Reissue Revised Statutes of Nebraska, 1943; to provide for exemptions from child labor law requirements for employers who are parents or persons standing in loco parentis as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 163. Introduced by Coordsen, 32; Schmitt, 41.

A BILL FOR AN ACT relating to explosives; to amend sections 28-1213, 28-1229, 28-1233, and 28-1239, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to change provisions relating to the issuance of permits, recordkeeping, and notification of use or storage of explosives; to provide a penalty; to provide for the surrender of certain war trophies as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 164. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-328, Reissue Revised Statutes of Nebraska, 1943; to change nonresident truck permit fees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 165. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-465, Revised Statutes Supplement, 1992; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 166. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to elections; to amend sections 32-4,104, 32-548, and 32-556, Revised Statutes Supplement, 1992; to change provisions relating to the selection of presidential electors; to eliminate a requirement on casting votes; and to repeal the original sections.

LEGISLATIVE BILL 167. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to smoking; to amend sections 71-5701 to 71-5703, 71-5709, and 71-5710, Reissue Revised Statutes of Nebraska, 1943, section 81-638, Revised Statutes Supplement, 1992, and section 77-2602, Revised Statutes Supplement, 1992, as amended by section 1, Legislative Bill 9, Ninety-second Legislature, Third Special Session, 1992, and section 1, Legislative Bill 11, Ninety-second Legislature, Third Special Session, 1992; to state findings; to require the Department of Health to develop materials as prescribed; to create a fund; to provide for disbursement of money in the fund; to provide a penalty under the Nebraska Clean Indoor Air Act; to eliminate a provision for waiver of requirements of the act; to eliminate authority for an injunction action as prescribed; to increase the cigarette tax; to harmonize provisions; to provide an operative date; to repeal the original sections, and also sections 71-5711 and 71-5713, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 168. Introduced by Wehrbein, 2.

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

LEGISLATIVE BILL 169. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to elections; to amend sections 32-216 and 32-224.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the distribution of lists of registered voters; to provide fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 170. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the military; to amend sections 55-126, 55-136, 55-140, 55-143, 55-152, 55-417, 55-426, and 55-443, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,219, Revised Statutes Supplement, 1992; to change provisions relating to the deputy adjutant general, retirement from the National Guard, and the administration of oaths; to provide for general, special, and summary courts-martial; to change provisions relating to claims based on activities of the National Guard; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 171. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-2705, Revised Statutes Supplement, 1992; to change standards relating to revocation and suspension of permits; and to repeal the original section.

LEGISLATIVE BILL 172. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to flood control; to amend section 2-3202, Reissue Revised Statutes of Nebraska, 1943; to authorize natural resources districts to adopt flood control improvement corridor maps; to require building permits within the corridors; to state intent; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 173. Introduced by Robak, 22; Crosby, 29; Hartnett, 45; Hillman, 48; Schimek, 27.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-602, 39-669.26, and 39-6,122, Revised Statutes Supplement, 1992; to define a term; to authorize school crossing zones; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 174. Introduced by Coordsen, 32; Byars, 30; Dierks, 40; Jones, 43; Schellpeper, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Supplement, 1992; to exempt personal property other than certain motor vehicles from property tax; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 175. Introduced by Coordsen, 32; Byars, 30; Dierks, 40; Jones, 43; Schellpeper, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-118 and 77-202, Revised Statutes Supplement, 1992; to redefine a term; to exempt livestock from personal property taxation; and to repeal the original sections.

LEGISLATIVE BILL 176. Introduced by Coordsen, 32; Byars, 30; Dierks, 40; Jones, 43.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 39-6,181, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to applications to operate certain overweight vehicles with special permits on the highways as prescribed; to change fees; and to repeal the original section.

LEGISLATIVE BILL 177. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to schools; to amend sections 79-12,114, 79-12,116, and 79-12,117, Reissue Revised Statutes of Nebraska, 1943; to authorize the appointment of a hearing officer; to provide duties for the State Department of Education; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 178. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1917, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the taking of certain depositions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 179. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to multicultural education; to amend sections 79-4,229 and 79-4,233, Revised Statutes Supplement, 1992; to create a permanent staff position and an advisory committee; to provide duties for the State Board of Education and the Commissioner of

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

LEGISLATIVE BILL 180. Introduced by Withem, 14; Hartnett, 45.

A BILL FOR AN ACT relating to fuel tax; to amend sections 39-847.01, 39-1804, and 39-2401, Reissue Revised Statutes of Nebraska, 1943, and sections 39-2215, 66-489, 66-4,100, 66-4,105, 66-4,145 to 66-4,147, 66-605, 66-605.03, 66-605.07, 66-638, and 66-1414, Revised Statutes Supplement, 1992; to change fuel tax rates as prescribed; to change allocations and distributions of fuel tax revenue; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 181. Introduced by Ashford, 6; Pedersen, 39.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 79-4,174 and 79-4,175, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,180, Revised Statutes Supplement, 1992; to change provisions relating to student discipline; to provide for additional means of giving notice; to authorize student discipline for certain off-campus student conduct as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 182. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to public power and irrigation districts; to amend section 70-624.03, Reissue Revised Statutes of Nebraska, 1943; to provide that directors are employees for insurance purposes; and to repeal the original section.

MR. WESELY PRESIDING

LEGISLATIVE BILL 183. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 38; Haberman, 44; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101, 53-101.01, 53-116, 53-116.02, 53-117, 53-117.05, 53-117.06, 53-122, 53-124, 53-129, 53-131, 53-132 to 53-134, 53-134.02, 53-134.03, 53-1,115, and 53-1,116, Revised Statutes Supplement, 1992; to reenact provisions of Laws 1989, LB 781, and subsequent amendments; to provide severability; to repeal the original sections, and also sections 53-101.03, 53-117.03, 53-117.04, 53-127, and 53-134.01, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 184. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 2-953, 11-119, 11-125, 11-126, 23-121, 23-3304, 32-535, 48-302, 68-621, 71-208, 71-212, 71-1630, 79-205, 79-207 to 79-211, 79-213, 79-402.06, 79-402.08, 79-402.10, 79-403.03, 79-407 to 79-408.01, 79-409, 79-410, 79-412 to 79-414, 79-416, 79-419, 79-426.06, 79-426.12, 79-426.18, 79-426.23 to 79-426.26, 79-435, 79-450, 79-452, 79-457, 79-461, 79-465 to 79-467, 79-469, 79-478, 79-479, 79-481, 79-482, 79-495, 79-4,101, 79-4,139, 79-505, 79-512, 79-537, 79-603, 79-1107, 79-1239, 79-1249, 79-1250, 79-1309 to 79-1313, 79-1317 to 79-1319, 79-1326, 79-1705, 79-2303, and 79-2304, Reissue Revised Statute of Nebraska, 1943, sections 23-120, 23-3305, 23-3306, 32-308, 32-421.01, 32-513, 79-101.01, 79-402, 79-402.13, 79-402.18, 79-402.20, 79-403, 79-406, 79-408.02, 79-408.03, 79-420, 79-426.05, 79-426.08, 79-426.19, 79-436, 79-437.03, 79-438.12, 79-451, 79-458, 79-470, 79-480, 79-486, 79-488.04, 79-490, 79-497, 79-498, 79-4,102, 79-4,103, 79-4,105, 79-4,105.01, 79-4,140.01, 79-4,159, 79-516.08, 79-1006, 79-1302 to 79-1304, 79-1306, 79-1533, 79-2307, 79-2317, 79-3336, 79-3815, and 79-3824, Revised Statutes Supplement, 1992, Laws 1988, LB 940, section 18, as amended by Laws 1990, LB 259, section 34, Laws 1991, LB 511, section 89, and Laws 1992, LB 245, section 94, and Laws 1988, LB 940, section 19, as amended by Laws 1991, LB 511, section 90, and Laws 1992, LB 245, section 95; to eliminate the office of county superintendent; to change and provide duties for the State Board of Education; to harmonize provisions; and to repeal the original sections, and also sections 23-3301, 23-3303, and 23-3307 to 23-3311, Reissue Revised Statutes of Nebraska, 1943, and section 23-3302, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 185. Introduced by Beutler, 28; Avery, 3; Bromm, 23; Jones, 43; Wickersham, 49.

A BILL FOR AN ACT relating to administrative procedure; to amend sections 84-901 and 84-914, Reissue Revised Statutes of Nebraska, 1943; to define a term; to provide provisions relating to ex parte communications; and to repeal the original sections.

LEGISLATIVE BILL 186. Introduced by Schimek, 27; Hillman, 48; McKenzie, 34; Rasmussen, 20; Robinson, 16; Withem, 14.

A BILL FOR AN ACT relating to education; to amend sections 79-201.01 to 79-201.05, Reissue Revised Statutes of Nebraska, 1943; to change and eliminate provisions relating to year-round operation of public schools; and to repeal the original sections, and also sections

79-201.06 to 79-201.08, Reissue Revised Statutes of Nebraska, 1943, and section 79-201.09, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 187. Introduced by Robinson, 16; Byars, 30; Crosby, 29; Dierks, 40; Schellpeper, 18.

A BILL FOR AN ACT relating to funeral directors and embalmers; to amend sections 59-1617, 71-110, 71-112, 71-118, 71-194 to 71-196, 71-198 to 71-1,100, 71-605, 71-606, 71-609, 71-635, 71-1329, 71-1333, 71-1336, 71-1340, 71-1345 to 71-1347, 71-1349, 71-1352, 71-4807, and 71-4810, Reissue Revised Statutes of Nebraska, 1943, and sections 33-150, 71-101, 71-162, 71-611, 71-1326, 71-1327, 71-1331, and 71-1332, Revised Statutes Supplement, 1992; to define and redefine terms; to change provisions relating to licensure; to provide for apprentices; to provide for branch establishments; to change provisions relating to inspections; to provide for disciplinary actions relating to licenses for funeral establishments and branch establishments; to change provisions relating to reciprocity; to harmonize provisions; to eliminate definitions, penalties, and obsolete provisions; to provide an operative date; and to repeal the original sections, and also sections 71-1,101, 71-1328, 71-1330, and 71-1348, Reissue Revised Statutes of Nebraska, 1943, and section 71-1325, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 188. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to real estate; to amend section 76-2,110, Reissue Revised Statutes of Nebraska, 1943; to limit actions to cancel or invalidate conveyances subdividing real estate as prescribed; and to repeal the original section.

LEGISLATIVE BILL 189. Introduced by Horgan, 4; Cudaback, 36; Dierks, 40; Elmer, 38; Robinson, 16; Schellpeper, 18; Wehrbein, 2.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2708.01, Revised Statutes Supplement, 1992, as amended by section 29, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992; to change a rebate provision for purchases of depreciable agricultural machinery or equipment; and to repeal the original section.

LEGISLATIVE BILL 190. Introduced by Baack, 47, Ashford, 6, Avery, 3, Beutler, 28, Bohlke, 33, Bromm, 23, Coordsen, 32, Cudaback, 36, Day, 19, Dierks, 40, Haberman, 44, Hartnett, 45, Hillman, 48, Hohenstein, 17, Janssen, 15, Landis, 46, McKenzie, 34, Robak, 22, Robinson, 16, Schellpeper, 18, Schimek, 27, Schmitt, 41, Vrtiska, 1, Wehrbein, 2, Wesely, 26, Wickersham, 49, Withem, 14, at the request of the Governor.

A BILL FOR AN ACT relating to rural development; to amend sections 81-1201.07 and 81-1201.10, Revised Statutes Supplement, 1992; to create the Rural Development Commission within the Department of Economic Development; to provide for an executive director and members; to provide powers and duties; to create a fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 191. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to commercial motor vehicles; to amend sections 60-4,163 to 60-4,168, Revised Statutes Supplement, 1992; to provide for additional alcohol tests; and to repeal the original sections.

LEGISLATIVE BILL 192. Introduced by Cudaback, 36; Lynch, 13; Schellpeper, 18.

A BILL FOR AN ACT relating to the State Electrical Act; to amend section 81-2104, Revised Statutes Supplement, 1992; to change a reference to a code; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 193. Introduced by Cudaback, 36; Lynch, 13; Schellpeper, 18.

A BILL FOR AN ACT relating to the State Electrical Act; to amend sections 81-2101 to 81-2103, 81-2105 to 81-2110, 81-2113 to 81-2116, 81-2118, 81-2119, 81-2121, 81-2124 to 81-2128, 81-2132, 81-2135 to 81-2138, 81-2140, 81-2141, 81-2143, and 81-2145, Reissue Revised Statutes of Nebraska, 1943, and section 81-2104, Revised Statutes Supplement, 1992; to define, redefine, and eliminate terms; to change the membership, powers, and duties of the State Electrical Board; to provide for and change provisions relating to licenses and registrations under the act; to provide for continuing education; to provide and change fees; to change and eliminate provisions relating to inspections, inspectors, and condemnation, disconnection, and correction orders; to change provisions relating to appeals; to change penalties; to harmonize provisions; and to repeal the original sections, and also sections 81-2111, 81-2112.01, 81-2117, 81-2122, 81-2123, 81-2131, and 81-2144, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 194. Introduced by Dierks, 40; Pirsch, 10.

A BILL FOR AN ACT relating to criminal history record information; to amend section 29-210, Reissue Revised Statutes of Nebraska, 1943;

to authorize school districts, nonpublic schools, and other entities to require criminal history record information; to provide duties for the Nebraska State Patrol, the Commissioner of Education, and the State Board of Education; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 195. Introduced by Dierks, 40; Elmer, 38; Haberman, 44.

A BILL FOR AN ACT relating to revenue and taxation; to impose a tax on participants to certain transactions; to define terms; to provide for collection of the tax; to create tax districts, boards, and a committee; to provide powers and duties; to authorize special levies; to provide for use of revenue; to provide operative dates; and to repeal sections 77-2715 and 77-2734.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-2703, Revised Statutes Supplement, 1992, as amended by section 26, Legislature Bill 1, Ninety-second Legislature, Fourth Special Session, 1992.

LEGISLATIVE BILL 196. Introduced by Robak, 22; Hillman, 48.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-6,106.01, 60-462, 60-480, 60-4,107, 60-4,112, and 60-4,124 to 60-4,126, Revised Statutes Supplement, 1992; to provide for a medical hardship permit; to provide a fee and a penalty; to harmonize provisions; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 4CA. Introduced by Kristensen, 37.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article IV, section 2:

IV-2 "No person shall be eligible to the office of Governor, or Lieutenant Governor, who ~~shall not have~~ has not attained the age of thirty years, and who ~~shall not have~~ has not been for five years next preceding ~~his~~ election a resident and citizen of this state and a citizen of the United States.

No person shall be eligible to the office of Attorney General who has not reached the age of thirty years, who has not been for three years next preceding election a resident and citizen of this state and a

citizen of the United States, and who is not admitted to practice before the Nebraska Supreme Court.

None of the appointive officers mentioned in this article shall be eligible to any other state office during the period for which they have been appointed.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to establish requirements for eligibility to serve as Attorney General.

For

Against".

Referred to the Reference Committee.

EASE

The Legislature was at ease from 10:48 a.m. until 11:42 a.m.

SPEAKER BAACK PRESIDING

BILLS ON FIRST READING

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

LEGISLATIVE BILL 197. Introduced by Byars, 30.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-484 and 60-4,181, Revised Statutes Supplement, 1992; to change provisions relating to forms of identification; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 198. Introduced by Byars, 30.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-301, Revised Statutes Supplement, 1992; to redefine apportionable vehicle; and to repeal the original section.

LEGISLATIVE BILL 199. Introduced by Byars, 30.

A BILL FOR AN ACT relating to motor vehicles; to amend section 18-1736, Reissue Revised Statutes of Nebraska, 1943, and sections 18-1737 and 60-311.25, Revised Statutes Supplement, 1992; to authorize veterans who have disabled veteran license plates to use parking places for handicapped or disabled person without additional permits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 200. Introduced by Byars, 30.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1401.02, Revised Statutes Supplement, 1992; to define and redefine terms; and to repeal the original section.

LEGISLATIVE BILL 201. Introduced by Byars, 30.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,119, 60-4,120, 60-4,127, 60-4,152, and 60-4,180, Revised Statutes Supplement, 1992; to change provisions relating to photographs on operators' licenses and state identification cards and relating to licenses and cards issued to minors; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 202. Introduced by Landis, 46.

A BILL FOR AN ACT relating to marriage; to amend section 30-2316, Reissue Revised Statutes of Nebraska, 1943; to adopt the Uniform Premarital Agreement Act; to provide severability; to provide when the act takes effect; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 203. Introduced by Horgan, 4; Ashford, 6; Bernard-Stevens, 42; Cudaback, 36; Rasmussen, 20; Robinson, 16.

A BILL FOR AN ACT relating to waste reduction and recycling; to amend sections 81-15,160, 81-15,164, and 81-15,165, Revised Statutes Supplement, 1992; to eliminate a fee; to harmonize provisions; and to repeal the original sections, and also section 81-15,163, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 204. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to labor; to amend section 48-212, Reissue Revised Statutes of Nebraska, 1943; to provide for lunch time for employees of retail establishments; and to repeal the original section.

LEGISLATIVE BILL 205. Introduced by Rasmussen, 20; Schimek, 27.

A BILL FOR AN ACT relating to adoption; to amend sections 43-138, 43-139, 43-141, 43-146.12, and 43-146.14, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to obtaining information on relatives of an adopted person and fees for such information; to

provide for the transfer of certain records; and to repeal the original sections.

LEGISLATIVE BILL 206. Introduced by Horgan, 4; Pedersen, 39.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 39-6,122, Revised Statutes Supplement, 1992; to prohibit open containers of alcoholic liquor in motor vehicles; to provide exceptions; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 207. Introduced by Hartnett, 45; Schimek, 27; Will, 8.

A BILL FOR AN ACT relating to municipal planning; to amend sections 19-924, 19-925, and 19-929, Reissue Revised Statutes of Nebraska, 1943; to provide for interjurisdictional planning commissions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 208. Introduced by Hartnett, 45; Schimek, 27; Will, 8.

A BILL FOR AN ACT relating to suburban development; to amend sections 16-902, 17-1002, and 19-921, Reissue Revised Statutes of Nebraska, 1943; to permit cities of the first and second classes or villages to designate extraterritorial jurisdiction as prescribed; to provide a duty for such cities and villages; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 209. Introduced by Hartnett, 45; Schimek, 27; Will, 8.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-929, Reissue Revised Statutes of Nebraska, 1943; to provide for setting a time limit as prescribed for recommendation from a planning commission; and to repeal the original section.

LEGISLATIVE BILL 210. Introduced by Hartnett, 45; Schimek, 27; Will, 8.

A BILL FOR AN ACT relating to sanitary and improvement districts; to provide for a petition relating to annexation of such districts; to provide powers and duties for certain city councils and boards of trustees as prescribed; to state effect; and to provide for entitlement to services as prescribed.

LEGISLATIVE BILL 211. Introduced by Hillman, 48; Horgan, 4; Wesely, 26.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-462, 60-4,105, 60-4,112, 60-4,114, 60-4,118, and 60-4,146, Revised Statutes Supplement, 1992; to state intent; to create the Health Advisory Board; to provide powers and duties; to change provisions relating to issuance and cancellation of operators' licenses; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 212. Introduced by Hillman, 48; Baack, 47.

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

LEGISLATIVE BILL 213. Introduced by Cudaback, 36; Bromm, 23; Horgan, 4.

A BILL FOR AN ACT relating to counties; to adopt the County Initiative and Referendum Act.

LEGISLATIVE BILL 214. Introduced by Will, 8.

A BILL FOR AN ACT relating to health care; to amend section 71-148, Revised Statutes Supplement, 1992; to prohibit the waiver of copayment or deductible amounts in violation of contractual obligations between the health care payers and persons covered by health care insurance or plans; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 215. Introduced by Will, 8.

A BILL FOR AN ACT relating to the State Electrical Act; to amend section 81-2101, Reissue Revised Statutes of Nebraska, 1943, and section 81-2104, Revised Statutes Supplement, 1992; to require continuing education for electricians; to harmonize provisions; and to repeal the original sections.

UNANIMOUS CONSENT - Members Excused

Messrs. Schellpeper and Elmer asked unanimous consent to be excused until they return. No objections. So ordered.

COMMITTEE ON COMMITTEES REPORT

Mrs. Crosby offered the following Committee on Committees report as revised:

Agriculture - Dierks, Chairperson

Chambers
Cudaback
Elmer
Haberman
Hudkins
Schellpeper
Vrtiska

Appropriations - Moore, Chairperson

Ashford
Avery
Bernard-Stevens
Crosby
Hillman
Hohenstein
Lynch
Wehrbein

Banking, Commerce & Insurance - Landis, Chairperson

Coordsen
Hall
Jones
Lindsay
Robak
Wesely
Witek

Business & Labor - Abboud, Chairperson

Bromm
Chambers
Dierks
Preister
Schimek
Vrtiska

Education - Withem, Chairperson

Beutler
Bohlke
Janssen
McKenzie
Rasmussen
Warner
Wickersham

General Affairs - Schellpeper, Chairperson

Cudaback
Elmer
Haberman
Hartnett
Hudkins
Robinson
Will

Government, Military & Veterans Affairs - Schimek, Chairperson

Cudaback
Haberman
Janssen
Pirsch
Robinson
Schmitt
Witek

Health and Human Services - Wesely, Chairperson

Byars	Horgan
Day	Rasmussen
Dierks	Vrtiska

Judiciary - Lindsay, Chairperson

Abboud	Hudkins
Chambers	Pedersen
Fisher	Robak
Hall	

Natural Resources - Beutler, Chairperson

Bohlke	Jones
Bromm	McKenzie
Elmer	Preister
Hartnett	

Nebraska Retirement Systems - Horgan, Chairperson

Crosby	Lynch
Day	Robak
Fisher	

Revenue - Warner, Chairperson

Coordsen	Wickersham
Kristensen	Will
Landis	Withem
Schellpeper	

Transportation - Kristensen, Chairperson

Byars	Pedersen
Day	Pirsch
Fisher	Schmitt
Horgan	

Urban Affairs - Hartnett, Chairperson

Abboud	Robinson
Bromm	Schimek
Preister	Will

Rules - Will, Chairperson

Beutler	Bromm
Bohlke	Withem

Intergovernmental Cooperation - Ashford, Chairperson

Bernard-Stevens	Robak
Kristensen	Robinson
Lindsay	Wesely

Mrs. Crosby moved the approval of the Committee on Committees revised report found in this day's Journal.

Mrs. Crosby moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Fisher and Mrs. Pirsch offered the following amendment to the Committee on Committees report:

Amend the Committee on Committees report by striking Senator Pirsch from the Government, Military and Veterans Affairs Committee and inserting Judiciary Committee; and by striking Senator Fisher from the Judiciary Committee and inserting Government, Military and Veterans Affairs Committee.

Mr. Fisher and Mrs. Pirsch withdrew their pending amendment.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Mr. Chambers requested a record vote on the Crosby pending motion to approve the revised Committee on Committees report.

Voting in the affirmative, 34:

Ashford	Bromm	Fisher	Jones	Robinson
Avery	Chambers	Hartnett	Kristensen	Vrtiska
Baack	Coordsen	Hillman	Landis	Wehrbein
Bernard-Stevens	Crosby	Hohenstein	Lindsay	Wesely
	Cudaback	Horgan	Lynch	Wickersham
Beutler	Day	Hudkins	McKenzie	Will
Bohlke	Dierks	Janssen	Preister	Withem

Voting in the negative, 4:

Pedersen	Pirsch	Schmitt	Witek

Present and not voting, 5:

Byars	Haberman	Rasmussen	Robak	Schimek

Excused and not voting, 6:

Abboud	Hall	Moore	Schellpeper	Warner
Elmer				

The motion to approve the revised Committee on Committees report prevailed with 34 ayes, 4 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 216. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend sections 8-1101 to 8-1103, 8-1106, 8-1108.01, 8-1112, 8-1118, and 59-1715, Reissue Revised Statutes of Nebraska, 1943, and sections 8-1110, 8-1111, 29-110, and 45-101.04, Revised Statutes Supplement, 1992; to define and redefine terms; to change provisions relating to fraudulent and prohibited acts; to provide for investment adviser representatives, their registration, and their fees as prescribed; to change provisions relating to registration under the act as prescribed; to change provisions relating to the powers and duties of the Director of Banking and Finance; to change provisions relating to exemptions as prescribed; to provide for personal jurisdiction over investment adviser representatives; to change provisions relating to liability under the act as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 217. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Mortgage Bankers Registration and Licensing Act; to amend sections 45-702, 45-709, and 45-710, Revised Statutes Supplement, 1992; to redefine a term; to provide for a surety bond; to provide for public records as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 218. Introduced by Landis, 46.

A BILL FOR AN ACT relating to seller-assisted marketing plans; to amend sections 59-1701 to 59-1703, 59-1705, 59-1718, 59-1724, 59-1725, 59-1732, 59-1733, 59-1735, 59-1741, 59-1748, 59-1750, 59-1751 to 59-1753, and 59-1755 to 59-1761, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change disclosure document filing and disclosure requirements as prescribed; to change powers and duties of the Director of Banking and Finance as prescribed; to eliminate and provide for certain filing requirements as prescribed; to provide fees; to impose fines; to provide for a hearing; to change the contents of a disclosure document as prescribed; to provide for referral to the county attorney or Attorney General; to

provide for limitation of actions; to provide for proof of an exemption; to provide for rules and regulations; to harmonize provisions; to repeal the original sections, and also section 59-1722, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 219. Introduced by Landis, 46.

A BILL FOR AN ACT relating to interest rates and loans; to amend sections 45-137, 45-138, and 45-351, Reissue Revised Statutes of Nebraska, 1943, and section 45-101.04, Revised Statutes Supplement, 1992; to exempt loans secured by real estate from the limitation on the rate of interest as prescribed; to provide for origination fees on such loans; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 220. Introduced by Landis, 46.

A BILL FOR AN ACT relating to limitations on property taxes; to amend sections 77-3437, 77-3438, and 77-3439, Revised Statutes Supplement, 1992; to define and redefine terms; to authorize increases in anticipated aggregate receipts from property taxes as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 221. Introduced by Lindsay, 9; Ashford, 6; Lynch, 13; Will, 8; Withem, 14.

A BILL FOR AN ACT relating to highways and bridges; to amend section 39-2507, Reissue Revised Statutes of Nebraska, 1943; to change allocations of funds for roads in counties; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 5. Introduced by Wehrbein, 2; Hillman, 48; Hudkins, 21; Moore, 24; Bernard-Stevens, 42; Vrtiska, 1; Withem, 14; Wesely, 26; Janssen, 15; Ashford, 6; Coordsen, 32; Witek, 31; Pirsch, 10; Crosby, 29; Cudaback, 36; Landis, 46; Dierks, 40; Horgan, 4; Elmer, 38; Lynch, 13; Hartnett, 45; Wickersham, 49; Schellpeper, 18; Haberman, 44.

WHEREAS, Calvin Carsten was born in Avoca, Nebraska, on November 11, 1915; and

WHEREAS, during his four terms in the Nebraska, Legislature, from 1970 until 1986, Senator Carsten served as chairperson of the Legislative Oversight Committee, the Revenue Committee, and the Executive Board of the Legislative Council; and

WHEREAS, Senator Carsten was very active in his community, along with his wife Ruth, giving unselfishly of their time and talents; and

WHEREAS, a retired farmer and cattle breeder, Senator Carsten was also involved in many civic and community groups. He served as president of the Cass County Farm Bureau Association, the Cass County Non-Stock Corporation, and the Nebraska Congregational Laymen's Fellowship. In addition, Senator Carsten was active in the Republican party, a member of the Avoca Lions Club, past master, Euclid Lodge AF and AM, past patron, Elizabeth Chapter OES, and past state moderator, Nebraska Congregational Conference; and

WHEREAS, Senator Carsten was a true public servant, and while his dedication and presence will be missed, his spirit of community will always be remembered.

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

1. That the Legislature extends its sympathy to Ruth Carsten and the family and friends of Calvin Carsten.

2. That a copy of this resolution be sent to the family of Calvin Carsten.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 222. Introduced by Will, 8; Withem, 14.

A BILL FOR AN ACT relating to property taxation; to amend sections 13-509, 77-101, 77-201, 77-202, and 77-1236, Revised Statutes Supplement, 1992; to change property tax exemptions; to eliminate provisions providing for taxation of personal property based on depreciated value; to value property at market value; to harmonize provisions; to provide an operative date; to repeal the original sections, and also sections 77-118 to 77-120, 77-122, and 77-1230, Revised Statutes Supplement, 1992; and to declare an emergency.

LEGISLATIVE BILL 223. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to insurance; to amend section 44-3,131, Reissue Revised Statutes of Nebraska, 1943; to require infertility coverage as prescribed; to define terms; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 224. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to paternity; to amend sections 25-536, 43-1412, and 43-1415, Reissue Revised Statutes of Nebraska, 1943, and section 42-369, Revised Statutes Supplement, 1992; to change provisions relating to the exercise of personal jurisdiction; to provide for retroactivity of support orders as prescribed; to provide for temporary support orders in paternity actions; to change provisions relating to trials of paternity actions; to provide for a presumption relating to genetic testing as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 225. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to firearms; to amend section 28-101, Revised Statutes Supplement, 1992; to create the offense of unlawful storage of a firearm; to provide a penalty; to define terms; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 226. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to barber education; to amend section 71-208.02, Reissue Revised Statutes of Nebraska, 1943; to change registration requirements for instructional personnel; and to repeal the original section.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Jones asked unanimous consent to have his name added as cointroducer to LB 156. No objections. So ordered.

Mr. Schmitt asked unanimous consent to have his name added as cointroducer to LB 28. No objections. So ordered.

Mr. Hohenstein asked unanimous consent to have his name added as cointroducer to LB 55. No objections. So ordered.

Ms. Schimek asked unanimous consent to have her name added as cointroducer to LB 124. No objections. So ordered.

VISITORS

Visitors to the Chamber were 75 fourth grade students and teachers from Hamlow Elementary, Waverly.

ADJOURNMENT

At 12:33 p.m., on a motion by Mr. Janssen, the Legislature adjourned until 10:00 a.m., Monday, January 11, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FOURTH DAY - JANUARY 11, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 11, 1993

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

PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Beutler, Landis, Warner, Mrs. Pirsch, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the third day was approved.

MOTION - Adopt Temporary Rules

Mr. Baack moved that the Rules, as now in our possession, be adopted for today only, Monday, January 11, 1993.

The motion prevailed.

ANNOUNCEMENTS

Mr. Beutler announced the Natural Resources Committee elected Mr. Elmer as Vice Chairperson.

Mr. Schellpeper announced the General Affairs Committee elected Mr. Will as Vice Chairperson.

Mr. Moore announced the Appropriations Committee elected Mr. Bernard-Stevens as Vice Chairperson.

REPORT

Received report from the Nebraska Railway Council in accordance with Section 23, 74-1421.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1 through 109 and Governor appointments.

LB	Committee
1	General File
2	General File
3	General File
4	General File
5	General File
6	General File
7	General File
8	General File
9	General File
10	General File
11	Revenue
12	Judiciary
13	Nebraska Retirement Systems
14	Banking, Commerce and Insurance
15	Transportation
16	Health and Human Services
17	General Affairs
18	Health and Human Services
19	Natural Resources
20	Education
21	Revenue
22	Revenue
23	Revenue
24	Revenue
25	Judiciary
26	Judiciary
27	Education
28	Transportation
29	Judiciary
30	Banking, Commerce and Insurance
31	Government, Military and Veterans Affairs

32	Judiciary
33	Revenue
34	Revenue
35	Government, Military and Veterans Affairs
36	Natural Resources
37	Revenue
38	Revenue
39	Urban Affairs
40	Revenue
41	Banking, Commerce and Insurance
42	Transportation
43	Government, Military and Veterans Affairs
44	Government, Military and Veterans Affairs
45	Business and Labor
46	Revenue
47	Business and Labor
48	Health and Human Services
49	Judiciary
50	Appropriations
51	Judiciary
52	Education
53	General Affairs
54	General Affairs
55	Government, Military and Veterans Affairs
56	Transportation
57	Government, Military and Veterans Affairs
58	Revenue
59	Urban Affairs
60	Transportation
61	Business and Labor
62	Transportation
63	Natural Resources
64	Judiciary
65	Government, Military and Veterans Affairs
66	Banking, Commerce and Insurance
67	Government, Military and Veterans Affairs
68	Judiciary
69	Judiciary
70	Revenue
71	Revenue
72	Natural Resources
73	Health and Human Services
74	Government, Military and Veterans Affairs
75	General Affairs
76	Government, Military and Veterans Affairs
77	General Affairs
78	Urban Affairs

79	Natural Resources
80	Transportation
81	Banking, Commerce and Insurance
82	Judiciary
83	Judiciary
84	Government, Military and Veterans Affairs
85	Urban Affairs
86	Transportation
87	Banking, Commerce and Insurance
88	Revenue
89	Revenue
90	Government, Military and Veterans Affairs
91	Banking, Commerce and Insurance
92	Education
93	Education
94	Education
95	Appropriations
96	Government, Military and Veterans Affairs
97	Education
98	Revenue
99	Education
100	Education
101	Transportation
102	General Affairs
103	Health and Human Services
104	Health and Human Services
105	Transportation
106	Transportation
107	Nebraska Retirement Systems
108	Transportation
109	Government, Military and Veterans Affairs

Allington, Margaret A. - Nebraska State Board of Health -- Health and Human Services

Allington, Robert - Research and Development Authority -- Banking, Commerce and Insurance

Buttress, Christena - Nebraska Foster Care Review Board -- Health and Human Services

Caudill, Christopher (Dr.) - Nebraska State Board of Health -- Health and Human Services

Cope, Carol - Nebraska Safety Center Advisory Council -- Education

Filipi, Jodi - Nebraska Safety Center Advisory Council -- Education

Gorman, Tom - Nebraska Safety Center Advisory Council -- Education

Harris, Lewis - Research and Development Authority -- Banking, Commerce and Insurance

Hild, Ralph - Nebraska Safety Center Advisory Council -- Education

Ide, Bob - Nebraska Foster Care Review Board -- Health and Human Services

Kuehl, Patricia J. - Nebraska State Board of Health -- Health and Human Services

Lanphier, Patricia - Nebraska Child Abuse Prevention Trust Fund Board -- Health and Human Services

Lashkajani, Elaine - Nebraska Child Abuse Prevention Trust Fund Board -- Health and Human Services

Maltas, Carl - Nebraska State Board of Health -- Health and Human Services

McQuillan, Patricia - Nebraska State Board of Health -- Health and Human Services

Perlman, David - Nebraska Foster Care Review Board -- Health and Human Services

Siefkes, John J. - Nebraska Safety Center Advisory Council -- Education

Smith, Thomas - Research and Development Authority -- Banking, Commerce and Insurance

Zwonechek, Fred - Nebraska Safety Center Advisory Council -- Education

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 1.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 227. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to Nebraska Rules of the Road; to amend sections 39-653, 39-6,139, and 39-6,141, Reissue Revised Statutes of Nebraska, 1943; to change lighting provisions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 228. Introduced by Warner, 25; Baack, 47; Chambers, 11; Haberman, 44; Hall, 7; Moore, 24.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Reissue Revised Statutes of Nebraska, 1943; to permit nondisclosure of certain records to the Auditor of Public Accounts and designees; and to repeal the original section.

LEGISLATIVE BILL 229. Introduced by Warner, 25; Baack, 47; Chambers, 11; Haberman, 44; Hall, 7; Moore, 24.

A BILL FOR AN ACT relating to the Legislature; to amend section 84-304.03, Reissue Revised Statutes of Nebraska, 1943, and section 84-304, Revised Statutes Supplement, 1992; to provide powers and duties of the Executive Board of the Legislative Council relating to audits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 230. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-203, Uniform Commercial Code; to eliminate a provision relating to a debtor's rights in property; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 231. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to gambling; to authorize the negotiation and execution of a tribal-state compact governing gambling as defined; to provide public policy regarding the compact; and to ratify a compact.

RESOLUTION

LEGISLATIVE RESOLUTION 6. Introduced by Robinson, 16; Bromm, 23.

WHEREAS, James E. Goll represented the 16th Legislative District in the Nebraska Legislature from 1981 to 1986; and

WHEREAS, James E. Goll had a long and distinguished history of service to his community, state, and country; and

WHEREAS, James E. Goll was a successful businessman in Tekamah, was active in the Tekamah Chamber of Commerce and many other local organizations, and also served on the Tekamah-Herman Board of Education; and

WHEREAS, James E. Goll freely gave of his time when asked and was a friend to all who met him, thus earning the fitting nickname, "Gentleman Jim"; and

WHEREAS, James E. Goll died on December 4, 1992; and

WHEREAS, the State of Nebraska benefits greatly and appreciates dedicated public servants like James E. Goll.

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

1. That the Legislature honor the achievements and public service that James E. Goll gave to his community and Nebraska.

2. That the Legislature send its sympathy to the family of James E. Goll.

3. That a copy of this resolution be sent to James E. Goll's wife, Doran Goll.

Laid over.

EASE

The Legislature was at ease from 10:20 a.m. until 10:48 a.m.

UNANIMOUS CONSENT - Member Excused

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

BILLS ON FIRST READING

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

LEGISLATIVE BILL 232. Introduced by Cudaback, 36; Bromm, 23.

A BILL FOR AN ACT relating to redistricting; to define terms; to provide procedures for drawing legislative and congressional district boundaries; to create an advisory commission; and to provide powers and duties.

LEGISLATIVE BILL 233. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to elections; to amend sections 32-4,104, 32-548, and 32-556, Revised Statutes Supplement, 1992; to change provisions relating to the selection of presidential electors; to eliminate a requirement on casting votes; and to repeal the original sections.

LEGISLATIVE BILL 234. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to wild game; to amend section 37-526, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to hunting, killing, trapping, or pursuing certain wild game as prescribed; and to repeal the original section.

LEGISLATIVE BILL 235. Introduced by Baack, 47.

A BILL FOR AN ACT relating to Game and Parks Commission; to amend sections 37-1105, 37-1107.01, 37-1108, 81-815.22, and 81-815.31, Reissue Revised Statutes of Nebraska, 1943; to provide and change fees; to change provisions relating to temporary and duplicate annual permits; to define a term; to authorize agreements for recreational trails; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 236. Introduced by Robinson, 16; Schimek, 27.

A BILL FOR AN ACT relating to state warrants; to amend section 81-1121, Revised Statutes Supplement, 1992; to define a term; to provide for the payment and receipt of funds by the use of electronic funds transfers and other transfer systems; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 237. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to petroleum release remedial action; to amend sections 66-1523 and 66-1525, Revised Statutes Supplement, 1992; to provide for certain reimbursement amounts; to change an eligibility term; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 238. Introduced by Hillman, 48; Byars, 30; Dierks, 40; Pedersen, 39; Robak, 22; Schmitt, 41.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-602 and 39-6,134, Revised Statutes Supplement, 1992; to change safety requirements relating to trailers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 239. Introduced by Hillman, 48; Baack, 47; Wickersham, 49.

A BILL FOR AN ACT relating to community colleges; to amend sections 79-4,155, 79-1254.09, 79-2638, 79-2639, 79-2641, 79-2643, 79-2646, 79-2646.01, 79-2650.03, 79-2650.06, 79-2650.08, 79-2650.10 to 79-2650.15, 79-2651.02, 79-2653, and 85-605, Reissue Revised Statutes of Nebraska, 1943, and sections 79-4,241, 79-1254.02, 79-1429, 79-2636 to 79-2637, 79-2640, 79-2644, 79-2647 to 79-2650, 79-2650.09, 79-2651, 79-2663, 79-2664, 85-121.03, 85-1416, and 85-1418, Revised Statutes Supplement, 1992; to change provisions relating to community colleges; to define a term; to transfer sections; to provide for reimbursement and indemnification; to provide for probationary contracts as prescribed; to eliminate obsolete provisions; to provide a duty for the Revisor of Statutes; to harmonize provisions; and to repeal the original sections, and also sections 79-2651.04 to 79-2651.06 and 79-2665, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 240. Introduced by Landis, 46, Beutler, 28, Bohlke, 33, Bromm, 23, Byars, 30, Chambers, 11, Coordsen, 32, Day, 19, Dierks, 40, Hall, 7, Hillman, 48, Janssen, 15, Lynch, 13, McKenzie, 34, Preister, 5, Rasmussen, 20, Robak, 22, Schellpeper, 18, Schimek, 27, Schmitt, 41, Warner, 25, Wesely, 26, Wickersham, 49, Will, 8, Withem, 14, at the request of the Governor.

A BILL FOR AN ACT relating to income taxation; to amend sections 77-2715, 77-2715.02, and 77-2715.07, Reissue Revised Statutes of Nebraska, 1943, section 77-2716.01, Revised Statutes Supplement, 1992, and section 77-2701, Revised Statutes Supplement, 1992, as amended by section 22, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992; to change provisions relating to credits, tax schedules, tax calculations, exemptions, and deductions; to define terms; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 241. Introduced by Landis, 46.

A BILL FOR AN ACT relating to veterans aid; to amend section 80-401.01, Revised Statutes Supplement, 1992; to change provisions relating to recognized veterans organizations; and to repeal the original section.

LEGISLATIVE BILL 242. Introduced by Schimek, 27; Bohlke, 33; Crosby, 29; Hillman, 48; Horgan, 4; Rasmussen, 20; Robak, 22; Wickersham, 49.

A BILL FOR AN ACT relating to employment practices; to amend sections 48-1104 and 48-1125, Reissue Revised Statutes of Nebraska, 1943, and section 48-1102, Revised Statutes Supplement, 1992; to define sexual harassment; to provide an unlawful employment practice; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 243. Introduced by Wickersham, 49; Bromm, 23; Coordsen, 32; Dierks, 40; Jones, 43; Schellpeper, 18.

A BILL FOR AN ACT relating to property taxation; to amend section 77-118, Revised Statutes Supplement, 1992; to redefine a term; and to repeal the original sections.

LEGISLATIVE BILL 244. Introduced by Wickersham, 49; Coordsen, 32; Hillman, 48; Pirsch, 10; Schellpeper, 18; Wehrbein, 2.

A BILL FOR AN ACT relating to fire suppression and rescue services; to authorize charges for negligently or illegally caused fires.

LEGISLATIVE BILL 245. Introduced by Wickersham, 49; Byars, 30; Crosby, 29; Pirsch, 10.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-101 and 37-102, Revised Statutes Supplement, 1992; to define a term; to change provisions relating to hunting permits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 246. Introduced by Jones, 43; Schmitt, 41.

A BILL FOR AN ACT relating to brands; to amend section 54-134, Revised Statutes Supplement, 1992; to add Howard County to the brand inspection area; and to repeal the original section.

LEGISLATIVE BILL 247. Introduced by Jones, 43.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-1576, 2-1579, 2-1584, and 2-1585, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to legislative intent; to provide for funding water quality projects and practices from the Nebraska Soil and Water Conservation Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 248. Introduced by Lynch, 13; Hartnett, 45; Will, 8; Withem, 14.

A BILL FOR AN ACT relating to labor; to provide for the registration of contractors; to define terms; to provide powers and duties for the Commissioner of Labor; and to provide a penalty.

LEGISLATIVE BILL 249. Introduced by Landis, 46; Crosby, 29; Horgan, 4; Wesely, 26.

A BILL FOR AN ACT relating to state personnel; to amend sections 81-8,245, 81-1348, and 81-1350, Reissue Revised Statutes of Nebraska, 1943, and section 81-1318.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 19, Legislative Bill 14, Ninety-second Legislature, Third Special Session, 1992; to adopt the State Government Effectiveness Act; to harmonize provisions; to increase the membership of and to change provisions relating to the Suggestion Award Board as prescribed; to change the amount of the award granted under the suggestion system as prescribed; to provide for a report as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 250. Introduced by Landis, 46; Lindsay, 9.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend section 30-2201, Reissue Revised Statutes of Nebraska, 1943; to provide for nonprobate transfers on death; to define terms; to provide forms; to eliminate provisions relating to nonprobate transfers on death; and to repeal the original section, and also sections 30-2701 to 30-2714, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 251. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend sections 28-1239.01, 28-1245, 28-1246, and 81-512, Reissue Revised Statutes of Nebraska, 1943, and sections 81-502, 81-505, 81-513, and 81-520, Revised Statutes Supplement, 1992; to eliminate firework display licenses; to provide an additional fee for certain retail firework licenses; to change powers and duties of the State Fire Marshal; to provide a penalty; to eliminate provisions regulating public buildings; to harmonize provisions; and to repeal the original sections, and also sections 28-1434 to 28-1436, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 252. Introduced by Vrtiska, 1; Schimek, 27.

A BILL FOR AN ACT relating to Small Claims Court; to amend sections 25-2805 and 25-2806, Reissue Revised Statutes of Nebraska, 1943; to restrict transfer of cases; to authorize the award of attorney's fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 253. Introduced by Kristensen, 37; Fisher, 35.

A BILL FOR AN ACT relating to banking and finance; to provide for director and officer liability as prescribed.

LEGISLATIVE BILL 254. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to warrant and arrest; to amend section 29-401, Reissue Revised Statutes of Nebraska, 1943, and section 60-489, Revised Statutes Supplement, 1992; to provide for the arrest and detention of an offender in any other jurisdiction in this state by a law enforcement officer in a fresh attempt to apprehend; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 255. Introduced by Byars, 30; Lynch, 13.

A BILL FOR AN ACT relating to labor organizations; to define terms; and to require certain employees to pay for collective bargaining as prescribed.

LEGISLATIVE BILL 256. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to interest; to amend section 45-101.04, Revised Statutes Supplement, 1992; to change provisions relating to open credit accounts; and to repeal the original section.

LEGISLATIVE BILL 257. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to interest; to amend sections 25-1801, 45-102, 45-103, 45-103.02, and 45-103.04, Reissue Revised Statutes of Nebraska, 1943; to change rates and provisions relating to prejudgment interest and the legal rate of interest upon the loan or forbearance of money; to eliminate interest provisions for certain contractual obligations; to harmonize provisions; to repeal the original sections, and also section 45-104, Reissue Revised Statutes of Nebraska, 1943.

ANNOUNCEMENTS

Ms. Schimek announced the Government, Military and Veterans Affairs Committee elected Mr. Haberman as Vice Chairperson.

Mr. Hartnett announced the Urban Affairs Committee elected Mr. Robinson as Vice Chairperson.

Mr. Wesely, pursuant to the Chairperson's request and as senior member of the Banking, Commerce and Insurance Committee, announced they elected Mr. Coordsen as Vice Chairperson.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 8, 1993. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Andersen, Robert C. - Lincoln	Nebraska Cooperative Council
Anderson, Michael F. - Lincoln	The Nebraska Coalition for the Environment
Anderson, Tim W. - Holdrege	The Central Nebraska Public Power and Irrigation District
Andrew, M. Jean - Lincoln	Nebraska Chapter of National Association of Social Workers Nebraska Voters for Choice
Bacon, Charles E. - Lincoln	Nebraska Motor Carriers Association
Baker, Donna R. - Lincoln	Nebraska Nurses' Association
Beattie, George - Lincoln	Nebraska Bankers Association
Becker, Reynold E. - Schaumburg, IL	Alliance of American Insurers
Bell, C. R. "Bob" - Omaha	Greater Omaha Chamber of Commerce
Benson, Lorrie B. - Lincoln	Association of Nebraska Community Action Agencies
Bequette, Micheal - Lincoln	Citizens Against Pornography
Berg, Michael D. - Des Moines IA	GTE-Central
Bergman, Janet S.- Lincoln	Nebraska Health Care Association
Bleich, Walt - Lincoln	Citizen Action
Blum, Julie R. - Des Moines, IA	Iowa Nebraska Primary Care Association
Bokemper, Duane - Lincoln	The American Legion, Dept. of Nebraska
Boucher, Richard L. - Lincoln	Nebraska County Attorneys Association
Brandt, Henry F. - Lincoln	Bailey-Lauerman and Associates
Brandt, Horan, Hallstrom, and Sedlacek	
Hallstrom, Robert J. - Lincoln	National Federation of Independent Business Nebraska Bankers Association Nebraska Pharmacists Association NETWORKS
Sedlacek, Ronald J. - Lincoln	Nebraska Bankers Association Nebraska Chamber of Commerce and Industry Travelers Express Company, Inc.
Stilmock, Gerald M. - Syracuse	Nebraska Pharmacists Association Nebraska State Volunteer Firefighter's Association
Brazeal, Doris - Columbus	American Association of Retired Persons
Brown, Vincent D. - Lincoln	American Petroleum Institute

Buchholz, Robert J. - Lincoln	State Troopers After Retirement (S.T.A.R.)
Burling, Carroll - Lincoln	Nebraska Farm Bureau Federation
Carlson, Karen A. - Lincoln	U S WEST Communications
Carpenter, Elaine K. - Lincoln	Lincoln Telephone Company
Carpenter, Rex - Lincoln	Nebraska Rural Electric Association
Carstenson, Eric B. - Lincoln	Lincoln Chamber of Commerce
Cavanaugh, James P. - Omaha	Creighton University
	Independent Insurance Agents of Nebraska
Cederberg, John E. - Lincoln	Limited Liablity Company Association
	Omaha Box Company
Chizek, Gerald E. - Omaha	U.S. WEST Communications
Christiansen, Craig R. - Lincoln	Nebraska State Education Association
Clayburn, Neal - Lincoln	Lincoln Education Association
Cline, Williams, Wright, Johnson & Oldfather	
Buntain, David R. - Lincoln	Nebraska Medical Association
Campbell, Mary M. - Lincoln	Friends of Higher Education
	Kimberly-Clark
	Lincoln Public Schools
	Media of Nebraska, Inc.
	Nebraska Beer Wholesalers Association
	Nebraska Health Care Association
	Nebraska Manufactured Housing Association, Inc.
	Nebraska Medical Association
	Nebraska Wholesale Liquor Distributors Association
	Waste Management of North America, Mid-West Region
Pallesen Jr., Charles M. - Lincoln	Friends of Higher Education
	Nebraska Medical Association
Peterson, Alan E. - Lincoln	Central Interstate Low-Level Radioactive Waste Commission
	Media of Nebraska, Inc.
Clubine, Ginger - Lincoln	ARC of Nebraska
Coffman, Frederick J. - Lincoln	O'Hara and Associates, Inc.
Conway, Gerald A. - South Sioux City	Great West Casualty Company
Corl, James L. - Lincoln	State Farm Insurance
Crosby, Guenzel, Davis, Kessner & Kuester	
Crosby, Robert B. - Lincoln	Better Nebraska Association
	Lower Platte South Natural Resources District
	Nebraska Association of Retired Federal Employees
Crosier, Donald A. - Lincoln	American Association of Retired Persons
Cuca Jr., Ralph "Bud" - Lincoln	Nebraska Motor Carriers Association
Cunningham, James R. - Lincoln	Nebraska Catholic Conference
Cutshall, Bruce A. - Lincoln	Board of Trustees of Nebraska State College System
	FirsTier Financial, Inc.
	Kelley and Lehan, P.C.

	Lincoln Medical Education Foundation
	Metropolitan Utilities District
	Nebraska Academy of Family Physicians
	Nebraska Association of Area Agencies on Aging
	Nebraska Association of Home & Community Health Agencies
	Nebraska Association of Resources Districts
	Nebraska Cattlemen, Inc.
	Nebraska Corn Growers Association
	Nebraska Dietetic Association, Inc.
	Nebraska Financial Services Association
	Nebraska Hospital Association
	Nebraska Public Power Distict
	Nebraska Railroad Association
	Nebraska Thoroughbred Breeders' Association
DeCamp Legal Services, P.C.	
DeCamp, John W. - Lincoln	Commonwealth State Securities American Savings Legal Committee (CSALC)
	Nebraska Aviation Trades Association
	Nebraska Chiropractic Physicians Association
	Veterans of Foreign Wars
Dibbern, Chris M. - Lincoln	Nebraska Municipal Power Pool
Dirrim, Delbert E. - Omaha	Omaha Public Power District
Dobler, James B. - Lincoln	Farmers Mutual Insurance Company of Nebraska
Douglas, Robb C. - Lincoln	ASUN - UNL Student Government
Doyle, Larry - Bellevue	American-Irish Political Education Committee
Edgerton, Steve - Lincoln	Nebraska Credit Union League, Inc.
Edson, Dean E. - Lincoln	Nebraska Farm Bureau Federation
Enewold, Richard H. - Omaha	American Telephone & Telegraph Company
Erickson & Sederstrom, P.C.	
Butler, Richard J. - Lincoln	Nebraska Mortgage Association
Thone, Charles - Lincoln	AIA, Nebraska
	Board of Educational Lands & Funds
	Committee for Responsibility in Taxation for Public Education
	First Federal Lincoln
	Lincoln Solid Waste Management Association
	Medco Containment Services
	MEWA Coalition
	Nebraska Investment Finance Authority
	Nebraska Mortgage Association
	Nebraska Municipal Power Pool
	Nebraska Press Association

	Nebraska Society for Medical Technology
	Project 2000
	Saint Joseph Center for Mental Health
Erickson, L. Neal - Lincoln	American Communications Group, Inc.
Fischer, David B. - Omaha	Union Pacific Railroad
Fischer, Ralph J. - Beatrice	General Agricultural Services, Ltd.
Fischer, Thomas B. - Omaha	FirsTier Financial, Inc.
Flannery, John S. - Des Moines, IA	GTE-Central
Fraizer, T. J. - Lincoln	American Insurance Association
	Health Insurance Association of America
	Mutual of Omaha Insurance Companies
Frazier, Lawrence A. - Lincoln	Farmers Mutual Insurance Company of Nebraska
Frey, John O. - Lincoln	Nebraska Vocational Association (NVA)
Fricke, Martha C. - Lincoln	Nebraska Association of School Boards
Funk, Christine - Lincoln	Planned Parenthood of Lincoln
Gady, Richard L. - Omaha	ConAgra, Inc.
George, Sandra K. - Lincoln	Nebraska Press Advertising Service, Inc.
Goc, John J. - Lincoln	City of Lincoln
Graves Jr., Eugene J. - Omaha	Metro Omaha Builders Association
Griess, James R. - Lincoln	Nebraska State Education Association
Hale, Susan M.- Lincoln	Planned Parenthood of Omaha/Council Bluffs
Hansen, JoAnn - Lincoln	Nebraska Public Power District
Hartmann, William - Lincoln	Nebraska Land Improvement Contractors Association
Harvey, Robert A. - Alliance	Brotherhood of Locomotive Engineers Nebraska State Legislative Board
Hersch, Alan - Lincoln	Minnegasco, Inc.
Holmquist, Jay - Lincoln	Nebraska Rural Electric Association
Hood, Jane Renner - Lincoln	Nebraska Humanities Council
Horne, Virgil L. - Lincoln	Lincoln Public Schools
Howell, William R. - St. Louis, MO	The Upjohn Company
Huff, Martin B. - Lincoln	Nebraska Manufactured Housing Association
Humpal, John E. - Omaha	Blue Cross and Blue Shield of Nebraska
	HMO Nebraska, Inc.
Hunzeker, Mark A. - Lincoln	Insurance Federation of Nebraska
Inbody, Rick O. - Lincoln	Communications Workers of America, Local 7470
Jennings, Warren E. - Lincoln	Farmers Mutual Insurance Company of Nebraska
Jensen Associates, Inc.	
Jensen, Ronald L. - Lincoln	Nebraska Association of Homes for the Aging
	Nebraska Association of Nurse Anesthetists
	Nebraska Optometric Association
	Nebraska Podiatric Medical Association
	Sierra Club - Nebraska Chapter
Jensen, Ronald L. - Lincoln	Jensen Associates, Inc.

Johnston, Thomas S. - Lincoln	Nebraska Community College Association
Jordison, John C. - Lincoln	Nebraska Tax Research Council, Inc.
Kay, Sara A. - Lincoln	Nebraska Water Resources Association
Keetle, Roger S. - Lincoln	Nebraska Hospital Association
Kelley, Michael - Omaha	Douglas County, Nebraska
	Eastern Nebraska Human Service Agency
	Horsemen's Benevolent & Protective Association
	Kelley & Lehan
	Metropolitan Utilities District
	Nebraskans for HealthCare Equity
	The Central Nebraska Public Power & Irrigation District
	The Nebraska Alliance for Fair Competition
	United Retailers Liquor Association of Nebraska
	U. S. Ecology
Kennedy, Barry L. - Lincoln	Nebraska Chamber of Commerce and Industry
Kevil, Gregg B. - Lincoln	Nebraska State Home Builders Association
King, Peggy - Lincoln	Erickson & Sederstrom, P.C.
Kinney, Patrick K. - Greenwich, CT	UST, Inc.
Kissel, Gordon - Lincoln	Nebraska Association of Resources Districts
Koch, Clarence F. - Lincoln	Veterans of Foreign Wars
Kratz, Dean G. - Omaha	NE Building Chapter Associated General Contractors
	Nebraska League of Savings Institutions
Krivosha, Norman M. - Lincoln	Ameritas Life Insurance Corporation
Krumland, Gary G. - Lincoln	League of Nebraska Municipalities
Larsen, Carlin L. - Chadron	U S WEST Communications
Larsen, Roger Hans - Lincoln	Nebraska State Education Association
Lenzi, John C. - Washington, D.C.	National Rifle Association of America
Lilley, Roy W. - Lincoln	Nebraska Cattlemen, Inc.
Lineweber, Ray L. - Lincoln	United Transportation Union
Lombardi-Erickson/American Communications Group	
Lombardi, Richard A. - Lincoln	ARC of Nebraska
	Nebraska Academy of Physician Assistants
	Nebraska Association of Community Mental Health Providers
	Nebraska Association of Public Employees/AFSCME
	Nebraska Association of Substance Abuse Directors Local 61
	Nebraska Chapter of American Physical Therapy Association
	Nebraska Counseling Association

	Nebraska Society of Professional Psychologists
	Nebraska State Board of Agriculture
	Papio-Missouri Natural Resources District
Lombardi, Richard A. - Lincoln	American Communications Group, Inc.
Lostroh, Julia J. - Lincoln	Nebraska Right to Life, Inc.
Lowder, Leonard R. - Omaha	The American Society of Mechanical Engineers
Lowrey, Lon D. - Florissant, MO	Sandoz Pharmaceuticals
Lutz, Mark - Lincoln	Employers Unemployment Insurance Company
Lutz, Richard - Lincoln	Employers Unemployment Insurance Company
	Nebraska Restaurant Association
MacDowell, L. J. - Lincoln	American Association of Retired Persons, State Legislative Committee
Mass, Ken E. - Omaha	Nebraska State AFL-CIO
Matthies, Marcia L. - Lincoln	Nebraska Health Care Association
McBride, David S. - Lincoln	Nebraska Optometric Association
	Nebraska State Association of Life Underwriters
McCarville, Denis D. - Omaha	Uta Halee Girls Village
McDonald, Gordon L. - Omaha	Nebraska State AFL-CIO
McGrath, North, Mullin & Kratz	
Mulherin, Lynn - Omaha	Millard Refrigerated Services, Inc.
Niemann, Nicholas K. - Omaha	CONAGRA, Inc.
	Greater Omaha Chamber of Commerce
Offner, Steven L. - Omaha	Millard Refrigerated Services, Inc.
Norton, Bob - Omaha	Beef America Co., Inc.
Miesbach, Neal L. - Omaha	Drivers Education Promotion Task Force
	Nebraska Surety Association
	Professional Insurance Agents of Nebraska
Miller, Cy - Lincoln	Working Poor
Miller, Sherry - Lincoln	Nebraska Congress of Parents & Teachers
Milligan, Cynthia H. - Lincoln	Norwest Bank Nebraska, N.A.
Mills, Jack D. - Lincoln	Nebraska Association of County Attorneys
	Nebraska Association of County Officials
Moody, Randall - Lincoln	American National Bank
	Nebraska Library Association
	Nebraska Society of Radiologic Technologists
	Nebraska State Education Association
	Real Estate Owners and Managers Association (REOMA)
	The Nature Conservancy
Moylan, James H. - Omaha	Douglas County, Nebraska
	Nebraska Licensed Beverage Association
	Nebraska Lodging Association

	R. J. Reynolds Tobacco
Mueller, William J./Knudsen, Berkheimer, et al.	
Mueller, William J. - Lincoln	American Express Travel Related Services Company, Inc.
	American Telephone & Telegraph Company
	ASARCO Incorporated
	Chief Ethanol Fuels, Inc.
	City of Fairbury
	Committee for Regional High School System
	Concrete Industries, Inc.
	First Commerce Bancshares, Inc.
	First Data Corporation
	IDS Financial Services, Inc.
	Jobs for Nebraska
	Kansas-Nebraska League of Savings Institutions
	Nebraska Academy of Ophthalmology
	Nebraska Collectors Association, Inc.
	Nebraska Dental Association
	Nebraska District Court Judges Association
	Nebraska Methodist Health System, Inc.
	Nebraska Petroleum Marketers, Inc.
	Nebraska Press Association
	Nebraska Rural Community Schools Association
	Nebraska Society of Independent Accountants
	Nebraska State Bar Association
	Printing Industries of the Midlands, Inc.
	Western Sugar Company
Neal, William L. - Omaha	Omaha Public Power District
Neidig, Bryce P. - Lincoln	Nebraska Farm Bureau Federation
New West Communications	
Goldberg, Gary S. - Kearney	American Corn Growers Association
	Nebraska Dental Hygenist Association
Steinheider, Barb - Kearney	Nebraska Dental Hygenist Association
Nielsen, Coleen J. - Lincoln	State Farm Insurance
	Millard Refrigerated Services, Inc.
Noren, Charles F. - Hickman	Nebraska Professional Firefighters Association
Norris, Cathy J. - Denver, CO	Motor Vehicle Manufacturers Association
Nowka, Trent P. - Lincoln	Nebraska Farm Bureau Federation
O'Hara & Associates, Inc.	
O'Hara, Paul V. - Lincoln	Bishop Clarkson Memorial Hospital
	Blue Cross & Blue Shield of Nebraska
	Blue Flame Gas Association
	Finocchiaro Wine Company, Inc.
	First National Bank of Omaha
	Friends of Higher Education

	GTECH Corporation
	Hall County Livestock Improvement Association
	Nebraska Association of Trial Attorneys
	Nebraska Humanities Council
	Nebraska Independent Landfill Owners Association
	Nebraska Soft Drink Association
	Northern Natural Gas Company
	Omaha Public Power District
	Pioneer Hi-Bred International, Inc.
	Sarpy County, Nebraska
O'Hara, Paul V. - Lincoln	O'Hara & Associates
O'Neill Jr., Thomas - Lincoln	Association of Independent Colleges and Universities of Nebraska (AICUN)
Osland, Norman A. - Lincoln	Nebraska Telephone Association
Parker, David R. - Lincoln	Great West Casualty Company
	Joe Morten & Son, Inc.
	Nebraska Defense Counsel Association
Patterson Jr., Walter L. - Lincoln	Nebraska Cooperative Council
Peetz, Natalie - Omaha	Greater Omaha Chamber of Commerce
Peppie, Lana K. - Lincoln	Nebraska Optometric Association
Peters, William E. - Lincoln	Burlington Northern Railroad
	The Tobacco Institute
Peterson, Chris - Lincoln	ASUN - UNL Student Government
Peterson, Debra D. - St. Paul, MN	United Telephone Company of the West
Pierson, Darwin R. - McCook	Nebraska Independent Oil & Gas Association
Popken, Kent T. - Lincoln	U S WEST Communications
Preston, James N. - Lincoln	Nebraska Motor Carriers Association
Prettyman, Keith A. - Lincoln	Woodmen Accident and Life Company
Radcliffe and Associates	
Radcliffe, Walter H. - Lincoln	American Paper Institute, Inc.
	American Plastics Council
	Arkansas Power & Light Company
	Friends of Higher Education
	GTECH Corporation
	Gulf States Utilities
	Lincoln Public Schools
	Lincoln Telephone Company
	Louisiana Power & Light Company
	Media of Nebraska, Inc.
	Motion Picture Association of America, Inc.
	Nebraska Cable Communications Association
	Nebraska Financial Services Association
	Nebraska Health Care Association
	Nebraska Manufactured Housing Association, Inc.
	Nebraska Optometric Association
	Nebraska Pyrotechnics Association

	Nebraska Realtors Association
	Nebraska Securities Industry Association
	Nebraska Society of Certified Public Accountants
	Nebraska State Cemetery Association
	Nebraska Wholesale Liquor Distributors Association
	Nebraskans for HealthCare Equity
	Safeway Stores Incorporated
	Smokeless Tobacco Council, Inc.
	State Troopers Association of Nebraska, Inc.
	The Wine Institute
	Waste Management of North America, Mid-West Region
	Wolf Creek Nuclear Operating Corporation
Rasmussen, Dennis - Lincoln	Concrete Industries, Inc.
	Great Plains Communications, Inc.
	Iowa/Nebraska Farm Equipment Association
	Lancaster County Commissioners
	Lens Crafters
	National Rifle Association
	Nebraska Historical Society
	Nebraska Independent Auto Dealers Association
	Nebraska Petroleum Marketers, Inc.
	Norwest Bank - Nebraska, N.A.
	Philip Morris, U.S.A.
	Propane Gas Association of Nebraska
Remington, S. June - Lincoln	Nebraska Chapter of National Association of Social Workers
	Nebraska Council of School Administrators
	Nebraska Educational Service Units Boards Association
	Nebraska State Association of Life Underwriters
Rex, Gary L. - Lincoln	Lincoln Telephone Company
Rex, L. Lynn - Lincoln	League of Nebraska Municipalities
Richard, Dwayne - Lincoln	Car and Truck Renting and Leasing Association
	Cornhusker Food Retailers Association
	Nebraska Consumer Packaging Council
	Nebraska Retail Federation
	Nebraska Retail Grocers Association
	Nebraska Retail Pharmacy Council
Ritchie, A. Jocelyn - Lincoln	Nebraska Advocacy Services, Inc.
Roberts, John L. - Lincoln	Nebraska Hospital Association
Robinson, J. J. - Lincoln	American Consulting Engineers Council of Nebraska

	Nebraska Society of Professional Engineers
Russell, Claudia - Lincoln	Nebraska Bankers Association
Ruth, Larry L./Knudsen, Berkheimer, et al.	
Ruth, Larry L. - Lincoln	American Express Travel Related Services Company, Inc.
	American Telephone & Telegraph Company
	ASARCO Incorporated
	Chief Ethanol Fuels, Inc.
	City of Fairbury
	Committee for Regional High School System
	Concrete Industries, Inc.
	First Commerce Bancshares, Inc.
	First Data Corporation
	IDS Financial Services, Inc.
	Jobs for Nebraska
	Kansas-Nebraska League of Savings Institutions
	Nebraska Academy of Ophthalmology
	Nebraska Collectors Association, Inc.
	Nebraska Dental Association
	Nebraska District Court Judges Association
	Nebraska Methodist Health System, Inc.
	Nebraska Petroleum Marketers, Inc.
	Nebraska Press Association
	Nebraska Rural Community Schools Association
	Nebraska Society of Independent Accountants
	Nebraska State Bar Association
	Printing Industries of the Midlands, Inc.
	Western Sugar Company
Ryan, Beth - Lincoln	Nebraska Railroad Association
Sahling, Shelley R. - Lincoln	Lincoln Electric System
Sailors, Scott M. - Lincoln	Nebraska Association of County Officials
Scarpello, Sam M. - Omaha	Nebraska State Council of Electrical Workers
Scates, W. Thomas - Omaha	Omaha Education Association
Schellpeper, William L. - Lincoln	Nebraska Medical Association
Schimek, Herbert H. - Lincoln	Nebraska State Education Association
Schizas, Jennifer - Lincoln	Nebraska Food Industry Association
Schmit-Albin, Julie - Lincoln	Nebraska Right to Life, Inc.
Schoenrock, Robert L. - Lincoln	Brotherhood of Maintenance of Way Employees
Schulz, Terry - Lincoln	Nebraska Motorcyclists Coalition
Scudder Law Firm, P.C.	
Grenier, Beverly Evans - Lincoln	Southeast Community College
Scudder Jr., Earl H.- Lincoln	Southeast Community College

Sellentin, Jerry L. - Lincoln	Nebraska Council of School Administrators
Semerad, Mark F. - Omaha	ConAgra, Inc.
Settje, Dean - Lincoln	Nebraska Cattlemen, Inc.
Shaw, Timothy F. - Lincoln	Nebraska Advocacy Services, Inc.
Sherbert, Norman R. - Denver, CO	General Motors Corporation
Shuler, James O. - Omaha	Central States Health & Life Company of Omaha
Shultz, Jack L. - Lincoln	Motorcycle Industry Council, Inc.
	Nebraska Telephone Association
Sibley, Stan - Omaha	Omaha Public Schools
Siefkes, Dale - Lincoln	Nebraska Association of School Boards
Siefkes, John J. - Lincoln	Safety Council of Nebraska, Inc.
Smith, B. Frederick - Omaha	Christian Science Committee on Publication for Nebraska
Smith, Dwayne G. - Columbus	Loup River Public Power District
Smith, Jeffry H. - Arapahoe	Arapahoe Telephone Company
	Cozad Telephone Company
	Curtis Telephone Company
	Keystone-Arthur Telephone Company
Snyder, Patricia - Lincoln	Nebraska Health Care Association
Stading, Donald R. - Lincoln	Ameritas Life Insurance Corporation
Stepanek, Chuck - Lincoln	American Lung Association of Nebraska
Stone, Fred R. - Lincoln	Nebraska Petroleum Marketers, Inc.
Sullivan, J. Scott - Omaha	Nebraska Credit Union League, Inc.
Sullivan, Patrick H. - Lincoln	Federated Lumber Dealers of Nebraska
Swartz, Jack - Lincoln	Nebraska Chamber of Commerce and Industry
Thayer, Jan - Lincoln	Nebraska Republican Party
Todd Jr., A. Loy - Lincoln	National Association of Theatre Owners of Nebraska
	Nebraska New Car & Truck Dealers Association
Turner, James R. - Topeka, KS	Kansas-Nebraska League of Savings Institutions
Vanek, Mary Lucille - Lincoln	Nebraska Electrology Association
Vickers, Tom - Lincoln	Board of Educational Lands and Funds
	Common Cause/Nebraska
	Nebraska Association for Marriage and Family Therapy
	Nebraska Association of School Boards
	Nebraska Community College Assocation
	Nebraska Historical Society
	Nebraskans for HealthCare Equity
	Westside Community Schools
Vodvarka, Dan - Lincoln	Nebraska Society of Certified Public Accountants
Vuchetich, Patrick J. - Lincoln	Nebraska Association of County Officials
Watson, Carol S. - Lincoln	Lincoln Benefit Life Company
Weiss, Kurt R. - Lincoln	Nebraska Surety Association
White, Mary R. - Lincoln	Nebraska Chamber of Commerce and Industry

Widholm, Paula - Lincoln	Nebraska Farm Bureau Federation
Williams, David - Lincoln	Ameritas Life Insurance Corporation
Wilson, Dwaine - Lincoln	Veterans of Foreign Wars
Wilson, Judy - Lincoln	Nebraska Electrology Association
Wilson, Robert W. - Lincoln	Peoples Natural Gas
Wurtz, Thomas A. - Omaha	Metropolitan Utilities District
Wylie, Ruth Ann - Lincoln	Lincoln Education Association
Wylie, William M. - Elgin	Nebraska Insurance Information Service
Yost, Kurt T. - Lincoln	Nebraska Independent Bankers Association
Young, Harry D. - Beatrice	Norris Public Power District
Young, Philip M. - Lincoln	Nebraska Republican Party

EASE

The Legislature was at ease from 10:57 a.m. until 11:50 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 258. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to animal pests; to amend sections 2-1062 and 2-1063, Reissue Revised Statutes of Nebraska, 1943; to provide an exemption for the Game and Parks Commission regarding prairie dog extermination as prescribed; and to repeal the original section.

LEGISLATIVE BILL 259. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 39-6,179, Reissue Revised Statutes of Nebraska, 1943; to authorize certain vehicles to exceed length requirements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 260. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to jails; to provide for the responsibility for certain medical services provided for a person who is arrested, detained, taken into custody, or incarcerated; and to declare an emergency.

LEGISLATIVE BILL 261. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to collection agencies; to amend sections 45-601, 45-602, 45-604, 45-605, 45-607 to 45-616, 45-618, 45-619, 45-622, 71-3205, and 77-377.01, Reissue Revised Statutes of

Nebraska, 1943, and sections 45-603, 45-606, 45-620, and 45-621, Revised Statutes Supplement, 1992; to name an act; to create the Collection Agency Licensing Board; to provide powers and duties for the board and eliminate powers and duties of the Secretary of State; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 262. Introduced by Abboud, 12; Lindsay, 9.

A BILL FOR AN ACT relating to tort claims; to amend section 13-907, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,214, Revised Statutes Supplement, 1992; to change when a civil suit is permitted; to eliminate provisions which provide for no jury; to eliminate filing requirements, limitation of action provisions, and recovery limitation in the Political Subdivisions Tort Claims Act; to eliminate a filing and a limitation of action provision in the State Tort Claims Act; and to repeal the original sections, and also sections 13-905, 13-906, 13-919 to 13-922, Reissue Revised Statutes of Nebraska, 1943, and sections 81-8,213 and 81-8,227, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 263. Introduced by Withem, 14.

A BILL FOR AN ACT relating to community colleges; to amend sections 85-927 and 85-964, Reissue Revised Statutes of Nebraska, 1943, and sections 85-952 and 85-962, Revised Statutes Supplement, 1992; to redefine a term; to change provisions relating to role and mission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 264. Introduced by Withem, 14.

A BILL FOR AN ACT relating to research; to state intent; to create the Nebraska Research Initiative Commission; to provide for targeting and evaluation of research initiatives at the University of Nebraska; and to require reports.

LEGISLATIVE BILL 265. Introduced by Withem, 14.

A BILL FOR AN ACT relating to schools; to amend section 79-3804, Revised Statutes Supplement, 1992; to change provisions relating to allocation of income tax receipts; and to repeal the original section.

LEGISLATIVE BILL 266. Introduced by Coordsen, 32; Dierks, 40; Haberman, 44.

A BILL FOR AN ACT relating to property taxation; to amend section 77-202, Revised Statutes Supplement, 1992; to exempt farm products

from taxation; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 267. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Cudaback, 36; Haberman, 44; Hudkins, 21; Schellpeper, 18; Vrtiska, 1.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-701, 54-703 to 54-705, 54-742 to 54-747, 54-750, 54-790, 54-791, and 81-202, Reissue Revised Statutes of Nebraska, 1943, and sections 2-4325, 54-859, 54-2240, 54-2244, 54-2254, 54-2263, 54-2275, 54-2276, 54-2290, 54-2295, 54-2299, 81-2,162.07, 89-186, 89-187, 89-197, and 89-198, Revised Statutes Supplement, 1992; to change provisions relating to inspections as prescribed; to change provisions relating to protection of the health of certain animals and livestock as prescribed; to redefine terms; to change provisions relating to pseudorabies; to change provisions relating to weights and measures as prescribed; to harmonize provisions; and to repeal the original sections, and also sections 54-702 and 54-789, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 268. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Cudaback, 36; Haberman, 44; Hudkins, 21; Schellpeper, 18; Vrtiska, 1.

A BILL FOR AN ACT relating to the Nebraska Manufacturing Milk Act; to amend sections 2-3914, 2-3915, 2-3917, 2-3917.01, 2-3919 to 2-3925, 2-3927 to 2-3931, 2-3934, 2-3935, 2-3937, 2-3938 to 2-3942, and 2-3945, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change provisions relating to classification of raw milk, dairy plants, and testing of milk; to change dates of certain standards; to change provisions relating to milking facility requirements, storage of drugs, farm bulk tanks, milkhouses, dairy plant buildings, and plant employees; to change license requirements to permit requirements; to change provisions relating to vat method of pasteurization, labeling, and director's duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 269. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the judicial nominating commission; to amend section 24-811.02, Reissue Revised Statutes of Nebraska, 1943, and section 24-809, Revised Statutes Supplement, 1992; to change the manner of voting; to report the vote as prescribed; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 7CA. Introduced by Kristensen, 37.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to add a new section 32 to Article V:

V-32 "The Supreme Court shall give their written opinion upon important questions of law relating to revenue whenever requested by both the Legislature and Governor.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to require the Supreme Court to give their written opinion upon important questions relating to revenue upon request of both the Legislature and Governor.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 8CA. Introduced by Chambers, 11; Baack, 47; Pedersen, 39; Witek, 31; Abboud, 12; Avery, 3; Bernard-Stevens, 42; Bohlke, 33; Bromm, 23; Coordsen, 32; Crosby, 29; Cudaback, 36; Day, 19; Dierks, 40; Elmer, 38; Haberman, 44; Hall, 7; Hartnett, 45; Hillman, 48; Hohenstein, 17; Horgan, 4; Hudkins, 21; Janssen, 15; Kristensen, 37; Lindsay, 9; Lynch, 13; McKenzie, 34; Preister, 5; Robak, 22; Schimek, 27; Schmitt, 41; Vrtiska, 1; Wesely, 26; Wickersham, 49; Withem, 14.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article III, section 7:

III-7 "~~At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all~~ All members shall be

elected for ~~a term~~ terms of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office; and the law providing for such redistricting shall ~~where~~ when necessary specify the newly established district which they shall represent for the balance of their ~~term~~ terms. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than ~~his or her~~ salary and expenses, ~~and employees~~ except that members of the Legislature may participate in any employee benefit programs or plans in which other state officers are authorized to participate. Employees of the Legislature shall receive no compensation other than ~~their~~ salary or per diem.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize members of the Legislature to participate in employee benefit programs or plans in which other state officers are authorized to participate.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 9. Introduced by Bromm, 23; Hudkins, 21.

WHEREAS, Concrete Industries, Inc. owns property located in Saunders County, Nebraska; and

WHEREAS, the Game and Parks Commission has the general authority to acquire real estate with the consent of the Governor by gift; and

WHEREAS, in the interest of promoting outdoor opportunities for Nebraskans, the Legislature wishes to grant approval for the Game and Parks Commission to obtain title to all or any part of such land presently held by Concrete Industries, Inc.

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

1. That the Legislature approves the gift from Concrete Industries, Inc. to the Game and Parks Commission of all of the real estate described as follows:

Lots 5 and 6 of section 17, lots 2 and 3 of section 20, and the southeast quarter of the northeast quarter, and the east half of the southeast quarter of section 18, all in township 14 north, range 10 east of the 6th principal meridian, Saunders County, Nebraska, except that part conveyed to Clear Creek Drainage District as shown by deed at Book 44, Page 118 (subject to roadway along the south side of the southeast quarter of section 18 and lot 6 of section 17), except for not to exceed 15 acres immediately surrounding the residence on the property, which 15 acres shall constitute the farmstead; and

The west half of the southeast quarter (W1/2SE1/4) and the southwest quarter of the northeast quarter (SW1/4NE1/4), section 18, township 14 north, range 10 east of the 6th principal meridian, Saunders County, Nebraska, containing 120 acres, more or less.

2. That such approval is granted by the Legislature with the understanding that the land described shall be designated and utilized as a wildlife management area.

Laid over.

ANNOUNCEMENTS

Mr. Abboud announced the Business and Labor Committee elected Mr. Vrtiska as Vice Chairperson.

Mr. Lindsay announced the Judiciary Committee elected Mr. Chambers as Vice Chairperson.

Mr. Will announced the Rules Committee elected Mr. Bromm as Vice Chairperson.

UNANIMOUS CONSENT - Add Cointroducers

Ms. Schimek asked unanimous consent to have her name added as cointroducer to LB 76 and LB 83. No objections. So ordered.

Mr. Hall asked unanimous consent to have his name added as cointroducer to LB 195. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 270. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to loan brokers; to amend sections 45-191 and 59-1617, Reissue Revised Statutes of Nebraska, 1943, and section 45-190, Revised Statutes Supplement, 1992; to define a term; to prohibit acts as prescribed; to eliminate provisions relating to investigations, orders, hearings, and penalties; to provide for a disclosure statement as prescribed, a fee, public access to disclosure documents, penalties, a loan brokerage agreement as prescribed, rules and regulations, and voidance of the loan brokerage agreement as prescribed; to provide for investigations, orders, and hearings as prescribed; to provide powers and duties for the Director of Banking and Finance; to provide for an administrative fine, civil penalties, and exemptions; to harmonize provisions; and to repeal the original sections, and also sections 45-192 and 45-193, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 271. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to State Capitol environs; to amend sections 90-302 and 90-303, Reissue Revised Statutes of Nebraska, 1943, and section 90-301, Revised Statutes Supplement, 1992; to rename an act; to change and authorize regulation of the Nebraska State Capitol Environs District; to authorize appeals of decisions; to require an annual report; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 272. Introduced by Pirsch, 10; Crosby, 29; Pedersen, 39; Schmitt, 41; Vrtiska, 1; Witek, 31.

A BILL FOR AN ACT relating to pornography; to amend sections 28-808 and 28-809, Reissue Revised Statutes of Nebraska, 1943; to increase penalties for offenses related to delivery of pornography to minors; and to repeal the original sections.

LEGISLATIVE BILL 273. Introduced by Pirsch, 10; Cudaback, 36; Hillman, 48; Janssen, 15; McKenzie, 34; Schmitt, 41; Vrtiska, 1; Witek, 31.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-105, Reissue Revised Statutes of Nebraska, 1943, and section 28-416, Revised Statutes Supplement, 1992; to change and provide penalties relating to controlled substances; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 274. Introduced by Will, 8.

A BILL FOR AN ACT relating to motor vehicle operator's licenses; to amend section 60-4,119, Revised Statutes Supplement, 1992; to provide for unalterable identification cards and motor vehicle licenses; and to repeal the original section.

LEGISLATIVE BILL 275. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to telecommunications; to amend sections 87-302, 87-303.08, and 87-303.11, Revised Statutes Supplement, 1992; to regulate activities involving automatic dialing-announcing devices and facsimile and similar machines; to define terms; to provide penalties; to provide powers and duties for the Public Service Commission; to eliminate provisions relating to such devices and machines; to harmonize provisions; and to repeal the original sections, and also sections 87-307 to 87-312, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 276. Introduced by Pirsch, 10; Hohenstein, 17; Lindsay, 9; Witek, 31.

A BILL FOR AN ACT relating to correctional services; to amend section 83-183.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to deposit of inmate wages in the Victim's Compensation Fund; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 277. Introduced by Pirsch, 10; Hohenstein, 17; Lindsay, 9; Witek, 31.

A BILL FOR AN ACT relating to parolee supervision; to amend sections 29-2246, 83-1,102, 83-1,103, and 83-1,116, Reissue Revised Statutes of Nebraska, 1943; to provide for a parole supervision fee to be paid by parolees; to eliminate duties of parole officers and references to probation in parole statutes; to harmonize provisions; and to repeal the original sections, and also section 83-1,104, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 278. Introduced by Pirsch, 10; Lindsay, 9; Pedersen, 39; Witek, 31.

A BILL FOR AN ACT relating to the Interstate Compact on Juveniles; to amend section 43-1002, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to provide an out-of-state rendition amendment; and to repeal the original section.

LEGISLATIVE BILL 279. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-431, 28-438, 28-441, 28-442, and 28-445, Reissue Revised Statutes of Nebraska, 1943, and sections 28-1439.02 to 28-1439.05 and 81-2004.05, Revised Statutes Supplement, 1992; to transfer, change, and provide provisions on seizure and disposition of certain property involved in criminal activity; to harmonize provisions; to provide severability; and to repeal the original sections.

ANNOUNCEMENT

Mr. Withem announced the Education Committee elected Mrs. Bohlke as Vice Chairperson.

VISITORS

Visitors to the Chamber were 13 members from the Knox County Dooers.

ADJOURNMENT

At 12:06 p.m., on a motion by Speaker Baack, the Legislature adjourned until 10:00 a.m., Tuesday, January 12, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTH DAY - JANUARY 12, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 12, 1993

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

PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Byars, Chambers, Dierks, Hall, Horgan, Landis, Lindsay, Will, Withem, and Mrs. Rasmussen who were excused; and Messrs. Avery, Beutler, Hartnett, Lynch, Moore, Warner, Mmes. McKenzie, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourth day was approved.

MOTION - Adopt Temporary Rules

Mr. Haberman moved that the Rules, as now in our possession, be adopted for today only, Tuesday, January 12, 1993.

The motion prevailed.

ANNOUNCEMENTS

Mr. Hall announced the Reference Committee will meet Wednesday, January 13, 1993, upon adjournment as opposed to 9:00 a.m., Wednesday, January 13, 1993.

Mr. Warner announced the Revenue Committee elected Mr. Coordsen as Vice Chairperson.

COMMUNICATION

January 7, 1993

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

Dear Mr. O'Donnell:

Pursuant to the provisions of Section 85-404, Reissue Revised Statutes of Nebraska, 1943, as amended, the State College Board of Trustees is submitting to the Legislature for consideration, a resolution authorizing Wayne State College to proceed with the renovation to and construction of an addition to the Student Center facility on that campus. This facility is needed to provide for the student activity needs of the Wayne State College community.

As required by law, the plans for the project were submitted to the Coordinating Commission of Postsecondary Education for their consideration. In their official meeting this morning, the Commission voted to submit their recommendation to the Legislature that this project be approved.

Attached you will find the following items:

1. Resolutions authorizing the project:
   a) Resolution approved by the Board of Trustees on January 17, 1992
   b) Draft resolution for Legislative use
2. Excerpts from the Program Statement for the project:
   a) Introduction
   b) Purpose and Objectives of the Project
   c) Justification of Need
3. Financial Feasibility Plan

Should the Legislature require additional information on this matter, please feel free to contact me at 471-2505.

Respectfully Submitted,
(Signed) Dr. Carrol Krause
Executive Director
State College Board of Trustees

xc: Mrs. Wynn Nuckolls, Chair, Board of Trustees
Dr. Donald Mash, President, Wayne State College

Referred to the Reference Committee.

REPORTS

Received report from the Department of Environmental Quality showing the financial status of Program #518, Construction Grants Program, in accordance with the provisions of Section 81-1533 of the Reissue Revised Statutes of Nebraska.

Received report from the Department of Environmental Quality showing the status of Program #523, Small Town Grants Program, in accordance with the provisions of Section 81-15,153 of the Statutes of Nebraska.

RESOLUTION

LEGISLATIVE RESOLUTION 10. Introduced by Haberman, 44.

WHEREAS, Eustis, Nebraska, is a German community established in 1886 with a present population of 452; and

WHEREAS, Eustis is located sixty miles north of McCook and sixty miles south of North Platte; and

WHEREAS, the people of Eustis and the surrounding community make summer sausage, pressed wurst, bratwurst, leberwurst, blutwurst, dried sausage, Polish sausage, deer sausage, pork sausage, oatmeal sausage, scrapple, and head cheese; and

WHEREAS, the community of Eustis sets aside the second Saturday of June to celebrate Wurst Tag or sausage day.

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

1. That the village of Eustis, in keeping with its German heritage of sausage making, is hereby given the official designation "SAUSAGE CAPITAL OF NEBRASKA".

2. That a copy of this resolution be sent to Patricia R. Keller, Eustis Chamber of Commerce.

Laid over.

UNANIMOUS CONSENT - Member Excused

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 5. Read. Considered.

LR 5 was adopted with 27 ayes, 0 nays, and 22 not voting.

Messrs. Coordsen and Vrtiska asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE RESOLUTION 6. Read. Considered.

LR 6 was adopted with 28 ayes, 0 nays, and 21 not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 280. Introduced by Moore, 24.

A BILL FOR AN ACT relating to the Nebraska Arts Council; to amend section 82-313, Reissue Revised Statutes of Nebraska, 1943; to provide an additional power for the council; and to repeal the original section.

LEGISLATIVE BILL 281. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to military personnel; to amend section 80-901, Reissue Revised Statutes of Nebraska, 1943; to phase out the tuition credit for members of the Nebraska-based unit of the Active Selective Reserve of the armed forces; and to repeal the original section.

LEGISLATIVE BILL 282. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to headlights; to amend sections 39-6,127, 39-6,130, 39-6,162, 39-6,163, 60-2013, 60-2803, and 74-592, Reissue Revised Statutes of Nebraska, 1943, and section 39-6,138, Revised Statutes Supplement, 1992; to change provisions as to when headlights must be displayed; and to repeal the original sections.

LEGISLATIVE BILL 283. Introduced by Haberman, 44.

A BILL FOR AN ACT relating to the Commodity Code; to amend sections 8-1701, 8-1704 to 8-1707, 8-1719, 8-1721, 8-1724, and 8-1726, Reissue Revised Statutes of Nebraska, 1943; to adopt federal rules as prescribed; to redefine terms; to change applicability of the code as prescribed; to provide for additional prohibited acts as prescribed; to provide for restitution; to provide for civil actions and

limitations on civil and criminal actions as prescribed; to provide an affirmative defense; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 284. Introduced by Kristensen, 37; Byars, 30; Janssen, 15; Lynch, 13.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-2704.07, Revised Statutes Supplement, 1992; to exempt newspaper advertising supplements from tax; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 285. Introduced by Hall, 7.

A BILL FOR AN ACT relating to employment security; to amend section 48-624, Revised Statutes Supplement, 1992; to change the weekly payment benefits amount; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 286. Introduced by Hall, 7.

A BILL FOR AN ACT relating to employment security; to amend section 48-624, Revised Statutes Supplement, 1992; to change the weekly benefit amount; and to repeal the original section.

LEGISLATIVE BILL 287. Introduced by Hall, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-179, Revised Statutes Supplement, 1992; to change provisions relating to the hours for sale of liquor; and to repeal the original section.

LEGISLATIVE BILL 288. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to savings and loan associations; to amend section 8-355, Revised Statutes Supplement, 1992; to change provisions relating to powers of savings and loan associations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 289. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the Nebraska Environmental Trust Act; to amend sections 81-15,170, 81-15,171, 81-15,175, and 81-15,176, Revised Statutes Supplement, 1992; to change provisions relating to membership on the Nebraska Environmental Trust Board and to priorities for allocation of funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 290. Introduced by Coordsen, 32; Ashford, 6; Byars, 30; Lynch, 13.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-303, Reissue Revised Statutes of Nebraska, 1943, and section 77-202, Revised Statutes Supplement, 1992; to establish a fee on the gross receipts of rental transactions; to exempt rental vehicles from taxation; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 291. Introduced by Robak, 22; Bernard-Stevens, 42; Bohlke, 33; Byars, 30; Moore, 24; Wesely, 26.

A BILL FOR AN ACT relating to the Nebraska Comprehensive Community Mental Health Services Act; to amend sections 71-5003 and 71-5008, Reissue Revised Statutes of Nebraska, 1943; to create and provide duties for the State Mental Health Planning and Evaluation Council; to eliminate the State Mental Health Advisory Committee; to harmonize provisions; and to repeal the original sections.

UNANIMOUS CONSENT - Member Excused

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

EASE

The Legislature was at ease from 10:23 a.m. until 10:39 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 292. Introduced by Crosby, 29; Fisher, 35.

A BILL FOR AN ACT relating to school employees retirement; to amend sections 79-1501.01, 79-1520, and 79-1522.01, Revised Statutes Supplement, 1992; to change retirement date and benefit provisions; to create a fund; to provide uses for the fund; to provide powers for the Public Employees Retirement Board; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 293. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to elections; to amend section 49-14,123, Revised Statutes Supplement, 1992; to adopt the Campaign Finance Reform Act; to provide powers and duties for the Nebraska Accountability and Disclosure Commission; to harmonize provisions; to eliminate the Campaign Finance Limitation Act; and to repeal the original section, and also sections 32-1601 to 32-1606 and 32-1608 to 32-1610, Revised Statutes Supplement, 1992, and section 32-1607, Revised Statutes Supplement, 1992, as amended by section 3, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992.

LEGISLATIVE BILL 294. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to liability; to exempt retired physicians and dentists from liability for civil damages for volunteer work.

LEGISLATIVE BILL 295. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to fees; to amend sections 33-106 and 48-139, Reissue Revised Statutes of Nebraska, 1943; and section 33-106.02, Revised Statutes Supplement, 1992; to change provisions relating to fees of the clerk of the district court; and to repeal the original sections.

LEGISLATIVE BILL 296. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to the Public Employee Retirement Board; to amend section 84-1501, Revised Statutes Supplement, 1992; to change the membership of the board as prescribed; and to repeal the original section.

LEGISLATIVE BILL 297. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 39-654, 39-690, and 39-691, Reissue Revised Statutes of Nebraska, 1943, and section 39-669.26, Revised Statutes Supplement, 1992; to change certain rules relating to bicycles as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 298. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2704.12, Revised Statutes Supplement, 1992; to exempt purchases by certain nonprofit corporations from taxation; and to repeal the original section.

LEGISLATIVE BILL 299. Introduced by Robak, 22; Pirsch, 10; Schimek, 27.

A BILL FOR AN ACT relating to stalking; to amend sections 28-311.02 to 28-311.04, 42-903, and 42-924, Revised Statutes Supplement, 1992; to state intent; to change and eliminate definitions; to change provisions relating to the offense of stalking; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 300. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 37-1103, 39-2510, 39-2520, 60-303, 60-305.04, 60-305.11, 60-305.15, 60-311.02, 60-311.21, 60-318, 60-1803, 60-1807, 70-651.05, 77-202.01 to 77-202.06, and 77-202.25, Reissue Revised Statutes of Nebraska, 1943, and sections 60-106, 60-302, 60-310, 60-311.14, 60-315, 60-320, 60-344, 60-1411.03, 66-4,128, 66-644, 77-201, 77-202, 77-202.24, 77-1201, 77-1202, and 77-1736.08, Revised Statutes Supplement, 1992; to define terms; to impose fees on motor vehicles and rental transactions; to provide exemptions from the fees; to provide fee schedules; to provide and eliminate certain tax exemptions; to rename a fund; to eliminate provisions relating to the valuation and taxation of motor vehicles; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 60-1806, 77-202.08, 77-1239.01, 77-1239.02, 77-1240, 77-1240.04, and 77-1242.02, Reissue Revised Statutes of Nebraska, 1943, and sections 77-1238, 77-1239, 77-1240.01, 77-1240.03, 77-1241.01, and 77-1242.01, Revised Statutes Supplement, 1992.

NOTICE OF COMMITTEE HEARING
Agriculture

Governor Appointments Tuesday, January 19, 1993 1:30 p.m.
Climate Assessment Response Committee
Rod Armstrong
Jack Daniel
Elbert Dickey
General Stanley Heng
Michael Jess
Dick Mercer
Ron Saylor
Larry Sitzman
Perry Wigley
Dayle Williamson

(Signed) Merton L. Dierks, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 110 through 201 and legislative resolutions 2CA and 3CA.

LB	Committee
110	Judiciary
111	Banking, Commerce and Insurance
112	Transportation
113	Judiciary
114	Judiciary
115	Judiciary
116	Banking, Commerce and Insurance
117	Judiciary
118	Business and Labor
119	Urban Affairs
120	Judiciary
121	Banking, Commerce and Insurance
122	Banking, Commerce and Insurance
123	Transportation
124	Business and Labor
125	Natural Resources
126	Transportation
127	General Affairs
128	Revenue
129	General Affairs
130	Judiciary
131	Natural Resources
132	Natural Resources
133	Judiciary
134	Revenue
135	Health and Human Services
136	Revenue
137	Judiciary
138	General Affairs
139	Agriculture
140	Business and Labor
141	Urban Affairs
142	Judiciary
143	Banking, Commerce and Insurance
144	Natural Resources
145	Transportation
146	Government, Military and Veterans Affairs
147	Agriculture
148	Natural Resources
149	Natural Resources

150	Banking, Commerce and Insurance
151	Judiciary
152	Health and Human Services
153	Transportation
154	Judiciary
155	Natural Resources
156	Judiciary
157	Urban Affairs
158	Transportation
159	Revenue
160	Judiciary
161	Revenue
162	Business and Labor
163	Judiciary
164	Transportation
165	Transportation
166	Government, Military and Veterans Affairs
167	Health and Human Services
168	Health and Human Services
169	Government, Military and Veterans Affairs
170	Government, Military and Veterans Affairs
171	Revenue
172	Natural Resources
173	Transportation
174	Revenue
175	Revenue
176	Transportation
177	Education
178	Judiciary
179	Education
180	Revenue
181	Education
182	Natural Resources
183	General Affairs
184	Education
185	Government, Military and Veterans Affairs
186	Education
187	Health and Human Services
188	Judiciary
189	Revenue
190	Government, Military and Veterans Affairs
191	Transportation
192	General Affairs
193	General Affairs
194	Education
195	Revenue
196	Transportation

197	Transportation
198	Transportation
199	Urban Affairs
200	Transportation
201	Transportation

LR	**Committee**
2CA	Judiciary
3CA	Education

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

ANNOUNCEMENT

Mr. Ashford announced the Intergovernmental Cooperation Committee elected Mr. Bernard-Stevens as Vice Chairperson.

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Robak asked unanimous consent to have her name added as cointroducer to LB 37 and LB 55. No objections. So ordered.

Mr. Jones asked unanimous consent to have his name added as cointroducer to LB 266. No objections. So ordered.

EASE

The Legislature was at ease from 10:45 a.m. until 10:55 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 301. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to water; to amend sections 46-204, 46-288, 46-2,107 to 46-2,110, and 46-2,115, Reissue Revised Statutes of Nebraska, 1943, and sections 46-242 and 46-2,116, Revised Statutes Supplement, 1992; to state intent; to recognize an interrelationship between ground water and surface water; to provide for ground water, storage facility, and instream flow appropriations for public water suppliers; to provide a restriction on reduction of lawful diversions; to define and redefine terms; to change and provide duties for the Director of Water Resources; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 302. Introduced by Wickersham, 49; Baack, 47; Bernard-Stevens, 42; Bohlke, 33; Cudaback, 36; Elmer, 38; Fisher, 35; Hillman, 48; Jones, 43; McKenzie, 34.

A BILL FOR AN ACT relating to water; to authorize the transfer of certain appropriations as prescribed.

LEGISLATIVE BILL 303. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-4,141.01, Revised Statutes Supplement, 1992; to change provisions relating to financial examinations for Class I school districts; and to repeal the original section.

LEGISLATIVE BILL 304. Introduced by Wesely, 26; Schimek, 27.

A BILL FOR AN ACT relating to judicial nominating commissions; to amend section 24-811.01, 24-811.02, and 24-812.01, Reissue Revised Statutes of Nebraska, 1943, and section 24-810, Revised Statutes Supplement, 1992; to change nomination procedures; to provide requirements for sessions of the commissions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 305. Introduced by McKenzie, 34; Bohlke, 33; Day, 19.

A BILL FOR AN ACT relating to telecommunication equipment; to amend sections 86-901 to 86-906, Revised Statutes Supplement, 1992; to name the Telecommunications Relay System Act; to redefine a term; to change funding for such system; to rename a fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 306. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to courts; to amend sections 24-312 and 43-2,125, Reissue Revised Statutes of Nebraska, 1943, and sections 24-503 and 24-810, Revised Statutes Supplement, 1992; to change provisions relating to appointment of judges of the county court to serve for other judges; to change provisions relating to county court judicial districts; to change provisions relating to the duties of the judicial resources commission; and to repeal the original sections.

LEGISLATIVE BILL 307. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to budget limitations; to amend sections 77-3437, 77-3438, and 77-3441, Revised Statutes Supplement, 1992; to provide for exceeding the budget limitation for certain state and federal mandates as prescribed; to exempt from the budget limitation certain taxes levied by a county board in a ministerial capacity; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 308. Introduced by Hohenstein, 17; Witek, 31.

A BILL FOR AN ACT relating to child support; to amend section 42-358.02, Revised Statutes Supplement, 1992; to provide for publication of persons in arrears as provided; and to repeal the original section.

LEGISLATIVE BILL 309. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-480, 60-484, 60-4,107, 60-4,114, 60-4,118, and 60-4,127, Revised Statutes Supplement, 1992; to provide for a urine test for alcohol or illegal drugs for certain applicants for a motor vehicle operator's license or a Class M license as prescribed; to change provisions relating to revocation; to harmonize provisions; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 11CA. Introduced by Beutler, 28.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article IV, section 20, Article V, section 5, and Article VII, sections 3, 10, and 14, add a new section 5A to Article III, and repeal Article III, section 5:

III-5A "The Legislature shall redistrict the state after each federal decennial census. The primary basis for such redistricting shall be the population, excluding aliens, as shown by the next preceding federal decennial census. In no case shall the population of a legislative district, at the time redistricting is done, deviate by more than two percent from the population figure obtained by dividing the population of the state by the number of legislative districts. One member of the Legislature shall be elected from each district. Districts shall be composed of contiguous territory, shall be reasonably compact in form,

and may recognize existing communities of common economic interest. District boundaries should respect county and municipal lines but may deviate from such boundaries in recognition of the other standards set forth in this section. No district shall be drawn for the purpose of favoring or disfavoring a political party, an incumbent, or another person or group."

IV-20 "There shall be a Public Service Commission, consisting of not less than three nor more than seven members, as the Legislature shall prescribe, whose ~~term~~ terms of office shall be six years; and whose compensation shall be fixed by the Legislature. Commissioners shall be elected by districts of substantially equal population as the Legislature shall provide, but in no case shall the population of a Public Service Commission district, at the time redistricting is done, deviate by more than two percent from the population figure obtained by dividing the population of the state by the number of Public Service Commission districts. The Legislature shall redistrict the state after each federal decennial census. The primary basis for such redistricting shall be the population, excluding aliens, as shown by the next preceding federal decennial census. Districts shall be composed of contiguous territory, shall be reasonably compact in form, and may recognize existing communities of common economic interest. District boundaries should respect county and municipal lines but may deviate from such boundaries in recognition of the other standards set forth in this section. No district shall be drawn for the purpose of favoring or disfavoring a political party, an incumbent, or another person or group. The powers and duties of such commission shall include the regulation of rates, service and general control of common carriers as the Legislature may provide by law. ~~But, in~~ In the absence of specific legislation, the commission shall exercise the powers and perform the duties enumerated in this provision."

V-5 "The Legislature shall divide the state into six ~~contiguous and compact~~ districts of approximately equal population; which shall be numbered from one to six; and which shall be known as the Supreme Court judicial districts. The Legislature shall redistrict the state after each federal decennial census. ~~In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature.~~ The primary basis for such redistricting shall be the population, excluding aliens, as shown by the next preceding federal decennial census. In no case shall the population of any Supreme Court judicial district, at the time redistricting is done, deviate by more than two percent from the population figure obtained by dividing the population of the state by the number of Supreme Court judicial districts. Districts shall be composed of contiguous territory, shall be reasonably compact in form, and may recognize existing communities of common economic interest. District boundaries should respect county and municipal lines but may deviate from such boundaries in recognition of the other standards set

forth in this section. No district shall be drawn for the purpose of favoring or disfavoring a political party, an incumbent, or another person or group. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. Whenever the Supreme Court is redistricted, the judges serving prior to the redistricting shall continue in office; and the law providing for such redistricting shall ~~where~~ when necessary specify the newly established districts which they shall represent for the balance of their terms."

VII-3 "The State Board of Education shall be composed of eight members; who shall be elected from eight districts of substantially equal population as provided by the Legislature. The Legislature shall redistrict the state after each federal decennial census. The primary basis for such redistricting shall be the population, excluding aliens, as shown by the next preceding federal decennial census. In no case shall the population of any State Board of Education district, at the time such redistricting is done, deviate by more than two percent from the population figure obtained by dividing the population of the state by the number of State Board of Education districts. Districts shall be composed of contiguous territory, shall be reasonably compact in form, and may recognize existing communities of common economic interest. District boundaries should respect county and municipal lines but may deviate from such boundaries in recognition of the other standards set forth in this section. No district shall be drawn for the purpose of favoring or disfavoring a political party, an incumbent, or another person or group. ~~Their term~~

Terms of office of the members shall be ~~for~~ four years each. ~~Their duties~~ Duties and powers of the members shall be prescribed by the Legislature, and they shall receive no compensation; but shall be reimbursed their actual expense incurred in the performance of their duties. The members of the State Board of Education shall not be actively engaged in the educational profession, and they shall be elected on a nonpartisan ballot."

VII-10 "The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in a board of not less than six nor more than eight regents, to be designated the Board of Regents of the University of Nebraska, who shall be elected from and by districts as ~~herein~~ provided in this section, and three students of the University of Nebraska who shall serve as nonvoting members. Such nonvoting student members shall consist of the student body president of the University of Nebraska at Lincoln, the student body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center. The terms of office of elected members shall be for six years each. The terms of office of student members shall be for the period of service as student body president. ~~Their duties~~ Duties and powers of the members shall be prescribed by law, ; and they shall receive no

compensation; but may be reimbursed their actual expenses incurred in the discharge of their duties.

The Legislature shall divide the state~~, along county lines,~~ into ~~as many compact regent~~ Board of Regents districts~~, as there are regents provided by the Legislature,~~ of approximately equal population, which shall be numbered consecutively.

The Legislature shall redistrict the state after each federal decennial census. The primary basis for such redistricting shall be the population, excluding aliens, as shown by the next preceding federal decennial census. In no case shall the population of any Board of Regents district, at the time redistricting is done, deviate by more than two percent from the population figure obtained by dividing the population of the state by the number of Board of Regents districts. Districts shall be composed of contiguous territory, shall be reasonably compact in form, and may recognize existing communities of common economic interest. District boundaries should respect county and municipal lines but may deviate from such boundaries in recognition of the other standards set forth in this section. No district shall be drawn for the purpose of favoring or disfavoring a political party, an incumbent, or another person or group. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. ~~In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature.~~ Whenever the state is so redistricted, the members elected prior to the redistricting shall continue in office; and the law providing for such redistricting shall ~~where~~ when necessary specify the newly established district which they shall represent for the balance of their term."

VII-14 "On January 1, 1992, there shall be established the Coordinating Commission for Postsecondary Education which shall, under the direction of the Legislature, be vested with the authority for the coordination of public postsecondary educational institutions. Public postsecondary educational institutions shall include each postsecondary educational campus or institution which is governed by the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, any board or boards established for the community colleges, or any other governing board for any other public postsecondary educational institution which may be established by the Legislature.

Coordination shall mean:

(1) Authority to adopt, and revise as needed, a comprehensive statewide plan for postsecondary education which shall include (a) definitions of the role and mission of each public postsecondary educational institution within any general assignments of role and mission as may be prescribed by the Legislature and (b) plans for facilities which utilize tax funds designated by the Legislature;

(2) Authority to review, monitor, and approve or disapprove each public postsecondary educational institution's programs and capital construction projects which utilize tax funds designated by the Legislature in order to provide compliance and consistency with the comprehensive plan and to prevent unnecessary duplication; and

(3) Authority to review and modify, if needed to promote compliance and consistency with the comprehensive statewide plan and prevent unnecessary duplication, the budget requests of the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, any board or boards established for the community colleges, or any other governing board for any other public postsecondary educational institution which may be established by the Legislature.

The Legislature may provide the commission with additional powers and duties related to postsecondary education as long as such powers and duties do not invade the governance and management authority of the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges as provided in the Constitution of Nebraska, Article VII, sections 10 and 13. The Legislature may provide that coordination of the community colleges by the commission pursuant to this section may be conducted through a board or association representing all the community colleges.

Nothing in this section providing for statewide coordination shall limit or require the use of property tax revenue by and for community colleges.

The commission shall consist of eleven members, residents of the state or the districts for which appointed, who shall be appointed by the Governor with the approval of a majority of the Legislature. Six of the members shall be chosen from ~~six~~ districts of approximately equal population as provided by the Legislature and five shall be chosen on a statewide basis.

The Legislature shall redistrict the state after each federal decennial census. The primary basis for such redistricting shall be the population, excluding aliens, as shown by the next preceding federal decennial census, and in no case shall the population of any Coordinating Commission for Postsecondary Education district, at the time redistricting is done, deviate by more than two percent from the population figure obtained by dividing the population of the state by the number of Coordinating Commission for Postsecondary Education districts. Districts shall be composed of contiguous territory, shall be reasonably compact in form, and may recognize existing communities of common economic interest. District boundaries should respect county and municipal lines but may deviate from such lines in recognition of the other standards set forth in this section. No district shall be drawn for the purpose of favoring or disfavoring a political party, an incumbent, or another person or group.

The terms of the members of the commission shall be six years or until a successor is qualified and takes office, except that of the members initially appointed, four members shall serve for terms of two years and four members shall serve for terms of four years. The members of the commission shall receive no compensation for the performance of their duties but may be reimbursed their actual and necessary expenses."

III-5 "Article III, section 5, of the Constitution of Nebraska is repealed.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to change and provide standards for redistricting legislative, Public Service Commission, State Board of Education, Board of Regents, and Coordinating Commission for Postsecondary Education districts and Supreme Court judicial districts.

For

Against".

Referred to the Reference Committee.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 310. Introduced by Warner, 25.

A BILL FOR AN ACT relating to power districts; to amend sections 70-623, 70-623.03, 84-304.01, and 84-304.02, Reissue Revised Statutes of Nebraska, 1943, and sections 13-501 and 70-623.02, Revised Statutes Supplement, 1992; to exempt power districts from the Nebraska Budget Act; to change audit requirements for power districts; to change powers and duties of the Auditor of Public Accounts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 311. Introduced by Warner, 25.

A BILL FOR AN ACT relating to public buildings and lands; to amend sections 2-127, 72-729, 81-1108.17, 81-1108.32, 81-1108.36, and 81-1108.38, Reissue Revised Statutes of Nebraska, 1943; to eliminate the State Building Advisory Commission; to create the Nebraska Capitol Commission; to provide powers and duties for the commission; to eliminate provisions relating to the Nebraska Educational Telecommunications Building; to harmonize provisions; and to repeal the original sections, and also sections 72-718.03 and 72-718.05, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 312. Introduced by Warner, 25.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Reissue Revised Statutes of Nebraska, 1943; to provide confidentiality for certain records relating to donors and relating to possible sites of archaeological significance as prescribed; and to repeal the original section.

LEGISLATIVE BILL 313. Introduced by Warner, 25.

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

UNANIMOUS CONSENT - Add Cointroducer

Mr. Hall asked unanimous consent to have his name added as cointroducer to LB 190. No objections. So ordered.

ADJOURNMENT

At 11:00 a.m., on a motion by Speaker Baack, the Legislature adjourned until 9:30 a.m., Wednesday, January 13, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

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SIXTH DAY - JANUARY 13, 1993

LEGISLATIVE JOURNAL

SIXTH DAY - JANUARY 13, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 13, 1993

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Moul presiding.

PRAYER

The prayer was offered by Reverends Louis and Ann Phfleger, Nazarene Church, Crawford, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Landis who was excused; and Messrs. Abboud, Ashford, Byars, Hartnett, Kristensen, Lindsay, Preister, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifth day was approved.

MOTION - Adopt Temporary Rules

Mr. Will moved that the Rules, as now in our possession, be adopted for today only, Wednesday, January 13, 1993.

The motion prevailed.

NOTICE OF COMMITTEE HEARINGS
Education

LB 93	Monday, January 25, 1993	1:30 p.m.
LB 177	Monday, January 25, 1993	1:30 p.m.

LB 181	Monday, January 25, 1993	1:30 p.m.
LB 194	Monday, January 25, 1993	1:30 p.m.

(Signed) Ron Withem, Chairperson

General Affairs

LB 54	Monday, January 25, 1993	1:30 p.m.
LB 138	Monday, January 25, 1993	1:30 p.m.
LB 183	Monday, January 25, 1993	1:30 p.m.

(Signed) Stan Schellpeper, Chairperson

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 9 was referred to the Reference Committee.

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1992 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Middle Republican Natural Resources District	
Schroeder Law Office	276.50

REPORT

Received biennial report from the State Treasurer for the period of July 1, 1990 through June 30, 1992, pursuant to Nebraska State Statute 84-602 R.R.S.

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Bohlke asked unanimous consent to have her name added as cointroducer to LB 84. No objections. So ordered.

Mr. Pedersen asked unanimous consent to have his name added as cointroducer to LB 308. No objections. So ordered.

Mr. Warner asked unanimous consent to have his name added as cointroducer to LR 6. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Cointroducer

Mrs. Witek asked unanimous consent to have her name withdrawn as cointroducer to LR 8CA. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 5 and LR 6.

PRAYER

The prayer was offered by Bishop Fabian Bruskewitz, Lincoln Catholic Diocese.

MOTION - Escort Governor

Mr. Baack moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State and Budget Address.

The motion prevailed.

The Chair appointed Ms. Day, Mrs. McKenzie, Messrs. Avery, Jones, and Hohenstein to serve on said Committee.

The Committee returned and escorted Governor Ben Nelson to the rostrum where he delivered the following State of the State and Budget Address.

STATE OF THE STATE/BUDGET ADDRESS

1992 marked the one-hundred-twenty-fifth year of statehood for Nebraska -- our Quasquicentennial.

It has been a time of celebration.

A time to remember and honor those who came before;

A time to recognize and celebrate our diverse cultural heritage;

A time to express pride and renew appreciation for our land, our people -- the strength that is Nebraska.

Just as those who occupied this corner of the world for centuries before us, we are obliged to continue on the path, building the framework of the future for our children and grandchildren.

We will continue our quest for excellence in 1993, and we start from a solid foundation.

**Nebraska's economy remains sound, weathering well the storm of national recession. We boast one of the lowest unemployment rates in the nation.

**For the first time in nearly a decade, more people are moving into Nebraska than are moving out.

**Through the cooperation and hard work of my administration and the Legislature, we have restored stability to the property tax system, and we have laid the groundwork for reasoned discussion of the next budget.

As we approach the turn of the millennium, the decisions we face are framed in a new context.

We are entering a challenging era in history.

**One in which change is rapid and constant;

**One which presents a myriad of problems, and opportunities;

**One in which a new style of leadership will be required.

With change comes discomfort. We long to preserve the familiar, and we are right to hold onto that which endures.

But some change is inevitable. The key is to know the difference between that which is transient, and that which is timeless...

Leadership in the 1990's and beyond involves the capacity to understand, to respond, and even to shape change. To do so, a leader must act in partnership, not in isolation.

The greatest form of leadership is empowering others to become leaders themselves -- to invite others to stand shoulder-to-shoulder, not to demand that they fall in line behind.

Leadership involves creating an environment that inspires people to make things happen. And things are happening in Nebraska.

Our accomplishments have been achieved together, as One Nebraska. Together, we have made real progress in spite of tough budget times. Together, we have delivered.

Focusing on the "Three E's" -- Economic Development, Environment, and Education -- we are seizing control of Nebraska's destiny.

Together, we are making real progress on our economic agenda.

**Our development policy is supporting businesses, communities, and their leaders in the pursuit of sustained economic growth.

**Trade missions to the Middle East and the Pacific Rim are paying dividends for agriculture and other Nebraska businesses.

**The Governor's Rural Development Commission -- and the Office of Urban Affairs -- are both focusing their efforts on community-based success.

** Whether in Omaha or Cambridge, Scottsbluff or Falls City: success is community-based, and enterprise-focused. State government is the junior partner -- but we can be, and we will be, an active partner.

Together, we are making real progress on our environmental agenda.

**We have handed Nebraskans a new tool for lasting contributions to our quality of life through the Environmental Trust Fund.

**The Solid Waste Management Act passed last year has led 91 of our 93 counties, and nearly 90 percent of our communities, to outline environmentally-sound waste management plans that meet both local and regional needs.

**An invigorated state recycling program has placed Nebraska second in the nation in the use of recycled paper -- and we're pushing hard to be first.

**Together, we have developed an action plan for energy conservation, implementing ideas from converting state vehicles to alternate fuels, to enhancing the Dollar and Energy Saving Loan Program.

**Together, after a decade with no solution, we have delivered to the Feds a Nebraska solution for the relicensing of Kingsley Dam.

**We are moving ahead with the lawsuit against Wyoming on flows in the North Platte River. Our case is strong; it is being presented in front of the United States Supreme Court this morning. Water wars with neighboring states are unpleasant, but we will protect our water.

**Together, we have delivered to Boyd County voters a voice in their own destiny. Community consent does not exist, and the Attorney General will file a lawsuit today in Federal District Court to force removal of Boyd County from consideration as the dump site.

In the meantime, I am asking the Legislature to strike language that requires the state to take title to any waste stored in the low-level dump -- if and when it is built. This action is based upon a U.S.

Supreme Court ruling in a New York case, and it will help protect the state from liability. Safety will continue to be our top priority.

Together, we are making real progress on our education agenda.

**The Education Innovation Fund opens a host of opportunities for new ideas in education.

**Fourteen communities are now part of our Nebraska 2000 initiative, and dozens more are developing improvement plans for High Performance Learning.

**My experience as Chair of the National Education Goals Panel has shown me that we still have work to do. But I have also learned that Nebraskans are responding through their commitment to broad-based, grass-roots school transformation. Business leaders, parents, administrators, teachers and students are all involved in our drive to reach world-class standards.

**Pilot projects throughout Nebraska are linking schools together with interactive video.

**The Rural Health Education Network is expanding access to continuing education programs for health professionals across the state.

**Higher education continues to be one of Nebraska's primary assets. I am pleased with our progress in bringing business and higher education together to fashion a research agenda. Our goal is a program that combines academic freedom with responsiveness to the needs of industry.

**The Coordinating Commission for Postsecondary Education is making its presence felt. Over the long term, the Commission must have a positive impact on higher education in Nebraska.

We are doing things right. Our agenda has been packed, and much more could be said about Nebraska's accomplishments in areas like children and families or the role volunteers play in stretching the value of our resources.

Our agenda has been ambitious. And together, we are making progress.

But our agenda is not finished. There is work yet to be done.

**Tough choices must be made in order to maintain the stability we have worked so hard to establish. We have to finish the job we began last fall. The budget I am presenting today is spartan -- it is a hold-the-line budget -- it is austere. We must balance the budget.

**Keeping state spending in line helps to stabilize our economy -- promoting investment and creating jobs. We take pride in our low unemployment rate. But we must continue to work toward the creation of more high-skilled, high-paying jobs where working means earning a living.

The Applied Information Management initiative is a creative approach toward this objective. We will continue to work closely with the AIM Institute to match the skill requirements of Nebraska business with appropriate education and training programs.

**Enterprise Zone legislation is needed to provide incentives for job creation in economically-distressed areas throughout Nebraska. Our goal is to improve -- significantly -- the neighborhoods and the standard of living for the residents of enterprise zones.

**The turnaround in net migration is encouraging But population continues to decline in rural Nebraska. We need to maintain and build on the momentum created by our Rural Development Commission -- and the projects it has initiated -- by giving it a permanent home in the Department of Economic Development.

The Commission has been recognized under the President's Initiative on Rural America Act, and federal funds have been secured. Their resourcefulness means that no new state dollars will be required to continue Commission activities.

**Transportation is essential for Nebraska's economy, and for our people. Our highway system is rapidly improving, with a record $282 million construction program last year.

Mass transit systems are a critical piece of Nebraska's transportation infrastructure. Transit systems exist in almost every area of the state, but they are not connected with each other, or with interstate transportation.

Accordingly, I have proposed the creation of the Intercity Bus System that connects existing local systems into a statewide network. Our goal is an urban/rural link that improves access for all Nebraskans to regional health care services, interstate transportation, and other essential services.

**Nebraska's contribution to fueling America's transportation needs is growing rapidly. Ethanol is on the move. In addition to new construction underway during 1992, we welcomed Cargill's announcement that it would build a large corn processing plant near Blair.

This facility has the potential to process hundreds of thousands of bushels of corn daily by the end of the decade. Ethanol holds promise both for the environment, and for Nebraska agriculture through the creation of new markets.

** Production agriculture is fundamental to Nebraska. With that in mind, I intend to support four specific initiatives that will benefit Nebraska agriculture.

First, Nebraska should take on the management of the federal pesticide program known as FIFRA. State government is in the best position to administer this program, and to do so in a way that protects both the needs of agriculture and the environment.

Second, I will continue to promote Nebraska agriculture aggressively, both at home and abroad. The Department of Agriculture is making internal reallocations to direct additional resources toward ag promotion activities.

Third, I am supporting legislation to streamline the process for obtaining overweight farm truck permits. Timing is everything in getting crops out of the field and hauled to market. I want to minimize the time required to apply for and receive an overweight permit. This should be a user-friendly program.

Fourth, Nebraska agriculture must have a voice in allocating resources from the Environmental Trust Fund. The lottery bill adds the Director of Agriculture to the Environmental Trust Board, along with three additional members of the general public to maintain balance. The legislation also makes it clear that any land acquisitions made with Trust funds are strictly on a willing buyer/willing seller basis.

**With these changes to the Environmental Trust Fund, and some minor changes to the Education Innovation Fund and program administration, lottery legislation should be re-enacted in the same form as the original bill.

** The Education Innovation Fund is an important in directing resources toward new ideas in education. But it is not intended -- nor can it be -- an ongoing source of programmatic funding. The most important step toward enhanced state funding for basic education has been taken through LB 1059.

The 1059 state aid formula has unquestionably moved Nebraska toward greater equity in educational opportunity. Adjustments may be warranted, and I will carefully review proposals to do so.

**Teacher salary enhancements should be made part of the state aid package. I have a high regard for Nebraska's teachers, and they deserve to see the state's contribution to salaries continued.

State aid to education will increase by $44.2 million over the next biennium. There is ample room to include the salary enhancement package for teachers as part of that increase.

Our income tax system needs to be fixed. I am proposing tax cut for 400,000 Nebraska families -- about 80% of our taxpayers. Middle-income Nebraskans deserve this change. I urge the Legislature's support for LB 240.

Another tax equity question is posed by Nebraska's current business incentive program. The Employment Investment and Growth Act has had a positive impact on Nebraska's economy. There is, however, an element of this program that continues to leave a sour taste in the mouths of many Nebraskans -- the corporate jet exemption. I remain convinced that this element of our tax incentive package must be changed.

I have proposed legislation that empowers communities to implement this exemption at their choice. Other communities will not be saddled with this approach by a statewide mandate.

Adjustments in tax policy are important to the bottom line for Nebraska's families and businesses. But there is another issue which -- if not properly addressed in the next few years -- will more than offset the benefits of tax changes.

Health care continues to be a major concern across the country. Costs are escalating beyond the rate of inflation; access to services is difficult for many, both for geographic and financial reasons; the business community -- as well as government -- sees a growing drain on resources caused by health insurance and workers' compensation costs.

Last year, I formed a Blue Ribbon Coalition and an Interagency Task Force to assess health care options for Nebraska. I have just received preliminary reports from both groups, and we have a strong beginning from which to build. I have asked these two groups to work together through 1993, analyzing these proposals in detail, while keeping a sharp eye on national developments.

One bright spot in Nebraska health care is the Rural Health Opportunities Program, a cooperative venture between the University of Nebraska Medical Center, Chadron and Wayne State Colleges. Twenty-six students currently enrolled at the state colleges -- and who are committed to remaining in rural Nebraska to practice -- will begin their health professional training at UNMC this year.

They -- and those who follow them -- will receive financial assistance through the creation of a new loan program. State dollars will be matched by UNMC, and rural communities will be asked to pay back the loans in return for practice commitments from these students.

For state government, Medicaid is clearly at the top of the health care agenda. Medicaid costs grew by more than 48% over the past two years. They will account for over $72 million of all new expenditures in the coming biennium.

With the help of the Legislature, we have taken steps to begin controlling the cost of public assistance. While tax dollars to some programs have been curtailed, in many cases the services are now being provided by volunteers -- in the true Nebraska spirit.

The Department of Social Services is moving aggressively to streamline administration, and to implement a managed care program. This will also help control costs.

These steps alone are not sufficient to plug the gap. Like many other states, we need to look seriously at other sources of funding for Medicaid.

We are working with the health care industry on several alternatives, including a provider fee. This is not the option I prefer, and I am hopeful that an alternate solution can be achieved. However, my budget assumes that action will be taken in this area.

Another high-cost aspect of the state budget -- one with the potential to skyrocket -- is our prison system. We are currently operating at over 153% of capacity.

Make no mistake -- convicted criminals who pose any substantial risk should not be released prior to completing their terms. Prisons are needed to protect the public. They are also costly to build and operate. There are opportunities to reduce the cost of criminal justice while protecting the public, and I intend to explore those options.

Our law enforcement community is doing outstanding work. The Nebraska State Patrol has increased DWI arrests to an all-time high. Drug seizures by the Patrol are up markedly, and overall drug arrests are up 66%.

A large percentage of our prison population suffers from substance abuse problems. Therefore, I am recommending nearly $3.8 million over the next biennium to maintain operation of the Lincoln Air Park facility for treatment programs.

Nebraskans are reasonable people. We understand that public services cost money, which requires the collection of taxes. In return, we expect to be taxed fairly, and we expect our tax dollars to be spent wisely.

It is politically popular to call for cuts in spending, elimination of waste, and improved efficiency in government. Talking about it is one thing. Making it happen is quite another -- and we are making real progress.

Step one has been to put the brakes on state spending. My recommended budget for fiscal year 1994 is $4.3 million less that the 1993 budget. But Washington's heavy foot is still on the gas pedal.

Almost 90% of increases in the next budget will be due to mandates and entitlement programs. Medicaid is but one example; the list is much longer: public assistance, special education, homestead exemptions, school choice transportation, wards of the court -- funding for these programs is currently a matter of entitlement, not a matter of choice for policy makers. It's a blank check.

The margin upon which we can have an impact on the budget -- discretionary spending -- is steadily becoming smaller. We have less and less to invest in new initiatives because these worthwhile -- but expensive - - programs grow larger. This trend will continue unless entitlements and federal mandates are restrained.

We have an opportunity to work with the new administration in Washington to address federal mandates. As a former Governor, President-Elect Clinton is all-too-familiar with the impact of mandates on the states.

Changes of this magnitude will take time, and they will be difficult.

State entitlements -- such as Special Education -- should also be carefully examined. Again, change will be difficult and time-consuming.

The Legislature took a strong step toward stability last year by cutting $97 million from the budget. Their action was essential in framing the budget discussion for the 1993 session. But there is more to be done.

We have limited options to balance the budget while maintaining necessary services.

** We can choose to make deeper cuts in discretionary spending, and I have made selected recommendations to do so.

** We can choose to improve the efficiency of government operations, and there are several initiatives underway.

** We can choose to increase any number of user fees -- costs for services paid directly by those who use them. After careful consideration, I have made selected recommendations in this area as well.

** And, yes, we can choose to raise sales and income tax rates. But this is an option I have rejected in my budget, and I urge you to reject it as well.

State and local governments are being required to do more with less. Improvements in productivity are essential. New ways of doing business are necessary. A new paradigm of government is in order.

Government should be guided by sound business principles: driven by a clear mission; oriented toward, and accountable for, results; viewing expenditures as investments upon which a return is expected; guided by an understanding of markets; getting employees involved in decisions.

This new era is beginning to take shape in Nebraska. Improvements throughout state government are increasing efficiency and improving quality.

** Total Quality Management -- T.Q.M. -- is being implemented in a number of state agencies: the Military, Public Institutions, Administrative Services, Economic Development, Education, Social Services, and many more.

** An Interagency Coordination Initiative is underway, sparked by employees in the Department of Labor and several other agencies.

** Coordination among agencies is also being improved through director exchanges, in which department heads change places for a short time to improve their understanding of each others' missions and operations.

Efficiency in government also requires a selective review of return on investment. Rather than appoint a large, general efficiency

commission, I intend to work with the Legislature and State Auditor to utilize small, short-term problem-solving teams, targeted to specific areas.

For example, I am forming a team to head up an assessment of our information technology strategy. This team will include leaders from the private sector that have experience with large-scale technology investments. They will be asked to assist in reviewing the current management structure for information technology, and to make suggestions for improvements that may be needed.

Efficiency measures will help us live within our means. But they will not help to slow the growth of government.

I intend to move aggressively to halt government expansion. I have already asked the directors of agencies under my direct supervision to devise a strategy for controlling growth.

Our goal is a lean and efficient state government, which is what Nebraskans want and expect. State employees clearly recognize that fact, as shown by their willingness to bite the bullet on salaries.

Major bargaining units have agreed to a package that is considerably less than I and they would have preferred. But it is a package that fits within the current budget context.

I want to thank the negotiating teams for their good faith efforts. And, I want to thank our valued state employees for their understanding.

During the special session on the budget, we agreed that cuts in most state aid programs for local governments were ill-timed. We served notice, however, that state aid would be on the table in 1993.

State government has taken a strong dose of castor oil -- managers with smaller budgets to administer, employees with smaller pay increases and larger workloads.

State operating budgets have taken cuts of two percent, one percent, and one-and-a-half percent over the past two years. And, I am proposing no increase for the next two years.

In order to balance the budget, local governments will be faced with the same difficult task – spending less and becoming more efficient. I am proposing the following state aid cuts:

**A one percent reduction in aid to natural resources districts;

**Restoration of the special session cuts made in the Municipal Infrastructure Redevelopment Fund, offset by an equal and permanent reduction in aid to municipalities;

**No direct cut in state aid to counties, on the condition that increased fees be used for continuing implementation of the County Automation Project through the Department of Motor Vehicles, and for automation at the State Patrol;

**No direct cut in state aid to education, offset by including teachers' salary enhancements as a part of LB 1059.

This is unpleasant medicine. But it is part of the prescription for a balanced budget.

The choices are difficult. But they are necessary to plug the budget gap without a sales or income tax increase.

The challenge is formidable. But Nebraskans expect us to get the job done.

And together, we will.

These are times that call for unprecedented leadership.

Leadership that stands shoulder-to-shoulder to build our economy.

Leadership that works together solving problems like Medicaid.

Leadership with the courage to make tough choices on the budget.

Leadership that makes things happen.

It is a privilege for me to be a part of Nebraska's leadership.

The Committee escorted Governor Ben Nelson from the Chamber.

EASE

The Legislature was at ease from 10:35 a.m. until 11:00 a.m.

UNANIMOUS CONSENT - Member Excused

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

BILLS ON FIRST READING

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

LEGISLATIVE BILL 314. Introduced by Warner, 25; Beutler, 28; Bohlke, 33; Crosby, 29; Lynch, 13; Schimek, 27.

A BILL FOR AN ACT relating to fees; to amend section 33-151, Reissue Revised Statutes of Nebraska, 1943, and section 33-150, Revised Statutes Supplement, 1992; to change the percentage amount

of certain fees credited to the General Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 315. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend section 30-2476, Reissue Revised Statutes of Nebraska, 1943; to eliminate restrictions on the powers of personal representatives in certain transactions; and to repeal the original section.

LEGISLATIVE BILL 316. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to physician assistants; to amend sections 71-1,107.16, 71-1,107.17, and 71-1,107.20, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to supervision as provided; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 317. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to public transportation; to amend section 13-1211, Reissue Revised Statutes of Nebraska, 1943; to provide for reduced bus fare for low-income persons; to define a term; and to repeal the original section.

LEGISLATIVE BILL 318. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to persons with disabilities; to state intent; to provide duties for the State Department of Education; to provide for the establishment and maintenance of independent living centers and programs; to provide for rules and regulations; and to provide priorities for funding.

LEGISLATIVE BILL 319. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to building codes; to amend sections 71-6403 to 71-6406, Reissue Revised Statutes of Nebraska, 1943; to adopt new editions of the state building code; to require approval of amendments; to provide for applicability of building codes to certain public buildings; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 320. Introduced by Warner, 25; Robinson, 16.

A BILL FOR AN ACT relating to schools; to amend sections 77-2701.01, 77-2701.02, 77-2715.01, 77-2734.02, 77-27,132, and 79-3332, Reissue Revised Statutes of Nebraska, 1943, and sections

79-447 and 79-448, Revised Statutes Supplement, 1992; to create the School Aid Fund; to provide that a portion of income tax receipts and of sales and use tax receipts be credited to the School Aid Fund; to provide for the use of the fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 321. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Lynch, 13; Wehrbein, 2.

A BILL FOR AN ACT relating to Joslyn Castle; to amend sections 82-134 and 82-136, Revised Statutes Supplement, 1992; to change provisions relating to operation and administration; to transfer provisions; to eliminate a provision authorizing acquisition and eliminate a fund; and to repeal the original sections, and also sections 82-133 and 82-135, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 322. Introduced by Appropriations Committee: Moore, 24, Chairperson, Ashford, 6, Crosby, 29, Hillman, 48, Hohenstein, 17, Lynch, 13, Wehrbein, 2, at the request of the Governor.

A BILL FOR AN ACT relating to bidding; to amend sections 81-145, 81-153, 81-154, 81-159, 81-161, 81-161.03, 81-161.05, 81-162, 81-1118, and 81-1118.03, Revised Statutes Supplement, 1992; to require bidding for services purchased by the state; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 323. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Lynch, 13; Wehrbein, 2.

A BILL FOR AN ACT relating to the University Facilities Fund; to amend section 85-1,113, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 9, Ninety-second Legislature, Third Special Session, 1992; to restate a project authorized for funding; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 324. Introduced by Withem, 14.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-985, 85-987, 85-991, and 85-993, Reissue Revised Statutes of Nebraska, 1943, and sections 85-980.01, 85-982, 85-993.01, 85-994, 85-995, 85-999, 85-9,101, 85-9,117, 85-9,119, 85-9,121, 85-9,123, 85-9,130, 85-9,131, 85-9,140, 85-9,142, 85-9,143, 85-9,146, 85-9,148, 85-9,149, 85-9,151 to 85-9,153, 85-9,158, and 85-9,160, Revised

Statutes Supplement, 1992; to define, redefine, and eliminate terms; to change provisions of the State Scholarship Award Program Act, the Scholarship Assistance Program Act, and the Postsecondary Education Award Program Act to reconcile such acts with federal law; to provide, change, and eliminate powers and duties of the Coordinating Commission for Postsecondary Education; to harmonize provisions; to repeal the original sections, and also sections 85-998, 85-9,125, and 85-9,156, Revised Statutes Supplement, 1992; and to declare an emergency.

LEGISLATIVE BILL 325. Introduced by Speaker Baack, 47, at the request of the Governor.

A BILL FOR AN ACT relating to state employees; to amend section 84-1611, Revised Statutes Supplement, 1992; to change the state contribution for state employee health insurance; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 325A. Introduced by Speaker Baack, 47, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 325, Ninety-third Legislature, First Session, 1993; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 326. Introduced by Speaker Baack, 47, at the request of the Governor.

A BILL FOR AN ACT relating to state employees; to provide for salary increases as prescribed; to define terms; to appropriate funds; to provide duties; to state intent; to provide for transfers; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 327. Introduced by Speaker Baack, 47, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for the fiscal years ending June 30, 1994, and June 30, 1995; to define terms; and to declare an emergency.

LEGISLATIVE BILL 328. Introduced by Speaker Baack, 47, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY1993-94 and FY1994-95; and to declare an emergency.

LEGISLATIVE BILL 329. Introduced by Speaker Baack, 47, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 330. Introduced by Speaker Baack, 47, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 1995; to transfer funds; to provide an operative date; to repeal section 79-3509.03, Revised Statutes Supplement, 1992; and to declare an emergency.

LEGISLATIVE BILL 331. Introduced by Speaker Baack, 47, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1991, LB 843, section 25, as amended by section 17, Legislative Bill 1, Ninety-second Legislature, Third Special Session, 1992, and Laws 1992, LB 1022, sections 56 and 63, as amended by sections 53 and 60, respectively, Legislative Bill 1, Ninety-second Legislature, Third Special Session, 1992; to define terms; to change certain appropriations as prescribed; to provide for deficit appropriations; to provide for transfers; to appropriate funds for the expenses of state government, postsecondary education, and state aid; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 332. Introduced by Haberman, 44.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-180.04, Reissue Revised Statutes of Nebraska, 1943, and section 53-101, Revised Statutes Supplement, 1992; to state intent; to provide duties for sellers and purchasers of beer kegs; to provide penalties; to change provisions relating to a sign; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 333. Introduced by Haberman, 44.

A BILL FOR AN ACT relating to the State Capitol; to require a covered walkway as prescribed; to provide a penalty; and to declare an emergency.

LEGISLATIVE BILL 334. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Department of Labor; to amend section 81-401, Reissue Revised Statutes of Nebraska, 1943; to provide an additional general power for the department; and to repeal the original section.

LEGISLATIVE BILL 335. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to aquaculture; to adopt the Nebraska Aquaculture Act.

LEGISLATIVE BILL 336. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-4,140.16, Revised Statutes Supplement, 1992; to provide for accreditation and approval standards relating to athletic activities; and to repeal the original section.

LEGISLATIVE BILL 337. Introduced by Bohlke, 33; Bernard-Stevens, 42; Byars, 30; Moore, 24; Robak, 22; Wesely, 26.

A BILL FOR AN ACT relating to mental health commitment; to amend section 83-1041, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to board-ordered treatment; and to repeal the original section.

LEGISLATIVE BILL 338. Introduced by Cudaback, 36; Bohlke, 33; Hillman, 48; Schimek, 27.

A BILL FOR AN ACT relating to electrologists; to amend sections 71-102, 71-107, 71-110, 71-112, and 71-113, Reissue Revised Statutes of Nebraska, 1943, and sections 33-150, 71-101, 71-131, 71-147, 71-148, and 71-162, Revised Statutes Supplement, 1992; to adopt the Electrolysis Practice Act; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 339. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to insurance; to authorize limiting an insured's choice of a pharmacy.

LEGISLATIVE BILL 340. Introduced by Wickersham, 49; Hohenstein, 17.

A BILL FOR AN ACT relating to titles to mobile homes; to amend sections 39-602 and 60-106, Revised Statutes Supplement, 1992; to redefine a term; to provide for the titling of mobile homes and the perfection of security interests in such mobile homes as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 341. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to motor vehicles; to prohibit the buying and selling of motor vehicles on Sunday as prescribed.

LEGISLATIVE BILL 342. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-312, 60-528, 60-533, and 60-569, Reissue Revised Statutes of Nebraska, 1943, and section 60-302, Revised Statutes Supplement, 1992; to change provisions relating to registration of motor vehicles; to require proof of financial responsibility as required; to provide and eliminate penalties; to eliminate provisions relating to proof of financial responsibility; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also section 60-570, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 343. Introduced by Hall, 7.

A BILL FOR AN ACT relating to accountants; to amend section 1-169, Reissue Revised Statutes of Nebraska, 1943; to provide for accountant liability as prescribed; and to repeal the original section.

LEGISLATIVE BILL 344. Introduced by Will, 8.

A BILL FOR AN ACT relating to mental health regions; to amend sections 71-5002, 71-5008, 71-5009, 71-5025, and 71-5027, Reissue Revised Statutes of Nebraska, 1943; to increase the number of regions; to change the region boundaries; to change membership of certain advisory committees; to harmonize provisions; and to repeal the original sections.

UNANIMOUS CONSENT - Member Excused

Mrs. Bohlke asked unanimous consent to be excused. No objections. So ordered.

MOTION - Adopt Permanent Rules

Mr. Will moved to adopt the permanent rules for the Ninety-Third Legislature, First Session.

The motion prevailed with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

EASE

The Legislature was at ease from 11:09 a.m. until 11:23 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 345. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Kristensen, 37; Schellpeper, 18; Wickersham, 49; Will, 8; Withem, 14.

A BILL FOR AN ACT relating to revenue and taxations; to amend sections 57-234, 77-366, 77-375, 77-377, 77-3,110, 77-2706, 77-2709.01, 77-2753, 77-2777, 77-2778, 77-2780, 77-2789, 77-2790, 77-3901, and 77-3904 to 77-3906, Reissue Revised Statutes of Nebraska, 1943, sections 77-2101.02, 77-2702.05 to 77-2702.07, 77-2702.09, 77-2702.11 to 77-2702.19, 77-2702.23, 77-2704.02, 77-2704.05, 77-2704.06, 77-2704.08 to 77-2704.12, 77-2704.15, 77-2704.24, 77-2704.25, 77-2704.28 to 77-2704.32, 77-2704.35, 77-2705, and 77-27,119, Revised Statutes Supplement, 1992, and sections 77-2106.01, 77-2701, 77-2702.03, 77-2703, 77-2704.13, 77-2708, 77-2709, 77-2711, and 77-2794, Revised Statutes Supplement, 1992, as amended by sections 20, 22, 23, 26, 27, 28, 30, 31, and 38, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, respectively; to change provisions relating to personnel of the Department of Revenue; to authorize discovery rules; to authorize rounding of amounts of tax; to authorize charges; to change provisions relating to generation-skipping transfer tax; to change provisions relating to sales and use tax; to define and redefine terms; to change exemptions; to change provisions relating to income tax; to change collection and lien provisions; to provide for applicability of certain changes; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 346. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Kristensen, 37; Schellpeper, 18; Wickersham, 49; Will, 8; Withem, 14.

A BILL FOR AN ACT relating to motor vehicle taxation; to amend sections 60-318, 77-1239.01, and 77-1239.02, Reissue Revised Statutes of Nebraska, 1943, and sections 60-106, 60-302, 60-344, 77-1238, 77-1239, 77-1240.01, 77-1240.03, 77-1241.01, and 77-1242.01, Revised Statutes Supplement, 1992; to change and eliminate provisions relating to taxation of motor vehicles; to define and redefine terms; to create a presumption; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also section 77-1240, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 347. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Kristensen, 37; Schellpeper, 18; Will, 8; Withem, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-4310.01, Revised Statutes Supplement, 1992; to change the distribution of proceeds from the tax on marijuana and controlled substances; and to repeal the original section.

LEGISLATIVE BILL 348. Introduced by Withem, 14.

A BILL FOR AN ACT relating to schools; to amend sections 79-307, 79-321.03, 79-435, 79-443, 79-507, 79-521, 79-2110, and 79-3309, Reissue Revised Statutes of Nebraska, 1943, and sections 10-716.01, 79-101, 79-101.01, 79-426.28, 79-433, 79-434, 79-444, 79-488.04, 79-490, 79-547.03, 79-1303, 79-3354, 79-3403, 79-3405, 79-3406, 79-3408, 79-3410, 79-3703, 79-3806, 79-3822, and 79-3824, Revised Statutes Supplement, 1992; to change provisions relating to bonds; to define and redefine terms; to eliminate a provision relating to hearing exhibits; to change provisions relating to use of certain funds; to provide for alternate means of report submission; to change provisions relating to option students; to change provisions relating to school entrance age; to change time requirements of a report; to change and eliminate provisions relating to student personnel services; to change provisions relating to liability for transportation; to provide an equalization aid formula; to provide for distribution of state aid refunds; to eliminate a hearing; to provide duties for the county clerks; to change requirements relating to budget filing; to include Class I districts in budget restrictions; to eliminate an unconstitutional provision; to change provisions relating to the sale of surplus property; to harmonize provisions; to eliminate a provision relating to Class I school districts contracting for education; to repeal the original sections, and also sections 79-321.02, 79-321.04, and 79-403.04, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 349. Introduced by Withem, 14.

A BILL FOR AN ACT relating to private postsecondary career schools; to amend sections 79-2801, 79-2812, 79-2822, and 79-2842 to 79-2345, Revised Statutes Supplement, 1992; to create a fund and a board of directors; to provide for assessments and claims against the fund; to provide for the termination of surety bond requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 350. Introduced by Withem, 14; Rasmussen, 20; Robinson, 16.

A BILL FOR AN ACT relating to schools; to authorize the construction, use, and financing of fiber optic communications systems as prescribed.

LEGISLATIVE BILL 351. Introduced by Byars, 30, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,136, Revised Statutes Supplement, 1992, and section 77-2602, Revised Statutes Supplement, 1992, as amended by section 1, Legislative Bill 9, Ninety-second Legislature, Third Special Session, 1992, and section 1, Legislative Bill 11, Ninety-second Legislature, Third Special Session, 1992; to change provisions relating to distribution of cigarette tax proceeds to the Municipal Infrastructure Redevelopment Fund; to change provisions relating to the distribution of state aid as provided; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 352. Introduced by Pirsch, 10; Ashford, 6; Hohenstein, 17; Lindsay, 9; Pedersen, 39; Robak, 22; Vrtiska, 1; Wickersham, 49; Witek, 31.

A BILL FOR AN ACT relating to parole; to amend sections 83-189, 83-190, 83-196, 83-1,111, and 83-1,114 to 83-1,116, Reissue Revised Statutes of Nebraska, 1943, and sections 83-188 and 83-192, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 1 and 3, respectively, Legislative Bill 13, Ninety-second Legislature, Third Special Session, 1992; to provide limitations on and to change provisions relating to membership on the Board of Parole; to require risk assessment; to change and provide powers and duties of the board; to change provisions relating to the required vote for release on parole; to provide for written determinations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 353. Introduced by Hudkins, 21; Hohenstein, 17; Pedersen, 39; Robak, 22; Schmitt, 41; Vrtiska, 1.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-306, Revised Statutes Supplement, 1992; to change penalties relating to motor vehicle homicide; and to repeal the original section.

LEGISLATIVE BILL 354. Introduced by Witek, 31; Pedersen, 39.

A BILL FOR AN ACT relating to motor vehicles; to provide for the issuance of special license plates to active members of the Nebraska National Guard; to provide fees; and to provide an operative date.

LEGISLATIVE BILL 355. Introduced by Witek, 31; Pedersen, 39; Pirsch, 10.

A BILL FOR AN ACT relating to government; to adopt the State Government Assessment Act.

LEGISLATIVE BILL 356. Introduced by Witek, 31.

A BILL FOR AN ACT relating to public funds; to amend section 77-2326.04, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to contents of the written receipt delivered by a depository to court officials as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 357. Introduced by Rasmussen, 20; Hall, 7; Pirsch, 10; Robak, 22; Withem, 14.

A BILL FOR AN ACT relating to state employees; to authorize leave for specialized disaster relief services in Nebraska for the American Red Cross.

LEGISLATIVE BILL 358. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to provide powers and duties; to provide a civil penalty for motor carriers; to provide for a hearing; and to provide for an appeal.

LEGISLATIVE BILL 359. Introduced by Pirsch, 10; Haberman, 44; Wickersham, 49.

A BILL FOR AN ACT relating to the State Boat Act; to amend sections 28-905, 37-1238, 37-1241, and 37-1259, Reissue Revised Statutes of Nebraska, 1943, and section 37-1274, Revised Statutes Supplement, 1992; to prohibit operation of a vessel to avoid arrest; to change a citation to a federal act; to provide exceptions to a floatation device requirement as prescribed; to change provisions relating to times

during which certain water activities are permitted as prescribed; to prohibit use of certain lights on vessels as prescribed; to require vessels to stop when signaled by authorized persons; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 360. Introduced by Rasmussen, 20.

A BILL FOR AN ACT relating to persons with disabilities; to amend sections 20-131, 48-1101, 48-1111, and 48-1125, Reissue Revised Statutes of Nebraska, 1943, and section 48-1102, Revised Statutes Supplement, 1992; to state intent; to define and redefine terms; to change and adopt provisions relating to unlawful employment practices and discrimination; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 361. Introduced by Will, 8.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-180.07, Revised Statutes Supplement, 1992; to change provisions relating to prosecutions for sale of liquor to a minor; and to repeal the original section.

LEGISLATIVE BILL 362. Introduced by Will, 8.

A BILL FOR AN ACT relating to tobacco; to amend sections 28-1418, 28-1419, 28-1425, and 28-1427, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to prohibited acts and penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 363. Introduced by Horgan, 4.

A BILL FOR AN ACT relating to judges; to amend section 24-710.03, Revised Statutes Supplement, 1992; to change provisions relating to the purchase of service credit in the retirement system; and to repeal the original section.

LEGISLATIVE BILL 364. Introduced by Wehrbein, 2; McKenzie, 34.

A BILL FOR AN ACT relating to ethanol; to amend sections 66-820, 66-1315, 66-1316, 66-1321.01, and 66-1325, Reissue Revised Statutes of Nebraska, 1943, and sections 57-705, 58-239, 66-4,134, 66-4,142, 66-1301, 66-1303, 66-1324, and 66-1326 to 66-1329, Revised Statutes Supplement, 1992; to rename the Ethanol Authority and Development Act; to rename and eliminate funds; to create and eliminate boards and committees; to transfer powers and duties and funds; to eliminate the authority to make certain investments; to eliminate provisions dealing

with an excise tax, loans, high-protein food products, and the Nebraska Gasohol and Energy Development Act; to harmonize provisions; to provide an operative date; to repeal the original sections, and also sections 2-3816 to 2-3823, 66-801, 66-803 to 66-811, 66-814 to 66-816, 66-819, 66-1302, 66-1304, 66-1305, 66-1306, 66-1308 to 66-1314, 66-1317, 66-1319, 66-1321, 66-1322, and 66-1323, Reissue Revised Statutes of Nebraska, 1943, and sections 58-239.01, 66-4,133, 66-4,135 to 66-4,137, 66-802, 66-812, 66-813, 66-1307, 66-1307.01, 66-1307.02, and 66-1320, Revised Statutes Supplement, 1992; and to declare an emergency.

LEGISLATIVE BILL 365. Introduced by Will, 8.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1208.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to parimutuel taxes; and to repeal the original section.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 297. No objections. So ordered.

Mr. Pedersen asked unanimous consent to have his name added as cointroducer to LB 299. No objections. So ordered.

Mr. Robinson asked unanimous consent to have his name added as cointroducer to LB 237. No objections. So ordered.

Mr. Wehrbein asked unanimous consent to have his name added as cointroducer to LB 175 and LB 203. No objections. So ordered.

Mr. Pedersen asked unanimous consent to have his name added as cointroducer to LB 201. No objections. So ordered.

Mrs. Witek asked unanimous consent to have her name added as cointroducer to LB 166 and LB 233. No objections. So ordered.

ANNOUNCEMENT

Mr. Horgan announced the Nebraska Retirement Systems Committee elected Mrs. Robak as Vice Chairperson.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 366. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amends sections 79-1501.01 and 79-1514.05, Revised Statutes Supplement, 1992; to authorize an election to pay the retirement system for years of service as a nonmember; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 367. Introduced by Pirsch, 10; Ashford, 6; Horgan, 4; Rasmussen, 20; Will, 8; Witek, 31.

A BILL FOR AN ACT relating to zoning; to require notices of proposed changes in zoning classification for property within the zoning jurisdiction of a city of the metropolitan class as prescribed; and to define terms.

VISITORS

Visitors to the Chamber were members of the Chamber of Commerce from the Norfolk area.

The Doctor of the Day was Dr. Weirman from Lincoln.

ADJOURNMENT

At 11:30 a.m., on a motion by Speaker Baack, the Legislature adjourned until 10:00 a.m., Thursday, January 14, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTH DAY - JANUARY 14, 1993

LEGISLATIVE JOURNAL

SEVENTH DAY - JANUARY 14, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 14, 1993

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Hall, Lindsay, Robinson, Warner, Wesely, Will, Withem, Mmes. Pirsch, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 173, strike lines 30 and 31.
The Journal for the sixth day was approved as corrected.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 202 through 319, 321 through 332, legislative resolutions 4CA, 7CA, 8CA, and 11CA.

LB	Committee
202	Judiciary
203	Natural Resources
204	Business and Labor
205	Health and Human Services
206	General Affairs
207	Urban Affairs
208	Urban Affairs

209	Urban Affairs
210	Urban Affairs
211	Transportation
212	Government, Military and Veterans Affairs
213	Government, Military and Veterans Affairs
214	Banking, Commerce and Insurance
215	General Affairs
216	Banking, Commerce and Insurance
217	Banking, Commerce and Insurance
218	Banking, Commerce and Insurance
219	Banking, Commerce and Insurance
220	Revenue
221	Transportation
222	Revenue
223	Banking, Commerce and Insurance
224	Judiciary
225	Judiciary
226	Health and Human Services
227	Transportation
228	Executive Board
229	Executive Board
230	Banking, Commerce and Insurance
231	General Affairs
232	Government, Military and Veterans Affairs
233	Government, Military and Veterans Affairs
234	Natural Resources
235	Natural Resources
236	Government, Military and Veterans Affairs
237	Natural Resources
238	Transportation
239	Education
240	Revenue
241	Government, Military and Veterans Affairs
242	Business and Labor
243	Revenue
244	Judiciary
245	Natural Resources
246	Agriculture
247	Natural Resources
248	Business and Labor
249	Government, Military and Veterans Affairs
250	Judiciary
251	Judiciary
252	Judiciary
253	Judiciary
254	Judiciary
255	Business and Labor

256 Banking, Commerce and Insurance
257 Banking, Commerce and Insurance
258 Agriculture
259 Transportation
260 Health and Human Services
261 Government, Military and Veterans Affairs
262 Judiciary
263 Education
264 Education
265 Education
266 Revenue
267 Agriculture
268 Agriculture
269 Judiciary
270 Banking, Commerce and Insurance
271 Government, Military and Veterans Affairs
272 Judiciary
273 Judiciary
274 Transportation
275 Transportation
276 Judiciary
277 Judiciary
278 Judiciary
279 Judiciary
280 General Affairs
281 Government, Military and Veterans Affairs
282 Transportation
283 Banking, Commerce and Insurance
284 Revenue
285 Business and Labor
286 Business and Labor
287 General Affairs
288 Banking, Commerce and Insurance
289 Natural Resources
290 Revenue
291 Health and Human Services
292 Nebraska Retirement Systems
293 Government, Military and Veterans Affairs
294 Judiciary
295 Judiciary
296 Nebraska Retirement Systems
297 Transportation
298 Revenue
299 Judiciary
300 Revenue
301 Natural Resources
302 Natural Resources

303	Education
304	Judiciary
305	Transportation
306	Judiciary
307	Revenue
308	Judiciary
309	Transportation
310	Natural Resources
311	Government, Military and Veterans Affairs
312	Government, Military and Veterans Affairs
313	Appropriations
314	Appropriations
315	Judiciary
316	Health and Human Services
317	Transportation
318	Education
319	Health and Human Services
321	Appropriations
322	Appropriations
323	Appropriations
324	Education
325	Appropriations
325A	Appropriations
326	Appropriations
327	Appropriations
328	Appropriations
329	Appropriations
330	Appropriations
331	Appropriations
332	General Affairs

LR	**Committee**
4CA	Government, Military and Veterans Affairs
7CA	Judiciary
8CA	Government, Military and Veterans Affairs
11CA	Government, Military and Veterans Affairs

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING
Business and Labor

LB 45	Monday, January 25, 1993	1:30 p.m.
LB 47	Monday, January 25, 1993	1:30 p.m.
LB 140	Monday, January 25, 1993	1:30 p.m.

LB 162	Monday, January 25, 1993	1:30 p.m.
LB 248	Monday, January 25, 1993	1:30 p.m.

(Signed) Chris Abboud, Chairperson

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1992 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Little Blue Natural Resources District	
Shoemaker & Witt	2,198.54

COMMUNICATION

January 13, 1993

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

Dear Patrick:

Your communication from the Nebraska State College System requesting the expenditure of monies for renovation to and construction of an addition to the Student Center facility on the Wayne State College campus has been referenced this day to the Appropriations Committee for their consideration.

Sincerely,
(Signed) Tim Hall
Chair, Executive Board

ANNOUNCEMENT

Mr. Hall announced the Reference Committee will meet Tuesday, January 19, 1993, at 4:00 p.m. in Room 2102.

RESOLUTION

LEGISLATIVE RESOLUTION 10. Read. Considered.

LR 10 was adopted with 28 ayes, 0 nays, and 21 not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 368. Introduced by Will, 8.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-117, Reissue Revised Statutes of Nebraska, 1943; to provide for annexation of land in adjoining counties; and to repeal the original section.

LEGISLATIVE BILL 369. Introduced by Lynch, 13, at the request of the Governor.

A BILL FOR AN ACT relating to the Deferred Building Renewal Act; to amend sections 81-173, 81-178, 81-179, and 81-181, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to change classifications of work items; to change provisions relating to accounting for funds; to eliminate a restriction on use of funds; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 370. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to highways and vehicles; to amend sections 2-32,100, 13-1208, 28-109, 29-120, 29-422, 29-428, 29-431, 29-3604, 39-601, 39-604 to 39-618.02, 39-618.04, 39-620 to 39-648, 39-650 to 39-662, 39-663, 39-664, 39-665, 39-667, 39-669 to 39-669.05, 39-669.10, 39-669.13, 39-669.18, 39-669.21, 39-669.25, 39-669.29, 39-669.33, 39-669.38, 39-670 to 39-694, 39-697, 39-698, 39-699, 39-699.01, 39-6,101, 39-6,102, 39-6,103.02, 39-6,103.03, 39-6,104 to 39-6,105, 39-6,107, 39-6,108, 39-6,109, 39-6,111, 39-6,112, 39-6,115, 39-6,116, 39-6,118, 39-6,119, 39-6,120, 39-6,121, 39-6,123 to 39-6,130.01, 39-6,131, 39-6,131.08, 39-6,131.09, 39-6,132, 39-6,133, 39-6,135, 39-6,137, 39-6,138.01, 39-6,139, 39-6,140, 39-6,141, 39-6,142, 39-6,147, 39-6,148, 39-6,150, 39-6,152, 39-6,154, 39-6,155, 39-6,156, 39-6,160 to 39-6,166, 39-6,169, 39-6,170, 39-6,172, 39-6,178, 39-6,179, 39-6,179.01, 39-6,180.01, 39-6,180.02, 39-6,181, 39-6,181.01, 39-6,182 to 39-6,186, 39-6,188 to 39-6,191.01, 39-6,193, 39-6,196 to 39-6,200, 39-6,205, 39-6,206, 39-6,207, 39-6,209 to 39-6,214, 39-703 to 39-707, 39-712.01, 39-714.01, 39-715, 39-717, 39-892, 39-1302, 39-1367, 39-1801, 39-2113, 44-515, 48-1902, 53-1,120, 60-119, 60-122, 60-302.03, 60-311.02, 60-311.21, 60-331, 60-331.04, 60-335, 60-501, 60-505.03, 60-505.04, 60-1001, 60-1001.01, 60-1004, 60-1005, 60-1006, 60-1201, 60-1202, 60-1307, 60-1417, 60-2001 to 60-2011, 60-2012.01 to 60-2023, 60-2102, 60-2103, 60-2106, 60-2107, 60-2201

to 60-2212, 60-2301, 60-2302, 60-2305, 60-2306, 60-2307, 60-2507, 60-2801, 60-2803 to 60-2808, 81-805, 81-1010, 81-2005, and 81-2006, Reissue Revised Statutes of Nebraska, 1943, and sections 13-910, 18-1737, 28-306, 29-119, 39-603, 39-619, 39-619.01, 39-666, 39-668, 39-669.06, 39-669.07, 39-669.08, 39-669.09, 39-669.11, 39-669.12, 39-669.14, 39-669.15, 39-669.16, 39-669.17, 39-669.19, 39-669.20, 39-669.22, 39-669.23, 39-669.24, 39-669.26, 39-669.27, 39-669.28, 39-669.30, 39-669.37, 39-669.39, 39-6,100, 39-6,103.01, 39-6,103.05, 39-6,103.06, 39-6,103.07, 39-6,103.08, 39-6,110, 39-6,114.01, 39-6,122, 39-6,134, 39-6,136 to 39-6,136.05, 39-6,138, 39-6,149, 39-6,151, 39-6,171, 39-6,177, 39-6,180, 39-6,192, 60-102, 60-301, 60-311.15, 60-462, 60-463, 60-471, 60-474, 60-479, 60-496, 60-497, 60-498, 60-4,122, 60-4,127, 60-4,129, 60-4,130, 60-4,163, 60-4,167, 60-4,168, 60-1411.02, 60-2101.01, 60-2104, 60-2105, 60-2108, 60-2303, 60-2304, 60-2802, 71-1907, 77-1238, 79-488.07, 81-8,219, 81-1822, and 89-187, Revised Statutes Supplement, 1992; to define and redefine terms; to change, transfer, and eliminate provisions relating to rules of the road, liability for certain damages and injuries, highways, signs, penalties, odometers, motor vehicle operator's licenses, vehicle equipment, restrictions on size, weight, and load of vehicles, powers and duties of law enforcement personnel and certain state agencies, off-duty requirements for motor carriers, and state-owned motor vehicles; to eliminate provisions relating to the applicability of certain law to cases pending in 1976, the operation of motor vehicles by persons under sixteen, the disposition of certain fines and forfeitures, and the name of an act; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide an operative date; and to repeal the original sections, and also sections 39-649, 39-669.36, 39-695, 39-696, 39-6,112.01, 39-6,114, 39-6,117, 39-6,130.02, 39-6,131.10, 39-6,138.02, 39-6,153, 39-6,159, 39-6,176, 39-6,179.02, 39-6,181.02, 39-6,187, 39-6,201 to 39-6,204, 39-6,208, and 39-714.02, Reissue Revised Statutes of Nebraska, 1943, and sections 39-602 and 39-6,106.01, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 371. Introduced by Moore, 24.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-6,214, Reissue Revised Statutes of Nebraska, 1943; to change the enforcement and penalty provisions with respect to protective helmets as prescribed; and to repeal the original section.

LEGISLATIVE BILL 372. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to the Nebraska Consultants' Competitive Negotiation Act; to amend sections 81-1701, 81-1704, 81-1706, and 81-1716 to 81-1718, Reissue Revised Statutes of Nebraska, 1943; to restate the purpose of the act; to redefine terms; to

provide for negotiation of construction management services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 373. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Byars, 30; Day, 19; Dierks, 40; Horgan, 4; Rasmussen, 20; Vrtiska, 1.

A BILL FOR AN ACT relating to boards of examiners; to amend section 71-112.03, Reissue Revised Statutes of Nebraska, 1943; to limit the authority of such boards as prescribed; and to repeal the original section.

LEGISLATIVE BILL 374. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Byars, 30; Day, 19; Dierks, 40; Horgan, 4; Rasmussen, 20; Vrtiska, 1.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend section 71-168.01, Revised Statutes Supplement, 1992; to provide for an additional method of investigation referral by the Department of Health to the Attorney General; and to repeal the original section.

LEGISLATIVE BILL 375. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Byars, 30; Day, 19; Dierks, 40; Horgan, 4; Vrtiska, 1.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-1,132.07, 71-2601, 71-2602, and 71-3707, Reissue Revised Statutes of Nebraska, 1943, and sections 71-3706 and 71-4715, Revised Statutes Supplement, 1992; to change provisions for appointment and removal of members of the Board of Nursing, the Board of Registration for Environmental Health Specialists, and the Board of Hearing Aid Instrument Dispensers and Fitters; to change the number of members on the State Board of Health and the length of their terms; to eliminate certain appointment provisions; and to repeal the original sections, and also section 71-2602.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 376. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Day, 19; Dierks, 40; Horgan, 4; Rasmussen, 20; Vrtiska, 1.

A BILL FOR AN ACT relating to the Nebraska Health Care Certificate of Need Act; to amend sections 71-5804 and 71-5831, Reissue Revised Statutes of Nebraska, 1943, and section 71-5810, Revised Statutes Supplement, 1992; to redefine terms; to change provisions relating to exemptions; and to repeal the original sections.

LEGISLATIVE BILL 377. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Byars, 30; Day, 19; Dierks, 40; Horgan, 4; Rasmussen, 20; Vrtiska, 1.

A BILL FOR AN ACT relating to public buildings and facilities; to amend sections 32-226, 32-438, 32-439, 72-1119, 72-1120, 72-1121, and 72-1122, Reissue Revised Statutes of Nebraska, 1943, and sections 81-502 and 81-505.01, Revised Statutes Supplement, 1992; to require the State Fire Marshal to establish standards and specifications; to change the number of members and their qualifications on the Public Buildings Safety Advisory Committee; to eliminate a penalty and statutory standards, specifications, definitions, and the purpose; to provide a fee; to harmonize provisions; and to repeal the original sections, and also sections 72-1101 to 72-1118, 72-1123, and 72-1124, Reissue Revised Statutes of Nebraska, 1943.

MR. KRISTENSEN PRESIDING

RESOLUTION

LEGISLATIVE RESOLUTION 12CA. Introduced by Baack, 47.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the primary election in May 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article III, section 7 and Article III, section 19:

III-7 "~~At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all~~ All members of the Legislature shall be elected for ~~a term~~ terms of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall ~~where~~ when necessary specify the newly established district which they shall represent for the balance of their ~~term~~ terms. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month ~~during the term of his or her office~~ except that the amount may be adjusted to reflect changes in the cost of living and

wage levels that have occurred subsequent to 1988. In addition to his or her salary as so adjusted, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than ~~his or her~~ the salary adjusted as provided in this section and expenses, and employees of the Legislature shall receive no compensation other than ~~their~~ salary or per diem."

III-19 "(1) The Legislature shall never grant any extra compensation to any public officer, agent, or servant after the services have been rendered nor to any contractor after the contract has been entered into, except that (a) retirement benefits of retired public officers and employees may be adjusted to reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement; ~~nor shall the~~ and (b) the salaries of members of the Legislature may be adjusted as provided in Article III, section 7, of the Constitution of Nebraska.

(2) The compensation of any public officer, including any officer whose compensation is fixed by the Legislature, shall not be increased or diminished during his or her term of office except that; (a) when there are members elected or appointed to the Legislature or officers elected or appointed to a court, board, or commission having more than one member and the terms of one or more members commence and end at different times, the compensation of all members of the Legislature or of such court, board, or commission may be increased or diminished at the beginning of the full term of any member thereof and (b) the salaries of members of the Legislature may be adjusted to reflect changes in the cost of living and wage levels as provided in Article III, section 7, of the Constitution of Nebraska. Nothing in this section shall prevent local governing bodies from reviewing and adjusting vested pension benefits periodically as prescribed by ordinance.

(3) The surviving spouse of any retired public officer, agent, or servant, who has retired under a pension plan or system, shall be considered as having pensionable status and shall be entitled to the same benefits which may, at any time, be provided for or available to spouses of other public officers, agents, or servants who have retired under such pension plan or system at a later date, and such benefits shall not be prohibited by the restrictions of this section or of Article XIII, section 3, of the Constitution of Nebraska.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment providing for an annual adjustment in legislators' salaries to reflect changes in the cost of living.

For

Against".

Referred to the Reference Committee.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 378. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-125, 53-129, 53-160, and 53-164.01, Revised Statutes Supplement, 1992; to change provisions relating to license eligibility; to provide for the payment of the state registration fee for certain licensed premises as prescribed; to provide that brewpubs pay a tax as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 379. Introduced by Abboud, 12; Bromm, 23.

A BILL FOR AN ACT relating to crimes and punishment; to amend section 28-620, Reissue Revised Statutes of Nebraska, 1943; to define terms; to provide for prosecution for certain offenses as prescribed; to provide penalties; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 380. Introduced by Withem, 14; Abboud, 12.

A BILL FOR AN ACT relating to state agencies; to adopt the Economy and Productivity in State Government Act.

GENERAL FILE

LEGISLATIVE BILL 1. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 2. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 3. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 4. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 5. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 6. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 7. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 8. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 9. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 10. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 381. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the University of Nebraska; to amend section 85-106.05, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the insurance program for student athletes; and to repeal the original section.

LEGISLATIVE BILL 382. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to title insurance; to amend section 44-1927, Reissue Revised Statutes of Nebraska, 1943, and section 44-1946, Revised Statutes Supplement, 1992; to prohibit certain acts by insurers and agents; to provide for enforcement of federal laws; to provide a duty for the Revisor of Statutes; to eliminate provisions relating to controlled business; to harmonize provisions; and to repeal the original sections, and also sections 44-1930, 44-1931, 44-1934, 44-1938, 44-1939, and 44-1953 to 44-1957, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 383. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-116.01, 53-134, and 53-1,104, Revised Statutes Supplement, 1992; to provide duties for local governing bodies; to change provisions relating to license suspensions; and to repeal the original sections.

LEGISLATIVE BILL 384. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to highways; to amend section 39-2519, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to matching funds by cities of the first class relating to allocation of funds for street purposes; and to repeal the original section.

LEGISLATIVE BILL 385. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-216.03, Reissue Revised Statutes of Nebraska, 1943, and sections 37-102 and 37-207, Revised Statutes Supplement, 1992; to provide for revocation of licenses, permits, and stamps and suspension of privileges to hunt, fish, and harvest fur as prescribed; to eliminate provisions relating to revocation and disqualification for licenses and permits; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 386. Introduced by Bromm, 23; Robinson, 16; Vrtiska, 1.

A BILL FOR AN ACT relating to political subdivisions; to provide for in-lieu-of-property-tax payments by cities of the primary or metropolitan class and metropolitan utilities districts.

LEGISLATIVE BILL 387. Introduced by Horgan, 4.

A BILL FOR AN ACT relating to hospitals; to state intent; to define terms; to require a diagnosis code on hospital uniform billing forms; and to provide powers and duties for the Department of Health.

LEGISLATIVE BILL 388. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to the Municipal Natural Gas Regulation Act; to amend section 19-4617, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the use of money loaned from the Municipal Natural Gas Regulation Revolving Loan Fund as prescribed; and to repeal the original section.

LEGISLATIVE BILL 389. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3214, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to election of directors from subdistricts; and to repeal the original section.

LEGISLATIVE BILL 390. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-326, Reissue Revised Statutes of Nebraska, 1943; to expand the jurisdiction of city police; and to repeal the original section.

LEGISLATIVE BILL 391. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to low-level radioactive waste, to amend sections 81-1578 and 81-15,112.01, Revised Statutes Supplement, 1992; to provide a condition for licensure of a facility; to waive state immunity and provide for liability; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 392. Introduced by Rasmussen, 20; Baack, 47; Moore, 24; Withem, 14.

A BILL FOR AN ACT relating to special education; to amend section 79-3301, Revised Statutes Supplement, 1992; to create and provide duties for the Special Education Accountability Commission; to create a fund; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 393. Introduced by Rasmussen, 20.

A BILL FOR AN ACT relating to juveniles; to amend sections 28-716, 43-247, and 43-295, Reissue Revised Statutes of Nebraska, 1943, and sections 28-710, 28-713, 28-728, 43-278, 43-287.05, and 43-2,129,

Revised Statutes Supplement, 1992; to define and redefine terms; to provide and change procedures for investigations of child abuse and neglect; to provide additional immunity from liability as prescribed; to change provisions relating to contempt proceedings, to the adjudication and review period for juvenile cases, and to the continuation of the court's jurisdiction; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 394. Introduced by Hall, 7.

A BILL FOR AN ACT relating to motor vehicles; to require disclosure of manufacturer adjustment programs as prescribed; to define terms; to provide duties; to require reimbursement; and to provide remedies.

LEGISLATIVE BILL 395. Introduced by Hall, 7.

A BILL FOR AN ACT relating to employment; to amend sections 23-2525, 23-2531, 48-1101, 48-1104 to 48-1108, 48-1111, 48-1113, 48-1115, 48-1117, 48-1119, 48-1122, 48-1124, 81-1355, and 81-1356, Reissue Revised Statutes of Nebraska, 1943, and section 48-1102, Revised Statutes Supplement, 1992; to define a term; to change provisions relating to employment discrimination based on sexual orientation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 396. Introduced by Hall, 7.

A BILL FOR AN ACT relating to income taxation; to amend sections 77-2715.02 and 77-2715.07, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2716 and 77-2716.01, Revised Statutes Supplement, 1992; to change tax calculations; to change the tax rate; to allow a credit for personal exemptions; to provide an adjustment for federal governmental pensions; to eliminate a deduction for personal exemptions; to eliminate provisions relating to capital gains; to provide an operative date; and to repeal the original sections, and also sections 77-2715.08 and 77-2715.09, Revised Statutes Supplement, 1992.

SPEAKER BAACK PRESIDING

LEGISLATIVE BILL 397. Introduced by Hall, 7, at the request of the Governor.

A BILL FOR AN ACT relating to the State Athletic Commissioner; to amend sections 9-1,101 and 81-8,128, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,139.01, Revised Statutes Supplement, 1992; to change provisions relating to location of the office and an advisory committee and relating to employment of assistants; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 398. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to elections; to amend sections 32-705 and 32-1403, Revised Statutes Supplement, 1992; to change provisions relating to circulators of certain petitions; and to repeal the original sections.

LEGISLATIVE BILL 399. Introduced by Rasmussen, 20.

A BILL FOR AN ACT relating to schools; to amend section 77-27,132, Reissue Revised Statutes of Nebraska, 1943, and section 79-3509.03, Revised Statutes Supplement, 1992; to provide for credit of certain tax proceeds to the Excellence in Education Fund; to change a restriction on appropriations as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 400. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-611, Revised Statutes Supplement, 1992; to change the offense of issuing a bad check; and to repeal the original section.

LEGISLATIVE BILL 401. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to public records; to amend section 84-712, Reissue Revised Statutes of Nebraska, 1943; to authorize alternative means to access public records; and to repeal the original section.

LEGISLATIVE BILL 402. Introduced by Janssen, 15; Bernard-Stevens, 42; Day, 19; Fisher, 35; Hartnett, 45; Horgan, 4; Landis, 46; Lynch, 13; Pedersen, 39; Robak, 22; Schmitt, 41; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend sections 28-1239.01 and 28-1246, Reissue Revised Statutes of Nebraska, 1943, and section 81-505.01, Revised Statutes Supplement, 1992; to change fees as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 403. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-106, Reissue Revised Statutes of Nebraska, 1943, and section 48-1,110, Revised Statutes Supplement, 1992; to exclude motor carriers contracting with owner-operators from coverage of the

Nebraska Workers' Compensation Act as provided; to define a term; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 404. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to art consignment; to adopt the Fine Art Consignment Act.

LEGISLATIVE BILL 405. Introduced by Landis, 46.

A BILL FOR AN ACT relating to retired judges; to amend section 24-729, Revised Statutes Supplement, 1992; to define a term; and to repeal the original section.

LEGISLATIVE BILL 406. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Chambers, 11; Cudaback, 36; Elmer, 38; Schellpeper, 18; Vrtiska, 1.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1072, 2-1074, 2-1075, 2-1079, 2-1091, 2-1092, 2-1094, 2-1095, 2-1097, 2-1099, 2-10,100, 2-10,101, 2-10,103, 2-10,105, 2-10,113, 2-10,115, 2-10,116, and 2-10,117, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change and provide powers and duties relating to enforcement of the Plant Protection and Plant Pest Act; to provide for and change provisions relating to licensing of growers, dealers, brokers, and collectors of plants under the act; to change penalty provisions and provide for administrative fines; to provide for and change provisions relating to permits to import foreign nursery stock and plant pests as prescribed; to harmonize provisions; and to repeal the original sections.

EASE

The Legislature was at ease from 10:56 a.m. until 11:16 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 407. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to the division of fire protection districts; to amend section 35-527, Reissue Revised Statutes of Nebraska, 1943; to change the calculation of the proportion of funds deposited to new divisions from area to valuation; and to repeal the original section.

LEGISLATIVE BILL 408. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to open burning; to amend section 81-520.01, Reissue Revised Statutes of Nebraska, 1943, and section 81-520.02, Revised Statutes Supplement, 1992; to change provisions relating to permits and ban; to provide for rules and regulations and for a fee; to change a penalty; and to repeal the original sections.

LEGISLATIVE BILL 409. Introduced by Will, 8.

A BILL FOR AN ACT relating to boundary lines; to amend sections 22-111, 22-113, 22-122, 22-128, 22-166, 22-177, 22-187, and 22-189, Reissue Revised Statutes of Nebraska, 1943, and Laws 1943, chapter 130, sections 1 to 5, p. 434; to change the boundary line between Iowa and Nebraska in the area of "Lower Bullard Bend" between Burt County, Nebraska, and Harrison County, Iowa; to cede to and relinquish jurisdiction over certain lands to Iowa; to amend the Iowa-Nebraska Boundary Compact of 1943; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 410. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Byars, 30; Day, 19; Fisher, 35; Horgan, 4; Pedersen, 39; Pirsch, 10; Schmitt, 41.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-363 and 75-364, Revised Statutes Supplement, 1992; to change a date in order to adopt updated federal regulations for hazardous material; and to repeal the original sections.

LEGISLATIVE BILL 411. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Byars, 30; Horgan, 4; Pedersen, 39; Pirsch, 10.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-687 and 60-1403.01, Reissue Revised Statutes of Nebraska, 1943, and sections 39-669.27, 39-6,106.01, 60-462, 60-480, 60-491, 60-4,112, 60-4,118, 60-4,123, 60-4,124, 60-4,125, 60-4,126, and 60-4,142, Revised Statutes Supplement, 1992; to change provisions relating to motor vehicle operators' licenses and permits; to change penalty provisions; to require a driver's education and training course as prescribed; to provide for revocation of motor vehicle operators' licenses; to provide for a driver safety course; to provide for an advisory committee; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 412. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Byars, 30; Day, 19; Fisher, 35; Pedersen, 39; Pirsch, 10; Schmitt, 41.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 75-128, 75-302, 75-303, 75-304, 75-305, 75-306, 75-309, 75-311, and 75-348, Reissue Revised Statutes of Nebraska, 1943; to provide for transportation contracts with the Department of Social Services as provided; to provide duties for the commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 413. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Byars, 30; Day, 19; Fisher, 35; Horgan, 4; Pedersen, 39; Pirsch, 10; Schmitt, 41.

A BILL FOR AN ACT relating to interstate carriers; to amend sections 75-110, 75-349, and 75-353, Reissue Revised Statutes of Nebraska, 1943, and section 75-352, Revised Statutes Supplement, 1992; to require rules and regulations for the single state insurance registration system provided for in federal law; to change provisions relating to regulation of carriers; to eliminate the Interstate Operating Authority Agreement Act; to harmonize provisions; to provide operative dates; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 414. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Byars, 30; Day, 19; Fisher, 35; Horgan, 4; Pedersen, 39; Pirsch, 10; Schmitt, 41.

A BILL FOR AN ACT relating to regulation of carriers; to amend sections 48-105, 74-307, 74-308, 74-424, 74-548, 74-549, 74-550, 74-592 to 74-596, 74-601 to 74-605, 74-608, 74-609, 74-609.01, 74-706, 74-916, 74-918, 74-919, 74-1310, 75-101, 75-104, 75-105, 75-108, 75-109, 75-110, 75-112, 75-113, 75-116, 75-118, 75-119, 75-123, 75-125 to 75-128, 75-131, 75-132, 75-133, 75-135, 75-140, 75-141, 75-142, 75-144, 75-145, 75-146, 75-148, 75-150 to 75-155, 75-201, 75-303, 75-304, 75-304.01, 75-306, 75-308.01, 75-309, 75-309.01, 75-311, 75-318, 75-348, 75-350, 75-353, 75-367, 75-370, 75-371, 75-401, 75-401.01, 75-402, 75-405, 75-411, 75-412, 75-413, 75-414, 75-415, 75-416, 75-418, 75-427 to 75-430, 75-501, 75-502, 75-503, 75-605 to 75-616, 75-701 to 75-711, 75-713 to 75-718, and 75-720 to 75-724, Reissue Revised Statutes of Nebraska, 1943, and sections 75-106, 75-121, 75-134, 75-136.01, 75-137, 75-138, and 75-143, Revised Statutes Supplement, 1992; to change provisions relating to powers, duties, liabilities, and regulation of and concerning railroads and common, contract, aircraft, motor, rail, telephone, telegraph, and other carriers; to transfer provisions; to change and eliminate powers and duties of the Public Service Commission and the

Attorney General; to rename the secretary of the commission; to require the commission to enforce federal standards of railroad safety; to change provisions relating to transmission lines; to change and eliminate penalties; to eliminate provisions relating to railroad incorporation, general offices, property acquisition, tracks, facilities, cars, cabooses, equipment, lines, rate of speed, liability to and safety and employment of employees and others, weighing and handling of shipments, employees' wages, rates, fares, and claims against common carriers; to eliminate certain notice and hearing requirements; to eliminate provisions relating to itinerant merchants; to harmonize provisions; and to repeal the original sections, and also sections 74-101 to 74-111, 74-201 to 74-204, 74-301 to 74-306, 74-323, 74-327, 74-328, 74-401 to 74-423, 74-501 to 74-514, 74-538, 74-539, 74-557 to 74-569, 74-583 to 74-586, 74-598 to 74-5,103, 74-606, 74-607, 74-610, 74-611, 74-612, 74-702 to 74-705, 74-707 to 74-715, 74-801, 74-804 to 74-807, 74-815 to 74-823, 74-901 to 74-912, 74-920, 74-1001, 74-1004, 74-1005, 74-1006, 74-1008, 74-1010, 74-1011, 74-1012, 74-1201 to 74-1204, 75-147, 75-202, 75-323, 75-324, 75-325, 75-327, 75-329 to 75-335, 75-404, 75-409, 75-421, 75-424, 75-425, 75-431 to 75-440, 75-501.01, 75-601, 75-602, and 75-603, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 415. Introduced by Schimek, 27; Day, 19; Dierks, 40; Horgan, 4; McKenzie, 34; Vrtiska, 1.

A BILL FOR AN ACT relating to insurance; to amend section 44-513.02, Revised Statutes Supplement, 1992; to prohibit exclusion of certain prescription drugs from coverage as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 416. Introduced by Will, 8.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-123.15, Revised Statutes Supplement, 1992; to change provisions relating to shipping licenses; and to repeal the original section.

LEGISLATIVE BILL 417. Introduced by Nebraska Retirement Systems Committee: Horgan, 4, Chairperson; Crosby, 29; Day, 19; Fisher, 35; Lynch, 13; Robak, 22; and Moore, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2301, 23-2306, 23-2319, 23-2320, and 84-1323.01, Reissue Revised Statutes of Nebraska, 1943, and sections 23-2308, 23-2317, 84-1301, 84-1307, and 84-1321, Revised Statutes Supplement, 1992; to redefine a term; to change provisions relating to membership, enrollment requirements, and benefits of county and state employees; to authorize

a late fee; to eliminate a provision relating to a lump-sum settlement option; to harmonize provisions; to repeal the original sections, and also section 84-1323.02, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 418. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to the Local Option Revenue Act; to amend section 77-27,144, Reissue Revised Statutes of Nebraska, 1943; to change an administrative fee; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 419. Introduced by Chambers, 11; Baack, 47; Bernard-Stevens, 42; Byars, 30; Coordsen, 32; Crosby, 29; Day, 19; Dierks, 40; Elmer, 38; Fisher, 35; Haberman, 44; Hall, 7; Hartnett, 45; Hillman, 48; Jones, 43; Landis, 46; Lynch, 13; McKenzie, 34; Moore, 24; Pedersen, 39; Preister, 5; Rasmussen, 20; Robak, 22; Robinson, 16; Schellpeper, 18; Schmitt, 41; Warner, 25; Wehrbein, 2; Wesely, 26; Wickersham, 49; Will, 8; Withem, 14.

A BILL FOR AN ACT relating to government; to state findings; to restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature; and to authorize contracts as prescribed.

LEGISLATIVE BILL 420. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Byars, 30; Day, 19; Fisher, 35; Horgan, 4; Pedersen, 39; Pirsch, 10; Schmitt, 41.

A BILL FOR AN ACT relating to commercial drivers' licenses; to amend sections 60-462, 60-4,131, 60-4,132, 60-4,137, 60-4,138, and 60-4,171, Revised Statutes Supplement, 1992; to provide for additional restrictions; to authorize waiver of the written knowledge examination; to change reinstatement requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 421. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Byars, 30; Day, 19; Fisher, 35; Horgan, 4; Pedersen, 39; Pirsch, 10; Schmitt, 41.

A BILL FOR AN ACT relating to utility service; to adopt the One-Call Notification System Act; and to provide penalties.

LEGISLATIVE BILL 422. Introduced by Will, 8.

A BILL FOR AN ACT relating to public power; to state intent; to define a term; and to provide for private power entities.

LEGISLATIVE BILL 423. Introduced by Robak, 22.

A BILL FOR AN ACT relating to banks and banking; to provide for investment in Qualified Canadian Government obligations as prescribed.

LEGISLATIVE BILL 424. Introduced by Byars, 30.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-129 and 81-2004.02, Reissue Revised Statutes of Nebraska, 1943, and section 60-106, Revised Statutes Supplement, 1992; to eliminate requirements for identification inspections and training for such inspections; to harmonize provisions; and to repeal the original sections, and also sections 60-118 to 60-127, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 425. Introduced by Wesely, 26; Will, 8.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend sections 9-629 and 9-648, Reissue Revised Statutes of Nebraska, 1943; to decrease a limitation on expenses and increase the tax on gross proceeds; and to repeal the original sections.

LEGISLATIVE BILL 426. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to county treasurers; to amend sections 33-114 and 77-3523, Reissue Revised Statutes of Nebraska, 1943, and section 14-554, Revised Statutes Supplement, 1992; to reduce the fee collected by the county treasurer for certain services as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 427. Introduced by Ashford, 6; Avery, 3; Beutler, 28; Bromm, 23; Crosby, 29; Day, 19; Hohenstein, 17; Horgan, 4; Landis, 46; McKenzie, 34; Pedersen, 39; Pirsch, 10; Preister, 5; Rasmussen, 20; Wehrbein, 2; Will, 8; Witek, 31.

A BILL FOR AN ACT relating to the state telecommunications system; to amend sections 81-1120.27 and 84-304, Revised Statutes Supplement, 1992; to change powers and duties of the Auditor of Public Accounts with respect to the auditing of long distance telephone records of members of the Legislature as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 428. Introduced by Withem, 14; Baack, 47; Schimek, 27.

A BILL FOR AN ACT relating to elections; to amend sections 2-945.01, 2-953, 2-2435, 2-2437, 2-2447, 2-3213 to 2-3215, 3-502, 3-611, 3-701, 3-703, 10-702, 11-125, 14-201, 14-201.03, 14-204 to 14-208, 14-217.02, 15-249, 15-301, 15-302, 16-103, 16-104, 16-217, 16-302.01, 16-305, 16-306, 16-311, 17-103, 17-104, 17-107, 17-108.02, 17-202, 17-203, 17-311, 17-312, 17-601.01 to 17-603, 18-2514, 18-2516, 18-2517, 18-2521, 18-2525, 18-2530, 18-2536, 19-402, 19-404 to 19-407, 19-409, 19-411, 19-415, 19-421, 19-423, 19-433, 19-612, 19-613, 19-613.01, 19-3002, 19-3005, 19-3019, 19-3023, 19-3025, 19-3026, 19-3029, 19-3030, 19-3034, 19-3040, 19-3041, 19-3050, 19-3051, 22-202, 23-148, 23-150, 23-151, 23-204, 23-222, 23-268, 23-269, 23-1502, 23-1901, 23-3301, 23-3401, 23-3534, 23-3557, 23-3575, 24-814, 24-815, 24-818, 31-735.03, 39-1606, 43-2,112, 43-2,127, 46-112, 46-530, 46-534, 49-202, 49-204, 49-206 to 49-210, 49-214, 49-215, 49-218, 49-219, 49-222, 49-228, 49-237, 49-238, 49-1412, 49-1419, 49-1446.03 to 49-1451, 49-1453, 49-1463 to 49-1464, 49-1467, 49-1469, 49-1470, 49-1472, 49-1479.01, 49-1484, 49-1489, 49-1494, 49-1496, 49-14,100, 49-14,106, 49-14,109, 49-14,111, 49-14,115, 49-14,117, 49-14,119, 49-14,120, 49-14,122, 49-14,124 to 49-14,127, 49-14,129, 49-14,130, 49-14,133, 49-14,135, 49-14,139, 51-202, 70-604.03, 70-604.04, 70-604.08, 70-605, 70-606, 70-610, 70-611, 70-615, 75-101, 79-323, 79-324, 79-426.15, 79-426.25, 79-439.01, 79-462, 79-522, 79-601.01, 79-803.03, 79-803.11, 79-902.01, 79-1003, 79-1109, 79-2646, and 81-1632, Reissue Revised Statutes of Nebraska, 1943, sections 2-2434, 2-3225, 10-703.01, 14-2102, 14-2103, 18-2528, 23-3201, 29-3913, 32-1604, 32-1605, 49-506, 49-1461, 49-1474.01, 49-1483.02, 49-1488.01, 49-1493, 49-1495, 49-1499, 49-14,105, 49-14,107, 49-14,108, 49-14,112, 49-14,114, 49-14,118, 49-14,123, 49-14,123.01, 49-14,131, 49-14,140, 53-122, 70-619, 70-624.04, 77-370.01, 79-322, 79-426.05, 79-426.19, 79-701, 79-802, 79-1103, 79-2203, 79-2647, 79-3820, and 85-103, Revised Statutes Supplement, 1992, and section 49-14,121, Reissue Revised Statutes of Nebraska, 1943, as amended by section 4, Legislative Bill 14, Ninety-second Legislature, Third Special Session, 1992; to adopt the Election Act; to rename and provide powers and duties for the Nebraska Accountability and Disclosure Commission; to change and eliminate provisions relating to elections in political subdivisions; to change, eliminate, and provide penalties; to repeal general provisions found in Chapter 32 relating to elections; to harmonize provisions; and to repeal the original sections, and also sections 3-704, 14-201.04, 15-313, 16-307, 16-315, 17-107.02, 17-115, 17-203.01, 17-221, 19-408, 19-410, 19-425, 19-614, 19-621, 19-623, 19-624, 19-627, 23-152, 23-157, 23-1312, 23-3208, 23-3309, 23-3537, 32-101 to 32-114, 32-116, 32-117, 32-119 to 32-121, 32-201 to 32-205, 32-207 to 32-211, 32-214 to 32-231.01, 32-231.08 to 32-232, 32-264, 32-265, 32-301, 32-304, 32-304.01, 32-305, 32-309, 32-312, 32-315, 32-316, 32-402.01, 32-404 to 32-419, 32-420.01, 32-420.02, 32-422.01,

32-426, 32-428, 32-428.03, 32-428.04, 32-428.07 to 32-430.01, 32-432 to 32-438, 32-439 to 32-444, 32-445.01, 32-448, 32-450.01, 32-452, 32-454, 32-455, 32-457, 32-458, 32-460, 32-461, 32-463, 32-465 to 32-471, 32-473 to 32-478, 32-479.01 to 32-482, 32-490, 32-491, 32-492.01 to 32-493.01, 32-499, 32-499.01, 32-4,102, 32-4,105, 32-4,107, 32-4,108, 32-4,110 to 32-4,112, 32-4,115 to 32-4,125, 32-4,127, 32-4,129, 32-4,130, 32-4,133, 32-4,135 to 32-4,147, 32-4,149, 32-4,151, 32-4,153, 32-4,154, 32-4,156 to 32-4,158, 32-501, 32-502, 32-504, 32-504.01, 32-505 to 32-512, 32-513.01 to 32-516, 32-519 to 32-522, 32-524 to 32-526.02, 32-528 to 32-530.01, 32-532, 32-534, 32-535, 32-542, 32-542.02, 32-542.03, 32-545 to 32-547, 32-549 to 32-552, 32-558, 32-560 to 32-562, 32-601, 32-703, 32-703.01, 32-704.01, 32-705.01, 32-707.01 to 32-708, 32-710, 32-711, 32-713 to 32-715, 32-827 to 32-834, 32-836 to 32-844, 32-846 to 32-853, 32-1001, 32-1001.03 to 32-1001.05, 32-1001.17 to 32-1001.22, 32-1001.24 to 32-1001.28, 32-1001.32 to 32-1002, 32-1038, 32-1042 to 32-1056, 32-1201 to 32-1240, 32-1301.01 to 32-1310, 32-1312 to 32-1314, 46-531, 46-532, 46-533, 70-614, 79-464, 79-465, 79-540, 79-550.01, 79-706, 79-803.08 to 79-803.10, 79-803.12, 79-1003.03, 79-2202.01, and 79-2646.01, Reissue Revised Statutes of Nebraska, 1943, and sections 23-222.01, 32-210.01, 32-212, 32-303, 32-307, 32-308, 32-310, 32-403, 32-421.01, 32-424, 32-425, 32-428.05, 32-428.06, 32-450, 32-451, 32-456, 32-464, 32-485, 32-4,101, 32-4,103, 32-4,104, 32-4,113, 32-4,114, 32-4,132, 32-4,150, 32-4,152, 32-4,155, 32-4,159, 32-503.01, 32-513, 32-517, 32-537, 32-548, 32-556, 32-702, 32-704, 32-704.02, 32-705, 32-706, 32-707, 32-709, 32-712, 32-835, 32-845, 32-1001.06 to 32-1001.10, 32-1001.23, 32-1001.29 to 32-1001.31, 32-1037, 32-1039, 32-1040, 32-1057 to 32-1059, 32-1401 to 32-1409, 32-1501 to 32-1503, 79-803.07, and 79-2665, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 429. Introduced by Moore, 24.

A BILL FOR AN ACT relating to optometry; to amend sections 71-1,133, 71-1,135.01, 71-1,135.04, and 71-1,135.05, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 430. Introduced by Abboud, 12; Hohenstein, 17.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-305 and 28-707, Reissue Revised Statutes of Nebraska, 1943; to provide and change a penalty; to change provisions relating to manslaughter and to child abuse; and to repeal the original sections.

LEGISLATIVE BILL 431. Introduced by Rasmussen, 20; Ashford, 6; Bernard-Stevens, 42; Bohlke, 33; Chambers, 11; Crosby, 29; Day, 19; Dierks, 40; Hillman, 48; Schimek, 27; Wesely, 26.

A BILL FOR AN ACT relating to child deaths; to provide for review of child deaths; to state intent; to define terms; to create the State Child Death Review Team; and to provide powers and duties.

LEGISLATIVE BILL 432. Introduced by Horgan, 4; Ashford, 6; Byars, 30; Crosby, 29; Day, 19; Dierks, 40; Hartnett, 45; Lynch, 13; McKenzie, 34; Rasmussen, 20; Vrtiska, 1.

A BILL FOR AN ACT relating to juveniles; to amend section 43-248, Reissue Revised Statutes of Nebraska, 1943, and section 43-2,129, Revised Statutes Supplement, 1992; to authorize emergency temporary custody by a physician; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 433. Introduced by Horgan, 4; Chambers, 11; Schimek, 27.

A BILL FOR AN ACT relating to tobacco products; to amend sections 69-1901 to 69-1904, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to promotional distribution as prescribed; to define and redefine terms; to change provisions relating to penalties; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 13CA. Introduced by Will, 8.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article VII, section 1:

VII-1 "The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years so that each person of school age shall have the opportunity to receive a quality education regardless of the size, wealth, or geographic location of the school district in which such person resides. The Legislature may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide for the opportunity for persons of school age to receive a quality education.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 14CA. Introduced by Horgan, 4.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article III, sections 5 and 7, Article IV, section 20, Article V, section 5, Article VII, sections 3 and 10, and add a new section 24 to Article XV:

XV-24 "(1) In January of each year following the federal decennial census and after the newly elected officers are sworn in, a Nebraska Redistricting Commission shall be established to provide for the redistricting of congressional, legislative, Public Service Commission, State Board of Education, and Board of Regents districts and Supreme Court judicial districts.

(2) The Nebraska Redistricting Commission shall consist of nine members as prescribed in this section. Three of the members shall be appointed by the Legislature, three by the Governor, and three by the Chief Justice of the Supreme Court, with the approval of a majority of the Legislature. The Speaker of the Legislature, the chairperson of the Executive Board of the Legislature, and the chairperson of the committee of the Legislature to which redistricting bills are referenced shall each appoint one of the legislative appointees. The respective appointing authority shall fill any vacancy. The members of the commission shall choose a chairperson from among the membership.

(3) The appointments shall be made as provided by law so that:

(a) No more than four members are affiliated with the same political party;

(b) One member is not affiliated with the two political parties having the highest statewide membership; and

(c) There is a balance of representation from all congressional districts.

(4) To be eligible to be appointed as a member of the commission, a person shall be an elector of the State of Nebraska as provided in Article VI of this Constitution and shall not:

(a) Hold or have held public office or an office in a political party or political committee within two years prior to appointment to the commission;

(b) Be a relative or employee of a member of the Legislature, a member of the Congress of the United States, or a member of any board or commission which is to be redistricted by the Nebraska Redistricting Commission;

(c) Have lobbied the Legislature or the Congress of the United States for compensation within two years prior to appointment to the commission; and

(d) Have campaigned for elective office within two years prior to appointment to the commission.

(5) Commission members shall be ineligible to be elected or appointed to the Legislature, the Congress of the United States, the Board of Regents, the State Board of Education, or the Public Service Commission or to be appointed to serve as a member of the Supreme Court for four years after the latest effective date of any of the redistricting plans. No commission member shall lobby the Legislature or the Congress of the United States for compensation for one year after the latest effective date of any of the redistricting plans.

(6) Within ninety days after the commission has been convened or within ninety days after the necessary census data become available, whichever is sooner, the commission shall publish preliminary plans for redistricting and shall hold public hearings in several locations throughout the state as soon as practicable after the date of such publication. After completion of the hearings, the commission shall finalize and approve plans by a vote of the majority of the commission membership and present the plans to the Legislature. If any of the redistricting plans fails to be approved by a majority of the Legislature, the Legislature shall return the plan or plans to the commission with its recommendations as to why the plan or plans were not approved. The only basis for rejection by the Legislature shall be a challenge to a redistricting plan based on standards enumerated in the Constitution of Nebraska or the Constitution of the United States.

If the Legislature fails to approve a redistricting plan after three plans have been submitted by the commission to the Legislature or by September 1 of the year in which the commission convenes, whichever is earlier, the third or final plan submitted by the commission shall be submitted by the Clerk of the Legislature to the Supreme Court for a determination as to whether the plan complies with the standards enumerated in this Constitution and the Constitution of the United States. The Supreme Court shall then adopt or cause to be adopted a redistricting plan which complies with such requirements. The commission shall file a copy of each plan approved by the Legislature

or the Supreme Court with the Secretary of State. Upon such filings, the commission shall be dissolved.

(7) The members of the Legislature, Public Service Commission, State Board of Education, Board of Regents, and Supreme Court in office prior to the filing of the plans shall continue in office, and the plans shall, as necessary, specify the newly established districts which they will represent for the balance of their terms."

III-5 "~~At the regular session of the Legislature held in the year nineteen hundred and thirty-five the~~ The Legislature shall by law determine the number of members to be elected to the Legislature. The state shall be divided ~~and divide the state~~ into legislative districts as provided in Article XV, section 24, of this Constitution, after each federal decennial census. In the creation of such districts, any county that contains population sufficient to entitle it to two or more members of the Legislature shall be divided into separate and distinct legislative districts, as nearly equal in population as may be and composed of contiguous and compact territory. One member of the Legislature shall be elected from each such district. The basis of apportionment shall be the population excluding aliens, as shown by the next preceding federal decennial census. ~~The Legislature shall redistrict the state after each federal decennial census.~~ In ~~any such~~ redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature."

III-7 "At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. ~~When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term.~~ Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than his or her salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem."

IV-20 "There shall be a Public Service Commission, consisting of not less than three nor more than seven members, as the Legislature shall prescribe, whose ~~term~~ terms of office shall be six years; and

whose compensation shall be fixed by the Legislature. Commissioners shall be elected by districts of substantially equal population. The state shall be divided into districts for Public Service Commissioners as provided in Article XV, section 24, of this Constitution, after each federal decennial census. ~~as the Legislature shall provide.~~ The powers and duties of such commission shall include the regulation of rates, service and general control of common carriers as the Legislature may provide by law. ~~But, in~~ In the absence of specific legislation, the commission shall exercise the powers and perform the duties enumerated in this provision."

V-5 "The ~~Legislature shall divide the~~ state shall be divided into six contiguous and compact districts of approximately equal population~~, which~~ as provided in Article XV, section 24, of the Constitution, after each federal decennial census. The districts shall be numbered from one to six~~, which~~ and shall be known as the Supreme Court judicial districts. ~~The Legislature shall redistrict the state after each federal decennial census.~~ In ~~any such~~ redistricting, county lines shall be followed whenever practicable, but other established lines may be followed. ~~at the discretion of the Legislature. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. Whenever the Supreme Court is redistricted, the judges serving prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established districts which they shall represent for the balance of their terms.~~"

VII-3 "The State Board of Education shall be composed of eight members~~,~~ who shall be elected from eight districts of substantially equal population. The state shall be divided into such districts as provided in Article XV, section 24, of this Constitution, after each federal decennial census. ~~as provided by the Legislature.~~ Their ~~term~~ terms of office shall be for four years each. Their duties and powers shall be prescribed by the Legislature, and they shall receive no compensation~~,~~ but shall be reimbursed their actual expense incurred in the performance of their duties. The members of the State Board of Education shall not be actively engaged in the educational profession, and they shall be elected on a nonpartisan ballot."

VII-10 "The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in a board of not less than six nor more than eight regents to be designated the Board of Regents of the University of Nebraska, who shall be elected from and by districts ~~as herein provided~~ and three students of the University of Nebraska who shall serve as nonvoting members. Such nonvoting student members shall consist of the student body president of the University of Nebraska at Lincoln, the student body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center. The terms of office of

elected members shall be for six years each. The terms of office of student members shall be for the period of service as student body president. Their duties and powers shall be prescribed by law, ; and they shall receive no compensation; but may be reimbursed their actual expenses incurred in the discharge of their duties.

The ~~Legislature shall divide the~~ state shall be divided, along county lines, into as many compact regent districts; as there are regents provided by the Legislature, of approximately equal population; ~~which~~ as provided in Article XV, section 24, of this Constitution, after each federal decennial census. The regent districts shall be numbered consecutively. ~~The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature.~~ In ~~any such~~ redistricting, county lines shall be followed whenever practicable, but other established lines may be followed. ~~at the discretion of the Legislature. Whenever the state is so redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term.~~".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to create the Nebraska Redistricting Commission to provide for the redistricting of congressional, legislative, Public Service Commission, State Board of Education, and Board of Regents districts and Supreme Court judicial districts and to eliminate provisions relating to redistricting by the Legislature.

For

Against".

Referred to the Reference Committee.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 434. Introduced by Horgan, 4.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-302.03, 60-323, and 60-325, Reissue Revised Statutes of Nebraska, 1943, and sections 60-301 and 60-302, Revised Statutes Supplement, 1992; to define a term; to require a motor vehicle parked on the highways to be registered; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 435. Introduced by Horgan, 4.

A BILL FOR AN ACT relating to child support enforcement; to amend sections 42-369, 43-2,113, and 43-512.07, Revised Statutes Supplement, 1992; to change provisions relating to assignments of support to the Department of Social Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 436. Introduced by Pirsch, 10; Hohenstein, 17; Rasmussen, 20.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-281, 83-465, and 83-469, Reissue Revised Statutes of Nebraska, 1943; to require an evaluation prior to commitment of a juvenile to a Youth Development Center; to harmonize provisions; and to repeal the original sections.

ANNOUNCEMENT

Mrs. Crosby designates LB 80 as her priority bill.

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

LB 14	Monday, January 25, 1993	1:30 p.m.
LB 81	Monday, January 25, 1993	1:30 p.m.
LB 87	Monday, January 25, 1993	1:30 p.m.
LB 91	Monday, January 25, 1993	1:30 p.m.
LB 41	Tuesday, January 26, 1993	1:30 p.m.
LB 66	Tuesday, January 26, 1993	1:30 p.m.
LB 116	Tuesday, January 26, 1993	1:30 p.m.
LB 121	Tuesday, January 26, 1993	1:30 p.m.

(Signed) David Landis, Chairperson

Transportation

LB 108	Monday, January 25, 1993	1:30 p.m.
LB 158	Monday, January 25, 1993	1:30 p.m.
LB 62	Monday, January 25, 1993	1:30 p.m.
LB 15	Monday, January 25, 1993	1:30 p.m.
LB 145	Tuesday, January 26, 1993	1:30 p.m.
LB 211	Tuesday, January 26, 1993	1:30 p.m.
LB 198	Tuesday, January 26, 1993	1:30 p.m.
LB 105	Tuesday, January 26, 1993	1:30 p.m.

(Signed) Doug Kristensen, Chairperson

Business and Labor

LB 118 Monday, January 25, 1993 1:30 p.m.

(Signed) Chris Abboud, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 13, 1993. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Barry, Robert - Chicago, IL	MCI Telecommunications Corporation
Bones, Amy S. - Omaha	IBM
	Omaha Zoological Society
	Services for Children, Inc.
Brandt, Horan, Hallstrom & Sedlacek	
Sedlacek, Ronald J. - Lincoln	Nebraskans for HealthCare Equity
Cavanaugh, James P. - Omaha	O'Hara & Associates, Inc.
Conway, Gerald A. - So. Sioux City	Joe Morten and Son, Inc.
Ellerbee, Don - Hastings	Nebraska Funeral Directors Association
	Nebraska Veterinary Medical Association
Erickson, Julie S. - Lincoln	American Communications Group, Inc.
Erickson, L. Neal - Lincoln (Withdrawn 01/11/93)	American Communications Group
Erickson & Sederstrom, P.C.	
Thone, Charles - Lincoln	Erickson & Sederstrom, P.C.
	Nebraska Telemarketing Coalition
	The Century Council
Hansen, John K. - Lincoln	Nebraska Farmers Union
Jensen, S. Michael - Blair	Great Plains Communications, Inc.
Kendrick, Leslie E. - Omaha	Multistate Associates Inc. on behalf of Automated Wagering International, Inc.
	Omaha Zoological Society
	Services for Children, Inc.
Kirkpatrick, Jeff - Lincoln	Nebraska Farmers Union
McCullough, Mardy - Grant	Nebraska Land Title Association
Mills, Guyla - Lincoln	Citizens Against Pornography
Moors, H. Jack - Lincoln	Anheuser-Busch Companies
	Central Platte Natural Resources District
	First Federal Lincoln

	Friends of Faculty Senate
	Nebraska Alfalfa Dehydrators Association
	Nebraska Association of Tobacco & Candy Distributors
	Nebraska Corn Growers Association
	Nebraska Quarter Horse Racing Association
	Nebraska Water Resources Association
	Norwest Bank - Nebraska, N.A.
	Village of Butte
	3M/Traffic Control Materials Division
Moylan, James H. - Omaha	Nebraskans for HealthCare Equity
Obst, Robert E. - Grand Island	U S WEST Communications
O'Neal, Vernon - Omaha	Nebraska Association of Professional Investigators
Pappas, James E. - Lincoln	Concerned Cattlemen of Howard County
	Millard Public Schools
	Nebraska Motorcyclists Coalition
	Northwestern Public Service
	O'Hara & Associates, Inc.
	Ron E. Young
	UNO Faculty
	Waste-Tech Services, Incorporated
Prucha, George - Omaha	Nebraska Retail Grocers Association
Radcliffe and Associates	
Radcliffe, Walter H. - Lincoln	Alamo Rent-A-Car, Inc.
Rose, Melanie - Omaha	Kelley & Lehan, P.C.
Rupp, Lee - Lincoln	University of Nebraska
Skochdopole, R. A. - Omaha	Douglas Racing Corporation
	Bergan Mercy Medical Center
	National Association of Independent Insurers
	Nebraska for HealthCare Equity
Turner, Susan K. - Omaha	Kelley & Lehan, P.C.
Ullstrom, Galen F. - Omaha	Mutual of Omaha Companies
Urdahl, Michael B. - Blair	Great Plains Communications, Inc.
Williamson, Lyle - Chicago, IL	MCI Telecommunications Corporation
Wright, Norman H. - Omaha	Multistate Associates Inc. on behalf of Automated Wagering International, Inc.
	Omaha Zoological Society

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Bohlke asked unanimous consent to have her name added as cointroducer to LB 272 and LB 273. No objections. So ordered.

Mrs. McKenzie asked unanimous consent to have her name added as cointroducer to LB 37. No objections. So ordered.

Mr. Chambers asked unanimous consent to have his name added as cointroducer to LB 203. No objections. So ordered.

Mrs. Crosby asked unanimous consent to have her name added as cointroducer to LB 133. No objections. So ordered.

Mr. Hall asked unanimous consent to have his name added as cointroducer to LB 300. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Cointroducer

Mr. Pedersen asked unanimous consent to have his name withdrawn as cointroducer to LR 8CA. No objections. So ordered.

VISITORS

Visitors to the Chamber were 11 students and sponsor from Eustis High School; Cuong Nguyen from Eustis; and Ron Carlson and Charlie Chadwick from Garden County.

ADJOURNMENT

At 11:27 a.m., on a motion by Mrs. Witek, the Legislature adjourned until 10:00 a.m., Tuesday, January 19, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTH DAY - JANUARY 19, 1993

LEGISLATIVE JOURNAL

EIGHTH DAY - JANUARY 19, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 19, 1993

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Lew Champ, Bethany Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. McKenzie who was excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Dierks, Haberman, Hall, Kristensen, Lindsay, Moore, Schellpeper, Warner, Wehrbein, Wesely, Withem, Mmes. Rasmussen, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1. Placed on Select File.

LEGISLATIVE BILL 2. Placed on Select File as amended.
E & R amendment to LB 2:
AM5320
1. On page 1, line 2; page 2, line 2; and page 5, line 10, strike "1993" and insert "1992".

LEGISLATIVE BILL 3. Placed on Select File as amended.

E & R amendment to LB 3:
AM5327

1. On page 1, line 3; and page 65, line 5, strike "46-565" and insert "46-656".

2. On page 1, line 17; page 2, line 10; page 7, line 21; page 11, line 2; page 16, line 22; page 19, line 15; page 20, line 27; page 22, line 10; page 23, line 28; page 25, line 6; page 26, line 2; page 29, line 3; page 33, line 25; page 34, line 13; page 35, line 20; page 37, line 5; page 39, line 24; page 41, line 20; page 47, lines 5 and 26; page 50, line 9; page 51, lines 19 and 25; page 54, line 26; page 56, line 4; page 57, line 18; page 59, line 28; page 62, line 14; page 63, line 11; and page 65, lines 17 and 20, strike "1993" and insert "1992".

3. On page 3, line 28, strike "and" and show as stricken.

4. On page 4, line 2, before "Conservation" insert "Water Center of the University of Nebraska, and the".

5. On page 10, line 12; page 18, line 5; page 21, lines 15, 19, and 28; and page 22, line 5; strike "Control", show as stricken, and insert "Quality".

6. On page 32, line 10, strike "Such" and insert "A citation" and strike "citations" and show as stricken.

7. On page 33, line 13, strike the new matter and reinstate the stricken matter.

8. On page 41, line 26, strike the comma and show as stricken.

9. On page 42, line 7, strike "~~1993~~" and insert "~~1992~~".

10. On page 58, lines 2 and 3, strike the underscored comma.

LEGISLATIVE BILL 4. Placed on Select File as amended.
E & R amendment to LB 4:
AM5321

1. On page 1, line 2; and page 2, lines 2 and 28, strike "1993" and insert "1992".

LEGISLATIVE BILL 5. Placed on Select File as amended.
E & R amendment to LB 5:
AM5322

1. On page 1, line 4; page 3, line 27; page 6, line 10; and page 9, line 8, strike "1993" and insert "1992".

2. On page 2, lines 9 and 10, reinstate the stricken matter; and in line 10 strike "fund".

LEGISLATIVE BILL 6. Placed on Select File.

LEGISLATIVE BILL 7. Placed on Select File as amended.
E & R amendment to LB 7:
AM5323

1. On page 1, lines 3, 4, and 6; page 2, lines 2 and 23; page 3, lines 5 and 11; and page 4, lines 25 and 26, strike "1993" and insert "1992".

2. On page 3, line 6, strike "~~1993~~" and insert "~~1992~~"

3. On page 4, line 24, strike "section" and insert "sections".

LEGISLATIVE BILL 8. Placed on Select File as amended.
E & R amendment to LB 8:
AM5324

1. On page 1, line 3; page 2, lines 2 and 12; and page 3, line 17, strike "1993" and insert "1992".

LEGISLATIVE BILL 9. Placed on Select File as amended.
E & R amendment to LB 9:
AM5325

1. On page 1, line 4; and page 2, lines 2 and 22, strike "1993" and insert "1992".

LEGISLATIVE BILL 10. Placed on Select File as amended.
E & R amendment to LB 10:
AM5326

1. On page 1, line 3; page 2, lines 2 and 7; and page 3, line 8, strike "1993" and insert "1992".

(Signed) Kurt A. Hohenstein, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 10.

NATURAL RESOURCES DISTRICT REPORTS

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1992 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lower Big Blue Natural Resources District	
Everson, Wullschleger, Sutter, Korsland & Willet	1,295.00
South Platte Natural Resources District	
Burke & Wilson	391.44

REPORTS

Received statement of deposits from the Department of Roads to the Highway Cash fund and Roads Operation Cash fund for December 1992 in compliance with section 66-4,144, R.S. Supp. 1991.

Received report from the Department of Environmental Quality on Availability of Petroleum Tank Liability Insurance as set forth in Neb.Rev.Stat. §66-1518 (Supp. 1991).

Received document from the Nebraska Energy Office of An Energy Action Plan for Nebraska.

Received report from the Department of Social Services on LB 3 Commission as mandated by the Legislature in the Second Special Session in 1992.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 437. Introduced by Wesely, 26; Chambers, 11; Day, 19; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Family Medical Leave Act.

LEGISLATIVE BILL 438. Introduced by Wesely, 26; Bernard-Stevens, 42; Bohlke, 33; Byars, 30; Day, 19; Dierks, 40; Horgan, 4; Rasmussen, 20; Robak, 22; Vrtiska, 1.

A BILL FOR AN ACT relating to the Department of Public Institutions; to amend sections 81-102, 83-101.01, 83-101.02, 83-101.03, 83-101.04, 83-107.01, 83-108, 83-114, 83-116, 83-160, and 83-1,147, Reissue Revised Statutes of Nebraska, 1943, and sections 81-101, 83-108.04, 83-109, 83-1,148, and 83-1227, Revised Statutes Supplement, 1992; to change the name of the Department of Public Institutions and the title of the Director of Public Institutions; to state intent; to delete provisions relating to transfer of property; to harmonize provisions; and to repeal the original sections, and also section 83-904, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 439. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to water; to amend section 46-673.11, Reissue Revised Statutes of Nebraska, 1943, and sections 46-657, 46-673.09, and 46-673.10, Revised Statutes Supplement, 1992; to redefine a term; to change provisions relating to methods of regulating

water use in control and management areas; and to repeal the original sections.

LEGISLATIVE BILL 440. Introduced by Warner, 25.

A BILL FOR AN ACT relating to motor fuel taxes; to amend sections 66-490, 66-493, 66-4,115, 66-501 to 66-503, 66-505, 66-512, 66-605.07, 66-607, 66-719, 66-720, 66-723, 66-727, and 66-1226, Revised Statutes Supplement, 1992; to change provisions relating to collection, administration, and distribution of motor fuel taxes; to change and eliminate provisions relating to transportation of motor fuel; to change provisions relating to penalties, interest, licenses, and permits; to provide an operative date; and to repeal the original sections, and also section 66-519, Reissue Revised Statutes of Nebraska, 1943, and sections 66-514 to 66-518, and 66-520, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 441. Introduced by Warner, 25.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 25-2501 and 25-2505, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to acquisition of private property for public use; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 442. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to equine activities; to provide intent; to define terms; and to provide an exemption from civil liability, exceptions to the exemption, and for the posting of warning signs.

LEGISLATIVE BILL 443. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Emergency Medical Technician-Paramedic Act; to amend sections 71-5502, 71-5508, 71-5510, 71-5514.01, and 71-5520, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to change qualifications for and conditions for administering care by certain emergency medical technicians; and to repeal the original sections.

LEGISLATIVE BILL 444. Introduced by Robinson, 16; Byars, 30; Coordsen, 32; Horgan, 4.

A BILL FOR AN ACT relating to waste reduction and recycling; to amend sections 81-15,160 to 81-15,162, Revised Statutes Supplement, 1992; to change provisions relating to a fee on tires; to provide for

separate accounting; to change provisions relating to eligibility for grants; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 445. Introduced by Robinson, 16.

A BILL FOR AN ACT relating to schools and school districts; to authorize sponsorship of student organizations as provided; to provide powers and duties for the State Board of Education and the State Department of Education; to provide for accounting procedures; and to provide for rules and regulations.

LEGISLATIVE BILL 446. Introduced by Wickersham, 49; Coordsen, 32.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend sections 84-901, 84-905.01, 84-906, 84-907, 84-909, 84-914, and 84-920, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to adoption of rules and regulations and procedures before agencies; to eliminate provisions relating to amendments to rules and regulations and for declaratory rulings; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 84-910 and 84-912, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 447. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to liens; to amend sections 52-201 and 52-204, Reissue Revised Statutes of Nebraska, 1943; to provide for a lien on farm equipment as provided; to provide for priority, filing, and release of such lien; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 448. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Department of Administrative Services; to provide for payment for certain expenses related to volunteers and certain providers of services.

LEGISLATIVE BILL 449. Introduced by Withem, 14.

A BILL FOR AN ACT relating to education; to amend section 9-812, Revised Statutes Supplement, 1992; to change the distribution of state lottery proceeds for education; and to repeal the original section.

LEGISLATIVE BILL 450. Introduced by Withem, 14.

A BILL FOR AN ACT relating to child custody; to amend section 42-364, Revised Statutes Supplement, 1992; to change provisions relating to joint custody; and to repeal the original section.

LEGISLATIVE BILL 451. Introduced by Withem, 14.

A BILL FOR AN ACT relating to juveniles; to amend sections 29-401 and 43-253, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to release of a juvenile as prescribed; to provide for notification of certain court actions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 452. Introduced by Withem, 14.

A BILL FOR AN ACT relating to educational service units; to amend sections 77-3439 and 79-2210, Revised Statutes Supplement, 1992; to provide a duty relating to access to telecomputing services; to provide for increasing a levy; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 453. Introduced by Withem, 14.

A BILL FOR AN ACT relating to informational technology; to state findings and intent; and to create and provide duties for the Commission on Informational Technology.

LEGISLATIVE BILL 454. Introduced by Withem, 14.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 32-4,147, 32-504, 79-102, 79-210, 79-402.07, 79-426.11, 79-426.15, 79-426.23, 79-464, 79-4,153, 79-519, 79-521, 79-541, 79-542, 79-547.02, 79-550, 79-550.01, 79-552, 79-603, 79-12,111, and 79-2504, Reissue Revised Statutes of Nebraska, 1943, and sections 23-3302, 23-3305, 79-101.01, 79-102.01, 79-402, 79-402.03, 79-402.11, 79-402.13, 79-402.17, 79-402.20, 79-403, 79-426.02, 79-426.05, 79-426.27, 79-426.28, 79-432, 79-437.03, 79-438.12, 79-451, 79-458, 79-490, 79-4,105.01, 79-4,141.01, 79-4,158.01, 79-546.01, 79-547.03, 79-547.04, 79-801, 79-2102, 79-2203, 79-3403, 79-3803 to 79-3805, and 79-3808, Revised Statutes Supplement, 1992; to require the merger, affiliation, or dissolution of Class VI school districts as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 79-102.02, 79-1101, and 79-1104 to 79-1112, Reissue Revised Statutes of Nebraska, 1943, section 79-1103, Revised Statutes Supplement, 1992, and section 79-1103.05, Revised Statutes Supplement, 1992, as amended by section 1, Legislative Bill 19, Ninety-second Legislature, Third Special Session, 1992.

LEGISLATIVE BILL 455. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to corrections; to amend section 83-4,122, Revised Statutes Supplement, 1992; to provide a standard of proof for inmate disciplinary hearings; and to repeal the original section.

LEGISLATIVE BILL 456. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the University of Nebraska at Lincoln; to require a stipend to football players as prescribed; to state intent; and to provide a limitation.

LEGISLATIVE BILL 457. Introduced by Wickersham, 49; Day, 19; Hillman, 48.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-109, Reissue Revised Statutes of Nebraska, 1943, and sections 28-101 and 29-119, Revised Statutes Supplement, 1992; to define a term; to provide for the crimes of deadly assault in the first and second degrees; to provide penalties; to provide for plea agreements; and to repeal the original sections.

LEGISLATIVE BILL 458. Introduced by Landis, 46; Lindsay, 9.

A BILL FOR AN ACT relating to foreign judgments; to amend section 43-1729, Reissue Revised Statutes of Nebraska, 1943; to adopt the Nebraska Uniform Enforcement of Foreign Judgments Act; to harmonize provisions; to provide an operative date; and to repeal the original section, and also sections 25-1587 to 25-15,104, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 459. Introduced by Horgan, 4.

A BILL FOR AN ACT relating to retirement; to amend section 23-2309.01, Reissue Revised Statutes of Nebraska, 1943, and sections 23-2310, 84-1310.01, and 84-1311, Revised Statutes Supplement, 1992; to change provisions relating to the investment of funds and adjustments to employer accounts; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 460. Introduced by Horgan, 4.

A BILL FOR AN ACT relating to retirement; to amend sections 84-1504 to 84-1506, 84-1509, and 84-1510, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to deferred

compensation for state and county employees; and to repeal the original sections.

EASE

The Legislature was at ease from 10:24 a.m. until 10:50 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 461. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to detention facilities; to amend section 83-4,125, Revised Statutes Supplement, 1992; to redefine terms; and to repeal the original section.

LEGISLATIVE BILL 462. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to the Court of Appeals; to amend section 24-1104, Revised Statutes Supplement, 1992; to change provisions relating to publication of court opinions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 463. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to execution and exemption; to amend sections 25-1543, 25-1552 to 25-1554, 25-1556, 25-1559, 25-1563.01, 25-1563.02, 40-105, 40-107, 40-108, 40-111, 44-371, and 44-1089, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to exemptions from execution; to provide duties for the Supreme Court; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 464. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to powers of attorney; to amend section 76-246, Reissue Revised Statutes of Nebraska, 1943, and section 24-517, Revised Statutes Supplement, 1992; to adopt the Power of Attorney Act; to authorize filings as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 465. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to the Nebraska Educational Facilities Authority Act; to amend sections 79-2901 to 79-2904, 79-2907, 79-2908, 79-2910, 79-2912, 79-2914, 79-2915, 79-2918, 79-2923,

79-2924, 79-2932 to 79-2935, 79-2938, 79-2940 to 79-2944, 79-2946 to 79-2948, 79-2950 to 79-2954, and 79-2959, Reissue Revised Statutes of Nebraska, 1943; to change the name of the authority; to provide for the Nebraska Student Loan Assistance Program; to provide duties for the authority; to state intent; to eliminate a definition and a duty for the Revisor of Statutes; and to repeal the original sections, and also sections 79-2909.01 and 79-2960, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 466. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to civil rights; to adopt the Religious Civil Rights Act.

LEGISLATIVE BILL 467. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to conservators; to amend section 30-2641, Reissue Revised Statutes of Nebraska, 1943; to provide restrictions on proceedings against sureties as prescribed; to provide for the use of a national tracing service; to provide for interest; and to repeal the original section.

LEGISLATIVE BILL 468. Introduced by Hohenstein, 17.

A BILL FOR AN ACT relating to county attorneys; to amend sections 23-1201.01 and 23-1201.02, Reissue Revised Statutes of Nebraska, 1943; to change residency requirements and appointment provisions; and to repeal the original sections.

LEGISLATIVE BILL 469. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to child abuse and neglect; to amend sections 28-728 and 28-729, Revised Statutes Supplement, 1992; to change provisions relating to the creation and appointment of investigation and treatment teams; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 470. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to mental health, alcoholism, and drug abuse services; to amend sections 42-917, 44-773, 44-774, 71-5001 to 71-5010, 71-5012, 71-5015, 71-5024 to 71-5026, 71-5031 to 71-5033, 71-5036, 71-5037, 71-5040, 71-5041, 83-160, 83-164, 83-166 to 83-169, and 83-1006, Reissue Revised Statutes of Nebraska, 1943, and sections 71-5014, 71-5034, and 81-2213, Revised Statutes Supplement, 1992; to rename the Nebraska Comprehensive Community Mental Health Services Act and the Division on Alcoholism and Drug Abuse;

to provide powers and duties for the Division on Community Mental Health, Alcoholism, and Drug Abuse Services; to define, redefine, and eliminate terms; to transfer powers and duties from the Department of Public Institutions to the Department of Health; to eliminate provisions relating to mental health, alcoholism, and drug abuse; to harmonize provisions; and to repeal the original sections, and also sections 71-5013, 71-5016 to 71-5023, 71-5027 to 71-5030, 71-5035, 71-5038, 71-5039, 83-158.01, 83-159, 83-161.02, and 83-165, Reissue Revised Statutes of Nebraska, 1943, and section 83-163, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 471. Introduced by Crosby, 29; Fisher, 35; Hohenstein, 17; Pedersen, 39; Robinson, 16; Wesely, 26.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1227 to 2-1229, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to consent to simulcast and interstate simulcast agreements as provided; to change provisions relating to application for an interstate simulcast facility license; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 472. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to aeronautics; to amend section 3-407, Reissue Revised Statutes of Nebraska, 1943; to change height requirements for marking and lighting structures as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 473. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to driving under the influence; to amend section 28-105, Reissue Revised Statutes of Nebraska, 1943, and sections 28-106, 29-119, 39-669.07, and 39-669.08, Revised Statutes Supplement, 1992; to create the Class W felony; to provide for third and subsequent offense driving under the influence and third and subsequent offense refusal to submit to a preliminary breath test; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 474. Introduced by Hohenstein, 17; Chambers, 11.

A BILL FOR AN ACT relating to motor vehicles; to provide for collegiate license plates; to provide fees; to create funds; and to state intent.

LEGISLATIVE BILL 475. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to interest; to amend section 45-103, Reissue Revised Statutes of Nebraska, 1943; to change the interest rate on judgments; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 476. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to courts; to amend sections 29-2404 and 29-2408, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to collection of fines and costs in county and district courts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 477. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to railroads; to amend section 74-1318, Reissue Revised Statutes of Nebraska, 1943; to change provisions for payments to political subdivisions for grade crossing elimination; and to repeal the original section.

LEGISLATIVE BILL 478. Introduced by Day, 19; Landis, 46.

A BILL FOR AN ACT relating to condominiums; to amend sections 76-802, 76-804, 76-807, 76-809, 76-811, 76-816, 76-817, 76-819, 76-820, 76-823, 76-824.01, 76-825, 76-826, 76-854, and 76-883, Reissue Revised Statutes of Nebraska, 1943; to change requirements for amendments to a declaration; to provide for class actions, equitable relief, and the award of costs and attorney's fees; to change provisions relating to public-offering statements; to eliminate provisions relating to an action for damages; to harmonize provisions; to repeal the original sections, and also section 76-891, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 479. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bohlke, 33; Bromm, 23; Elmer, 38; Hartnett, 45; Jones, 43; McKenzie, 34; Preister, 5.

A BILL FOR AN ACT relating to energy projects; to amend section 81-1638, Reissue Revised Statutes of Nebraska, 1943; to authorize political subdivisions to apply for and receive disbursements for energy projects; and to repeal the original section.

LEGISLATIVE BILL 480. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bohlke, 33; Bromm, 23; Elmer, 38; Hartnett, 45; Jones, 43; McKenzie, 34; Preister, 5.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 2-3213, 2-3214, 2-3220, 2-3227, 2-3254, and 46-629, Reissue Revised Statutes of Nebraska, 1943, section 77-2704.15, Revised Statutes Supplement, 1992, Laws 1981, LB 81, section 5, as amended by Laws 1986, LB 124, section 3, Laws 1991, LB 137, section 2, Laws 1992, LB 1063, section 206, and section 177, Legislative Bill 1, Ninety-second Legislature, Second Special Session, 1992, and Laws 1981, LB 81, section 6, as amended by Laws 1992, LB 1063, section 207, and section 178, Legislative Bill 1, Ninety-second Legislature, Second Special Session, 1992; to eliminate requirements for approval of changes in the number of directors, changes of boundaries of subdistricts, and changes in the manner of electing directors; to change authorized investments; to change a publication of expenditures requirement; to eliminate a reporting requirement for certain fees; to exempt purchases made by natural resources districts from sales and use tax; to harmonize provisions; to change operative date and repealer provisions; and to repeal the original sections, and also section 2-3262, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 481. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bohlke, 33; Bromm, 23; Elmer, 38; Hartnett, 45; Jones, 43; McKenzie, 34; Preister, 5.

A BILL FOR AN ACT relating to the Game and Parks Commission; to accept the grant-in-aid from the federal government for recreational trails and trail-related projects as prescribed; and to create a fund.

LEGISLATIVE BILL 482. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bohlke, 33; Bromm, 23; Elmer, 38; Hartnett, 45; Jones, 43; McKenzie, 34; Preister, 5.

A BILL FOR AN ACT relating to energy loans and grants; to amend section 81-1632, Reissue Revised Statutes of Nebraska, 1943, and section 81-1633, Revised Statutes Supplement, 1992; to change provisions relating to loans to school districts for energy efficiency projects; to define terms; to require a report; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 483. Introduced by Janssen, 15; Bromm, 23; Fisher, 35; Robinson, 16; Schmitt, 41; Wickersham, 49.

A BILL FOR AN ACT relating to community service; to amend sections 29-2277, 29-2278, 29-2279, 47-122 to 47-124, 48-115, and 48-126.01, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2262, 29-2262.04, and 29-2924, Revised Statutes Supplement, 1992; to change references to community services to compensatory services;

to redefine a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 484. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to gambling; to amend section 28-1107, Reissue Revised Statutes of Nebraska, 1943; to eliminate an exemption; to exempt antique slot machines from the offense of possession of a gambling device; and to repeal the original section.

LEGISLATIVE BILL 485. Introduced by Elmer, 38; Horgan, 4.

A BILL FOR AN ACT relating to utilities; to amend sections 16-645, 16-674, 16-684, 17-559, 17-906, 19-701, 19-702, 19-707, 19-709, 19-3311, 70-650, and 76-703, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to condemnation of a utility; to provide for valuation; to change and eliminate provisions relating to courts of condemnation; to harmonize provisions; and to repeal the original sections, and also sections 19-703 to 19-706, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 486. Introduced by Elmer, 38; Horgan, 4.

A BILL FOR AN ACT relating to utilities; to amend sections 16-645, 16-674, 16-684, 17-559, 17-906, 19-701, 19-703, 19-707, 19-709, 19-3311, 70-650, and 76-703, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to condemnation of a utility; to provide for assessment of costs; to eliminate provisions relating to courts of condemnation; to harmonize provisions; and to repeal the original sections, and also section 19-706, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 487. Introduced by Elmer, 38; Horgan, 4.

A BILL FOR AN ACT relating to utilities; to amend section 19-701, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to condemnation of a utility; to require an analysis and a hearing prior to condemnation; and to repeal the original section.

LEGISLATIVE BILL 488. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to professional corporations; to amend section 21-2201, Reissue Revised Statutes of Nebraska, 1943; to authorize Nebraska professional corporations to provide services in other states; to provide for certain foreign professional corporations to provide services in Nebraska as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 489. Introduced by Will, 8.

A BILL FOR AN ACT relating to bingo and other gambling; to amend sections 9-239, 9-321.01, 9-344, 9-429, 9-625, and 9-648, Reissue Revised Statutes of Nebraska, 1943; to change and eliminate taxation provisions; to redefine a term; to eliminate certain permit requirements, filing requirements, notification requirements, and provisions on local control and elections relating to bingo, lotteries, and raffles; to harmonize provisions; and to repeal the original sections, and also sections 9-236, 9-237, 9-252, 9-433, 9-643, and 9-644, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 490. Introduced by Crosby, 29; Wesely, 26.

A BILL FOR AN ACT relating to child custody; to amend section 43-1225, Reissue Revised Statutes of Nebraska, 1943, and section 42-364, Revised Statutes Supplement, 1992; to provide for evidence of abuse to be considered; to provide standards for all custody proceedings; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 491. Introduced by Hillman, 48, Day, 19, Horgan, 4, Rasmussen, 20, Schimek, 27, Wickersham, 49, at the request of the Governor.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-311.12, 60-311.13, 60-315.01, 60-505.02, and 60-569, Reissue Revised Statutes of Nebraska, 1943, and sections 39-669.16, 60-115, 60-302, 60-311.10, 60-311.11, 60-483, 60-4,100, 60-4,115, 60-4,126, 60-4,148, 60-4,158, 60-4,171, and 60-4,181, Revised Statutes Supplement, 1992; to provide and change fees relating to certificates of title, operator's licenses, motor vehicle licensing, registration, and financial responsibility, and state identification cards; to rename personalized prestige license plates; to change the distribution of the proceeds of certain fees; to create a fund; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 492. Introduced by Witek, 31.

A BILL FOR AN ACT relating to motorcycles; to amend sections 39-6,211 to 39-6,213, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the wearing of protective helmets as prescribed; to change provisions relating to approved protective helmets and conformance with federal standards; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 15CA. Introduced by Kristensen, 37.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article III, section 14:

III-14 "Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member. The ~~, and the~~ bill and all amendments thereto shall be printed and presented ~~read at large~~ before the vote is taken upon its final passage and shall be read at large when directed by a vote of one-fourth of all members elected. No ~~such~~ vote upon the final passage of any bill shall be taken~~, however,~~ until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the ~~same~~ subject shall be clearly expressed in the title. ~~And no~~ No law shall be amended unless the new act contain the section or sections as amended and the section or sections so amended shall be repealed. The Lieutenant Governor, or the Speaker if acting as presiding officer, shall sign, in the presence of the Legislature while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize the Legislature to vote upon final passage of a bill when the bill and all amendments thereto are printed and presented unless a reading at large is directed by one-fourth of the members elected.

For

Against".

Referred to the Reference Committee.

UNANIMOUS CONSENT - Member Excused

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

EASE

The Legislature was at ease from 10:59 a.m. until 11:23 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 493. Introduced by Wesely, 26; Schimek, 27.

A BILL FOR AN ACT relating to sexual exploitation; to amend sections 28-101 and 28-318, Reissue Revised Statutes of Nebraska, 1943, and section 29-110, Revised Statutes Supplement, 1992; to provide for the offense of sexual exploitation by a psychotherapist; to harmonize provisions; to provide a time limitation; to define terms; to provide penalties; to provide for reporting by other psychotherapists; and to repeal the original sections.

LEGISLATIVE BILL 494. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to accountants; to amend section 1-169, Reissue Revised Statutes of Nebraska, 1943; to establish liability of accountants as prescribed; to define a term; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 495. Introduced by Lindsay, 9; Abboud, 12; Baack, 47; Bernard-Stevens, 42; Fisher, 35; Haberman, 44; Hall, 7; Moore, 24; Pedersen, 39.

A BILL FOR AN ACT relating to smokeless tobacco products; to state intent; to define terms; to permit distribution of samples for promotional purposes as prescribed; to provide civil and criminal penalties; to provide for licensing of manufacturers; to provide for enforcement; to eliminate provisions prohibiting distribution; and to repeal sections 69-1901 to 69-1904, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 496. Introduced by Hartnett, 45; Byars, 30; Cudaback, 36; Day, 19; Dierks, 40; Horgan, 4; Lynch, 13; Rasmussen, 20.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-1,147, 71-1,147.09, 71-1,147.10, 71-1,147.13, 71-1,147.33, and 71-2407, Reissue Revised Statutes of Nebraska, 1943, and sections 71-101 and 71-1,142, Revised Statutes Supplement, 1992; to change provisions relating to the practice of pharmacy; to define and redefine terms; to change provisions relating to filling and refilling prescriptions; to change provisions relating to supportive pharmacy

personnel; to provide duties for pharmacists in charge; to provide for prospective drug utilization review; to provide for patient counseling; to provide for confidentiality of information; to provide for rules and regulations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 497. Introduced by Wesely, 26; Lindsay, 9.

A BILL FOR AN ACT relating to protection of persons under disability; to amend sections 25-2730, 30-2201, 30-2220, 30-2619, 30-2620, 30-2620.01, 30-2625, 30-2626, 30-2627, 30-2628, 30-2630, 30-2633, 30-2634, 30-2636, 30-2637, 30-2639, and 30-2643, Reissue Revised Statutes of Nebraska, 1943; to require a bond for certain appeals in guardianship proceedings; to provide duties for the State Court Administrator; to change provisions relating to appointment, powers, and duties of guardians and conservators and notice and procedures for guardianship and conservatorship proceedings; to provide for appointment of an attorney, a temporary guardian, and a temporary conservator; to provide for an expedited hearing; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 498. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to mental health treatment; to amend sections 83-380.01, 83-1002, 83-1018, and 83-1046, Reissue Revised Statutes of Nebraska, 1943, and sections 83-1017 and 83-1078, Revised Statutes Supplement, 1992; to change eligibility provisions for public mental health benefits; to define a term; to change restrictions on the number of mental health boards in a judicial district; to provide for training of members of mental health boards as prescribed; to change provisions relating to discharge and changes in treatment of and hearings involving persons subject to the Nebraska Mental Health Commitment Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 499. Introduced by Landis, 46; Lindsay, 9.

A BILL FOR AN ACT relating to family support; to amend section 43-1729, Reissue Revised Statutes of Nebraska, 1943, and sections 43-1406 and 43-1411, Revised Statutes Supplement, 1992; to adopt the Uniform Interstate Family Support Act; to eliminate the Revised Uniform Reciprocal Enforcement of Support Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections, and also sections 42-762 to 42-791, 42-794 to 42-7,100, and 42-7,102 to 42-7,104, Reissue Revised Statutes of Nebraska, 1943, and sections 42-792, 42-793, and 42-7,101, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 500. Introduced by Lindsay, 9; Landis, 46.

A BILL FOR AN ACT relating to family support; to amend section 43-1729, Reissue Revised Statutes of Nebraska, 1943, and sections 43-1406 and 43-1411, Revised Statutes Supplement, 1992; to adopt the Uniform Interstate Family Support Act; to harmonize provisions; to eliminate the Revised Uniform Reciprocal Enforcement of Support Act; to provide for actions brought under former law; to provide an operative date; to provide severability; and to repeal the original sections, and also sections 42-762 to 42-791, 42-794 to 42-7,100, and 42-7,102 to 42-7,104, Reissue Revised Statutes of Nebraska, 1943, and sections 42-792, 42-793, and 42-7,101, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 501. Introduced by Day, 19; Schellpeper, 18.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-727, 31-740, 31-744, and 39-1405, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to contracts with certain counties; to authorize the removal of snow and ice from streets as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 502. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to the Law Enforcement Improvement Fund; to amend section 81-1428, Reissue Revised Statutes of Nebraska, 1943; to authorize use of the fund for improvement of state university law enforcement; and to repeal the original section.

LEGISLATIVE BILL 503. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to penal and correctional facilities; to amend section 83-183, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to employment of persons committed to the Department of Correctional Services; and to repeal the original section.

LEGISLATIVE BILL 504. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Comprehensive Health Insurance Pool; to amend section 44-4222, Revised Statutes Supplement, 1992; to eliminate a requirement for eligibility or continued coverage under the pool; and to repeal the original section.

LEGISLATIVE BILL 505. Introduced by Schellpeper, 18; Cudaback, 36; Dierks, 40.

A BILL FOR AN ACT relating to rural health; to adopt the Rural Health Opportunities Loan Act.

LEGISLATIVE BILL 506. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to certified social workers; to amend section 71-1,258, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to applications for certification; and to repeal the original section.

LEGISLATIVE BILL 507. Introduced by Warner, 25; Kristensen, 37; Lindsay, 9.

A BILL FOR AN ACT relating to legislation; to require estimates and appropriations for legislation which is projected to increase inmate populations; and to provide for the use of such appropriations.

LEGISLATIVE BILL 508. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Bromm, 23; Preister, 5; Schimek, 27; Will, 8.

A BILL FOR AN ACT relating to the Municipal Natural Gas Regulation Act; to amend sections 19-4601, 19-4602, 19-4604, 19-4612, 19-4618, and 19-4621, Reissue Revised Statutes of Nebraska, 1943; to state intent; to provide for a filing and for confidentiality of such filing as prescribed; to prohibit subsidization of certain activities as prescribed; to provide for an injunction and a civil penalty; to provide for an appeal; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 509. Introduced by Lindsay, 9; Ashford, 6; Hohenstein, 17; Kristensen, 37; Will, 8.

A BILL FOR AN ACT relating to the courts; to amend section 24-201.01, Revised Statutes Supplement, 1992; to change judges' salaries; and to repeal the original section.

LEGISLATIVE BILL 510. Introduced by Wesely, 26; Rasmussen, 20.

A BILL FOR AN ACT relating to children; to amend section 71-1915, Reissue Revised Statutes of Nebraska, 1943, and section 71-1911, Revised Statutes Supplement, 1992; to provide additional types of licenses for early childhood programs; to change provisions relating to the suspension or revocation of licenses; and to repeal the original sections.

LEGISLATIVE BILL 511. Introduced by Will, 8.

A BILL FOR AN ACT relating to manufactured homes; to amend sections 14-402, 15-902, 19-902, 23-114, 23-174.01, 71-1557, and 71-6407, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain zoning ordinances, resolutions, or regulations limiting the location of manufactured homes; to prohibit state or political subdivision regulations inconsistent with federal law; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 512. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to liquefied petroleum gas; to adopt the Liquefied Petroleum Gas Act.

LEGISLATIVE BILL 513. Introduced by Wesely, 26; Robak, 22.

A BILL FOR AN ACT relating to the Nebraska Comprehensive Community Mental Health Services Act; to amend sections 71-5001, 71-5003, 71-5009, 71-5010, and 71-5013, Reissue Revised Statutes of Nebraska, 1943; to provide for quality review teams; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 514. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to guardians; to amend section 30-2627, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to who may be appointed guardian for an incapacitated person; and to repeal the original section.

LEGISLATIVE BILL 515. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to health care; to adopt the Children and Youth Mental Health and Substance Abuse Managed Care Act.

LEGISLATIVE BILL 516. Introduced by Wickersham, 49; Avery, 3; Baack, 47; Bernard-Stevens, 42; Bohlke, 33; Bromm, 23; Coordsen, 32; Cudaback, 36; Dierks, 40; Elmer, 38; Fisher, 35; Haberman, 44; Hartnett, 45; Hohenstein, 17; Janssen, 15; Jones, 43; Moore, 24; Pedersen, 39; Robak, 22; Schellpeper, 18; Schmitt, 41; Vrtiska, 1.

A BILL FOR AN ACT relating to volunteer fire departments; to amend section 35-511, Reissue Revised Statutes of Nebraska, 1943, and section 84-304, Revised Statutes Supplement, 1992; to change the use and examination of nontax funds as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 517. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to the Hospital Consumer Information Act; to amend sections 71-2067 and 71-2073, Reissue Revised Statutes of Nebraska, 1943; to change a reference to a form number; to eliminate obsolete language; and to repeal the original sections.

LEGISLATIVE BILL 518. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-3701 to 29-3703, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to treatment of persons found not responsible by reason of insanity; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 519. Introduced by Robak, 22; Hohenstein, 17; Pirsch, 10; Schimek, 27; Wickersham, 49.

A BILL FOR AN ACT relating to child abuse; to amend section 28-707, Reissue Revised Statutes of Nebraska, 1943; to change a penalty; and to repeal the original section.

EASE

The Legislature was at ease from 11:30 a.m. until 11:35 a.m.

UNANIMOUS CONSENT - Member Excused

Mr. Hohenstein asked unanimous consent to be excused. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 520. Introduced by Rasmussen, 20; Withem, 14.

A BILL FOR AN ACT relating to the Early Intervention Act; to amend sections 43-2501 to 43-2513, Revised Statutes Supplement, 1992; to provide intent; to provide for early intervention services coordination as provided; to provide additional purposes; to define and redefine terms; to provide duties; to harmonize provisions; to eliminate an obsolete provision; and to repeal the original sections, and also sections 43-2504 and 43-2514, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 521. Introduced by Rasmussen, 20.

A BILL FOR AN ACT relating to children; to adopt the Safe Children Policy Act.

LEGISLATIVE BILL 522. Introduced by Rasmussen, 20.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-1,132.47, Reissue Revised Statutes of Nebraska, 1943; to adopt the Licensed Practical Nurse-Certified Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 523. Introduced by Bohlke, 33; Day, 19; Hillman, 48; Hohenstein, 17; Pirsch, 10; Rasmussen, 20; Robak, 22; Schimek, 27; Wesely, 26; Wickersham, 49.

A BILL FOR AN ACT relating to child support; to amend section 48-149, Reissue Revised Statutes of Nebraska, 1943, and sections 43-1720, 43-1723, 48-161, and 48-647, Revised Statutes Supplement, 1992; to provide for income withholding for support obligations with respect to workers' compensation and unemployment compensation; to change a duty for county attorneys and authorized attorneys; to provide duties for the Commissioner of Labor and the Director of Social Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 524. Introduced by Bohlke, 33; Fisher, 35; Jones, 43.

A BILL FOR AN ACT relating to agriculture; to amend section 81-1505, Revised Statutes Supplement, 1992; to adopt the Agricultural Chemical Storage and Containment Act; to harmonize provisions; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 525. Introduced by Bohlke, 33; Coordsen, 32; Lynch, 13; Schimek, 27.

A BILL FOR AN ACT relating to labor; to amend section 48-1230, Reissue Revised Statutes of Nebraska, 1943; to provide methods for the payment of employee wages; and to repeal the original section.

LEGISLATIVE BILL 526. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to juvenile emergency shelter care; to authorize municipal corporations to contract for such care for juveniles.

LEGISLATIVE BILL 527. Introduced by Beutler, 28; Landis, 46.

A BILL FOR AN ACT relating to public power; to amend sections 70-626.02 and 70-626.04, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to use of surplus line capacity; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 528. Introduced by Rasmussen, 20; Bernard-Stevens, 42.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-444.01, Revised Statutes Supplement, 1992; to change provisions relating to immunizations; to provide exceptions as prescribed; to provide for provisional enrollment; to provide powers for the Department of Health; and to repeal the original section.

LEGISLATIVE BILL 529. Introduced by Pirsch, 10; Beutler, 28.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2204, Reissue Revised Statutes of Nebraska, 1943; to change provisions and to eliminate provisions as prescribed relating to indeterminate sentences; to repeal the original section, and also section 83-1,105, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 530. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Preister, 5; Will, 8; and Pedersen, 39.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-101, 17-101, and 17-201, Reissue Revised Statutes of Nebraska, 1943; to authorize incorporation as a city of the first or second class by petition; to provide procedures; to change provisions relating to incorporation of villages; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 531. Introduced by Rasmussen, 20; Baack, 47; Bernard-Stevens, 42; Bohlke, 33; Hartnett, 45; Hillman, 48; Horgan, 4; Kristensen, 37; Lynch, 13.

A BILL FOR AN ACT relating to adoption; to provide for communication agreements with birth parents; and to provide for county court approval of such agreements.

LEGISLATIVE BILL 532. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bohlke, 33; Hartnett, 45; Jones, 43; Preister, 5; and Avery, 3.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-101, 37-102, and 37-702, Revised Statutes Supplement, 1992; to define terms; to change provisions relating to permits for a commercial fish culturist; to state intent; to prohibit the importation of certain nonindigenous or exportation of certain indigenous fish, mollusk, reptiles, crustaceans, or amphibians as prescribed; to provide a penalty; to provide a duty for the Game and Parks Commission; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 533. Introduced by Lynch, 13; Fisher, 35.

A BILL FOR AN ACT relating to rent; to prohibit rent-control regulation.

LEGISLATIVE BILL 534. Introduced by Ashford, 6; Abboud, 12.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend sections 77-4103 and 77-4112, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to provide for applicability; and to repeal the original sections.

LEGISLATIVE BILL 535. Introduced by Ashford, 6; Abboud, 12.

A BILL FOR AN ACT relating to juvenile courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska, 1943; to increase the number of separate juvenile court judges in certain counties; and to repeal the original section.

LEGISLATIVE BILL 536. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Byars, 30; Day, 19; Dierks, 40; Horgan, 4; Rasmussen, 20; Vrtiska, 1.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-1,232, 71-646, 71-647, 71-1717, 71-1721.04, 71-1721.06, 71-1722, 71-1724, 71-1724.01, 71-1735, 71-1743, 71-1753, 71-1755, 71-1757, 71-1758, 71-1759, 71-3503, 71-4603, 71-4604, 71-4606, 71-4608 to 71-4611, 71-4613, 71-4614, 71-4616 to 71-4620, 71-6201, and 71-6203, Reissue Revised Statutes of Nebraska, 1943, and sections 71-602, 71-604.05, 71-612, 71-648, 71-4604.01, 71-5668, 71-7101, 81-642 to 81-645, 81-647 to 81-649, 81-655, 81-656, 81-659, and 81-660, Revised Statutes Supplement, 1992; to change provisions relating to the exchange and release of certain information as provided; to exempt the Department of Social Services from paying a fee as prescribed; to change provisions relating to temporary permits to practice respiratory care; to change and eliminate provisions relating to nurse practitioners and an advisory council; to change the renewal

period for certified registered nurse anesthetists; to restate quorum and voting requirements; to change provisions relating to the practice and regulation of nurse midwifes; to define and redefine terms and eliminate definitions; to change provisions relating to manufactured homes and recreational vehicles as prescribed; to change provisions relating to repayment of educational debts of certain medical professionals as prescribed; to provide for directed review under the Nebraska Regulation of Health Professions Act; to grant a limited privilege for information acquired during a critical incident stress debriefing session; to eliminate a termination date; to harmonize provisions; and to repeal the original sections, and also sections 71-1713, 71-1718, 71-1719, 71-1720, and 71-6230, Reissue Revised Statutes of Nebraska, 1943, and sections 71-525 and 81-649.01, Revised Statutes Supplement, 1992.

RESOLUTION

LEGISLATIVE RESOLUTION 16. Introduced by Coordsen, 32; Abboud, 12; Robinson, 16; Crosby, 29; Jones, 43; Vrtiska, 1; McKenzie, 34; Hudkins, 21; Hohenstein, 17; Schmitt, 41; Janssen, 15; Avery, 3; Witek, 31; Pedersen, 39; Fisher, 35; Bromm, 23; Haberman, 44; Cudaback, 36; Wehrbein, 2; Dierks, 40; Schellpeper, 18; Elmer, 38; Wickersham, 49; Robak, 22; Pirsch, 10; Byars, 30; Warner, 25.

WHEREAS, although the right of free expression is part of the foundation of the Constitution of the United States, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and defining other societal standards; and

WHEREAS, certain actions, although arguably related to a person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of other citizens; and

WHEREAS, there are symbols of our national soul, such as the Washington Monument, the United States Capitol, and memorials to our greatest leaders, which are the property of every American and are worthy of protection from desecration and dishonor; and

WHEREAS, the United States Flag is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, a nation that remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

WHEREAS, the law as interpreted by the United States Supreme Court no longer accords the Stars and Stripes the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

WHEREAS, it is only fitting that people everywhere should lend their voices to a forceful call for restoration of the Stars and Stripes to a proper station under law and decency.

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

1. That the Legislature hereby memorializes the Congress of the United States to propose to the states an amendment to the Constitution of the United States which specifies that Congress and the states have the power to prohibit the physical desecration of the United States Flag.

2. That the Clerk of the Legislature transmit a copy of this resolution to the Speaker of the House of Representatives and President of the Senate of the Congress of the United States, to all members of the Nebraska delegation to the Congress of the United States, and to the President of the United States with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States.

Referred to the Reference Committee.

NOTICE OF COMMITTEE HEARINGS

Education

LB 52	Tuesday, January 26, 1993	1:30 p.m.
LB 100	Tuesday, January 26, 1993	1:30 p.m.
LB 179	Tuesday, January 26, 1993	1:30 p.m.
LB 186	Tuesday, January 26, 1993	1:30 p.m.

(Signed) Ron Withem, Chairperson

Natural Resources

LB 36	Wednesday, January 27, 1993	1:30 p.m.
LB 79	Wednesday, January 27, 1993	1:30 p.m.
LB 301	Wednesday, January 27, 1993	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Nebraska Retirement Systems

LB 107	Tuesday, January 26, 1993	12:00 p.m.

(Signed) Tom Horgan, Chairperson

Agriculture

LB 147	Tuesday, January 26, 1993	1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

Urban Affairs

LB 39	Tuesday, January 26, 1993	1:30 p.m.
LB 59	Tuesday, January 26, 1993	1:30 p.m.
LB 141	Tuesday, January 26, 1993	1:30 p.m.
LB 157	Tuesday, January 26, 1993	1:30 p.m.
LB 207	Tuesday, January 26, 1993	1:30 p.m.
LB 208	Tuesday, January 26, 1993	1:30 p.m.
LB 209	Tuesday, January 26, 1993	1:30 p.m.
LB 210	Tuesday, January 26, 1993	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

Judiciary

LB 25	Wednesday, January 27, 1993	1:30 p.m.
LB 26	Wednesday, January 27, 1993	1:30 p.m.
LB 29	Wednesday, January 27, 1993	1:30 p.m.
LB 49	Wednesday, January 27, 1993	1:30 p.m.
LB 69	Wednesday, January 27, 1993	1:30 p.m.
LB 154	Wednesday, January 27, 1993	1:30 p.m.
LB 113	Thursday, January 28, 1993	1:30 p.m.
LB 130	Thursday, January 28, 1993	1:30 p.m.
LB 163	Thursday, January 28, 1993	1:30 p.m.
LB 178	Thursday, January 28, 1993	1:30 p.m.
LB 244	Thursday, January 28, 1993	1:30 p.m.
LB 251	Thursday, January 28, 1993	1:30 p.m.
LB 64	Thursday, January 28, 1993	1:30 p.m.

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Messrs. Jones, Preister, Wehrbein, Hohenstein, Warner, Bromm, and Mrs. Witek asked unanimous consent to have their names added as cointroducers to LB 80. No objections. So ordered.

Ms. Schimek asked unanimous consent to have her name added as cointroducer to LB 16, LB 33, and LB 34. No objections. So ordered.

Mr. Wickersham asked unanimous consent to have his name added as cointroducer to LB 140. No objections. So ordered.

Mrs. Crosby asked unanimous consent to have her name added as cointroducer to LB 241. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Cointroducer

Mr. Hohenstein asked unanimous consent to have his name withdrawn as cointroducer to LR 8CA. No objections. So ordered.

VISITOR

The Doctor of the Day was Gary Hustad from Lincoln.

ADJOURNMENT

At 11:49 a.m., on a motion by Mr. Jones, the Legislature adjourned until 10:00 a.m., Wednesday, January 20, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

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NINTH DAY - JANUARY 20, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 20, 1993

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Father Neal P. Nollette, St. John the Baptist Catholic Church, Crawford, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Horgan and Mrs. McKenzie who were excused; and Messrs. Ashford, Beutler, Chambers, Elmer, Landis, Lindsay, Preister, Robinson, Will, Mmes. Bohlke, Pirsch, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 320, 333 through 436, legislative resolutions 12CA, 13CA, and 14CA.

LB	Committee
320	Revenue
333	Government, Military and Veterans Affairs
334	Business and Labor
335	Agriculture
336	Education

337 Health and Human Services
338 Health and Human Services
339 Banking, Commerce and Insurance
340 Transportation
341 Transportation
342 Transportation
343 Judiciary
344 Health and Human Services
345 Revenue
346 Revenue
347 Revenue
348 Education
349 Education
350 Education
351 Appropriations
352 Judiciary
353 Judiciary
354 Transportation
355 Government, Military and Veterans Affairs
356 Banking, Commerce and Insurance
357 Government, Military and Veterans Affairs
358 Transportation
359 Natural Resources
360 Business and Labor
361 General Affairs
362 Judiciary
363 Nebraska Retirement Systems
364 Natural Resources
365 Revenue
366 Nebraska Retirement Systems
367 Urban Affairs
368 Urban Affairs
369 Health and Human Services
370 Transportation
371 Transportation
372 Government, Military and Veterans Affairs
373 Health and Human Services
374 Health and Human Services
375 Health and Human Services
376 Health and Human Services
377 Health and Human Services
378 General Affairs
379 Judiciary
380 Government, Military and Veterans Affairs
381 Education
382 Banking, Commerce and Insurance
383 General Affairs

384	Urban Affairs
385	Natural Resources
386	Revenue
387	Health and Human Services
388	Urban Affairs
389	Government, Military and Veterans Affairs
390	Urban Affairs
391	Natural Resources
392	Education
393	Judiciary
394	Transportation
395	Business and Labor
396	Revenue
397	Government, Military and Veterans Affairs
398	Government, Military and Veterans Affairs
399	Education
400	Judiciary
401	Government, Military and Veterans Affairs
402	Judiciary
403	Business and Labor
404	Banking, Commerce and Insurance
405	Judiciary
406	Agriculture
407	Government, Military and Veterans Affairs
408	Government, Military and Veterans Affairs
409	Government, Military and Veterans Affairs
410	Transportation
411	Transportation
412	Transportation
413	Transportation
414	Transportation
415	Banking, Commerce and Insurance
416	General Affairs
417	Nebraska Retirement Systems
418	Revenue
419	Executive Board
420	Transportation
421	Transportation
422	Natural Resources
423	Banking, Commerce and Insurance
424	Transportation
425	General Affairs
426	Revenue
427	Executive Board
428	Government, Military and Veterans Affairs
429	Health and Human Services
430	Judiciary

431	Health and Human Services
432	Judiciary
433	Judiciary
434	Transportation
435	Judiciary
436	Judiciary

LR	Committee
12CA	Government, Military and Veterans Affairs
13CA	Education
14CA	Government, Military and Veterans Affairs

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING
Revenue

LB 134	Wednesday, January 27, 1993	1:30 p.m.
LB 161	Wednesday, January 27, 1993	1:30 p.m.
LB 11	Wednesday, January 27, 1993	1:30 p.m.
LB 346	Wednesday, January 27, 1993	1:30 p.m.
LB 345	Wednesday, January 27, 1993	1:30 p.m.

(Signed) Jerome Warner, Chairperson

1992 INTERIM REPORT ON THE DISPOSITION OF INTERIM STUDY RESOLUTIONS

Agriculture

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
304	Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)	X		
225	Director of Agriculture	X		
303	Weights and Measures	X		
288	State Milk Price Support Program	X		
436	Personal Property Tax	X		
302	State Agricultural Council	X		
365	Interstate Grain Marketing Commission	X		
299	Farmer's Markets	X		

Appropriations

		Completed:	Completed:

LR	Subject	Report Issued	No Report Issued	Deferred
232	Nebraskaplex			X
334	State Employee Parking	X		
337	Federal Mandates	X		
339	Geographic Information System			X
346*	Faculty Workload			X
349*	Research Initiative		X	
362	Aircraft Travel Reimbursement	X		
441	Competitive Bidding	X		

* Joint with Education Committee

Banking, Commerce and Insurance

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
322	Credit Insurance		X	
323	MEWA's			X
292	Limited Liability Companies		X	
361	Real Estate Closing Companies		X	
411	Title Insurance-Controlled Business		X	
370	PPO's			X
335	Means of Support For Injured Persons			X
333	Health Care Practices			X

Business and Labor

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
282	Nebraska's Employment Security Law	X		
283	Study feasibility of Department of Labor being responsible for job training programs	X		
416	Study methods of maintaining and improving worker productivity in view of changing family structures	X		
364	Examine the economic status of women and their families	X		
284	Examine age discrimination in Nebraska workplaces	X		

Education

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
343	Evaluating the progress of school restructuring			X
345	Study of enrollment tiers		X	
342*	Financial aid system and financial aid system for Native Americans, for students		X	
259**	Financial aid system and			

	financial aid system for Native Americans, for students	X		
349	Nebraska Research Initiative	X		
347	Impact of affiliation	X		
346	Workload of the UN faculty			X
408	Reentry of students from home school	X		
244	Overcrowding of public schools	X		
356	Examining school environment	No Action		
445	Study methods of selecting school board candidates	X		

* Combined with LR 259
** Combined with LR 342

Executive Board

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
336	Computers for Legislature			X
399	Study Legislature's Interaction with Executive Branch and Public			X

General Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
242	Beer Keg I.D.	X		
274	Motor Fuels pricing	X		
265	Quarter Horse Racing	X		
353	Casino Gambling	X		
354	Regulation of alcohol	X		
355	Video Keno legalization	X		
404	Regulation of charitable gaming	X		

Government, Military and Veterans Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
290	Indian Burial Sites	X		
293	State Athletic Commission	X		
398	Training for Public Service Telecommunications	X		
308	Administrative Procedures Act	X		
360	Initiatives and Referendums	X		
314	Patrol Omaha Interstate	X		
351	Scenic Byways Program			X
348	Public Hearing Process			X
306	State Board and Commissions Compensation			X
300	Disaster and Defense Act Update			X
307	Acquisition of Titles of abandoned property			X
403	Private investigators			X
392	Delinquent fines			X

Health and Human Services

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
393	Medicaid	X		
420	County Funding for Human Services			X
398	Implementation of Developmental Disabilities Act		X	
389	Family Resource Centers	X		
402	Adoption			X
352	Child Relinquishment		X	
395	Accessibility Standards		X	
407	Omnibus Health and Human Services			X
400	State Housing Fund		X	
386	Mental Health Commitment Act		X	
350	Emergency Medical Services			X
391	Pharmacy Technicians			X
370	Preferred Providers			X
387	General Licensure Law Fees			X
385	Birth/Death Certificates			X
315	Department of Aging			X
390	Community Action Agencies		X	

Judiciary

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
241	Examine practice of using judicial nominating commissions in selection of judges		X	
311	Hate crimes and institutional vandalism		X	
312	Impact of gun injuries and implementing gun safety information in educational system		X	
313	Gun-related violence in schools		X	
317	Liability and state negligence		X	
318	Article VI of the Uniform Probate Code: Nonprobate Transfers on Death		X	
319	Uniform Transfer of Litigation Act		X	
320	Uniform Premarital Agreement Act		X	
321	Uniform Enforcement of Foreign Judgements Act		X	
324	Evaluation of work assignment of incarcerated offenders		X	
325	Criminal sentence determinations		X	
326	Funding for crime victims/witness assistance programs		X	
327	Parole process and the parole board		X	
331	Small Claims Court process		X	
332	Examine business policies and practices of physicians, hospitals, health care insurers, etc., who use false identities		X	
338	Responsibilities of divorced or separated parents relating to their			

	minor children	X
341	Arbitration issues arising under the Constitution of Nebraska	X
357	Extension of child support between ages of nineteen and twenty-two if they are attending school full-time	X
359	Judicial redistricting	X
372	Need for construction of a minimum-medium correctional facility	X
401	Liability protection for volunteers	X
406	Study duties of guardians and conservators	X
412	Funding of probation officers salaries	X
415	Study issues related to the judiciary	X

Natural Resources

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
240	Public Power Industry		X	
245	Game and Parks		X	
289	Water			X
310	Gasohol Committee and Ethanol Authority			X
330	EMF (Public Power)			X
358	Game and Parks			X
367	Natural Resources Districts			X
368	Water			X
369	Natural Resources			X
394	Eminent Domain for NRD		X	
410	Secondary Containment			X

Nebraska Retirement Systems

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
275*	Retirement			X
328	Retirement			X

*Combined with LR 328.

Revenue

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
285	Gross Receipts Tax	X		
296	Alternative Tax Bases	X		
297	Overall Tax System	X		
301	LB 1063 (1992)	X		
329	Fertilizer Tax	X		
374	Personal Property Tax	X		
393	Medicaid	X		
309	Gasoline Tax			X
371	Universal Local Sales Tax			X

Rules

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
279	Rules of the Legislature		X	

Transportation

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
340	Rules of the Road Recodification	X		
366	Motor Vehicle Tax Collection			X
363	Decrease size of Nebraska Public Service Commission		X	
351	Scenic Byways Program			X
414	Long-term state highway planning needs			X
419	Review Highway Needs Study Process			X
287	Motor Vehicle Registration			X
373	Motor Vehicle Dealer License Plate Usage			X

Urban Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
344	Municipal Bond Issuance Process		X	
375	Municipal Natural Gas Franchises		X	
376	Municipal Utility Services			X
377	Municipal Financing Issues		X	
378	Municipal Annexation Concerns		X	
379	Handicapped Parking Issues		X	
380	City and County Museums			X
381	Animal Control Statutes			X
382	General Urban Issues		X	

Select Committee on LR 405

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
405	Mental health programs, funding, and administration	X		

UNANIMOUS CONSENT - Member Excused

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

REPORTS

Received quarterly report from the Department of Roads, State Highway Commission, for the period ending December 1992 pursuant to Neb. Revised Statutes Section 39-1111.

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

NATURAL RESOURCES DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1992 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Tri-Basin Natural Resources District	
Anderson, Klein, Peterson & Swan	230.58

MOTION - Suspend Rules

Mr. Withem moved to suspend the Rules, Rule 4, Section 6, to permit consideration of LR 17.

The Withem motion to suspend the rules prevailed with 31 ayes, 0 nays, 4 present and not voting, and 14 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 17. Introduced by Withem, 14.

WHEREAS, the Papillion-LaVista High School Band has been selected to march in the Presidential Inaugural Parade; and

WHEREAS, the Papillion-LaVista High School Band is representing the State of Nebraska at this distinguished event; and

WHEREAS, the band students have demonstrated their dedication to this extracurricular activity which secured their distinction in representing Nebraska; and

WHEREAS, the communities of Papillion and LaVista have worked diligently in raising funds to make it possible for the band to travel to Washington, D.C., for this event; and

WHEREAS, the citizens of Papillion and LaVista and the State of Nebraska should be proud of this group of young people and show our support of them in such endeavors.

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

1. That congratulations be bestowed upon the Papillion-LaVista High School Band, the band instructors, and the band parents.

2. That a copy of this resolution be sent to Bill Kellett, Papillion-LaVista High School Band Director, and Roger Miller, Superintendent of Papillion-LaVista Schools.

LR 17 was adopted with 30 ayes, 0 nays, and 19 not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 537. Introduced by Bromm, 23; Bernard-Stevens, 42.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226, Reissue Revised Statutes of Nebraska, 1943; to provide general obligation bond authority; to provide for elector approval; and to repeal the original section.

LEGISLATIVE BILL 538. Introduced by Bromm, 23; Janssen, 15.

A BILL FOR AN ACT relating to eminent domain; to amend sections 76-711 and 76-719.01, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 12 and 13, respectively, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992; to change provisions relating to calculation of interest on certain condemnation awards; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 539. Introduced by Bromm, 23; Janssen, 15; Landis, 46.

A BILL FOR AN ACT relating to highways and roads; to amend section 39-1349, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to interest on construction contracts; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 540. Introduced by Chambers, 11; Hall, 7.

A BILL FOR AN ACT relating to legislative records; to amend section 84-712.05, Reissue Revised Statutes of Nebraska, 1943; to limit the release of the records as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 541. Introduced by Moore, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the expenses of state government.

LEGISLATIVE BILL 542. Introduced by Moore, 24.

A BILL FOR AN ACT relating to gifts; to amend Laws 1991, LB 843, section 95; to provide for the allocation of gifts, bequests, and devises made available to the State of Nebraska; to provide restrictions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 543. Introduced by Moore, 24.

A BILL FOR AN ACT relating to the Accounting Division Cash Fund; to amend sections 81-1110.02, 81-1117.01, and 84-1321, Revised Statutes Supplement, 1992; to transfer interest earnings from the Imprest Payroll Fund and excess funds from overfunding of retirement benefits to the Accounting Division Cash Fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 544. Introduced by Moore, 24.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend sections 81-1102 and 81-1111, Reissue Revised Statutes of Nebraska, 1943, and section 81-1107, Revised Statutes Supplement, 1992; to define a term; to provide duties relating to long-term financing for the state; and to repeal the original sections.

LEGISLATIVE BILL 545. Introduced by Moore, 24.

A BILL FOR AN ACT relating to state government; to provide for acceptance of cession or retrocession of jurisdiction.

LEGISLATIVE BILL 546. Introduced by Moore, 24.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-807, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1992; to limit access of certain materials by minors; to provide exceptions; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 547. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to trust deeds; to amend section 76-1004, Reissue Revised Statutes of Nebraska, 1943; to provide for general substitutions of trustees as provided; and to repeal the original section.

LEGISLATIVE BILL 548. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to agriculture; to adopt the Milk Marketing Act.

LEGISLATIVE BILL 549. Introduced by Pedersen, 39; Lynch, 13; Preister, 5; Robak, 22.

A BILL FOR AN ACT relating to mobile home parks; to amend sections 76-1450 and 76-1475, Reissue Revised Statutes of Nebraska, 1943; to provide restrictions on the closure of a mobile home park; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 550. Introduced by Pedersen, 39; Lynch, 13; Preister, 5; Robak, 22.

A BILL FOR AN ACT relating to the Mobile Home Landlord and Tenant Act; to amend sections 76-1450 and 76-1457, Reissue Revised Statutes of Nebraska, 1943; to define a term; to provide restrictions on the sale of a mobile home park; to provide exceptions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 551. Introduced by Pedersen, 39; Abboud, 12; Avery, 3; Hartnett, 45; Horgan, 4; Lindsay, 9; Lynch, 13; Preister, 5; Will, 8.

A BILL FOR AN ACT relating to counties; to amend section 23-104.02, Reissue Revised Statutes of Nebraska, 1943; to provide the power to establish and fund a scholarship program for underprivileged youth as prescribed; and to repeal the original section.

LEGISLATIVE BILL 552. Introduced by Pedersen, 39; Avery, 3; Schmitt, 41.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1006, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to travel reports of state-owned motor vehicles as prescribed; and to repeal the original section.

LEGISLATIVE BILL 553. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to water wells; to amend section 46-1201, Revised Statutes Supplement, 1992; to authorize variances from regulations as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 554. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-117, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to annexation; and to repeal the original section.

LEGISLATIVE BILL 555. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to property tax refunds; to amend section 77-1736.06, Revised Statutes Supplement, 1992; to change a notification requirement; and to repeal the original section.

LEGISLATIVE BILL 556. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 32-4,147, 32-504, 79-102, 79-210, 79-402.07, 79-426.11, 79-426.15, 79-426.23, 79-464, 79-4,153, 79-519, 79-521, 79-541, 79-542, 79-547.02, 79-550, 79-550.01, 79-552, 79-603, 79-12,111, and 79-2504, Reissue Revised Statutes of Nebraska, 1943, and sections 23-3302, 23-3305, 79-101.01, 79-102.01, 79-402, 79-402.03, 79-402.13, 79-402.17, 79-402.20, 79-403, 79-426.02, 79-426.05, 79-426.27, 79-426.28, 79-432, 79-437.03, 79-438.12, 79-451, 79-458, 79-490, 79-4,105.01, 79-4,141.01, 79-4,158.01, 79-546.01, 79-547.03, 79-547.04, 79-801, 79-2102, 79-2203, 79-3403, 79-3803 to 79-3805, and 79-3808, Revised Statutes Supplement, 1992; to require the merger of Class I and Class VI school districts as prescribed; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 79-102.02, 79-1101, and 79-1104 to 79-1112, Reissue Revised Statutes of Nebraska, 1943, section 79-1103, Revised Statutes Supplement, 1992, and section 79-1103.05, Revised Statutes Supplement, 1992, as amended by section 1, Legislative Bill 19, Ninety-second Legislature, Third Special Session, 1992.

LEGISLATIVE BILL 557. Introduced by Hall, 7.

A BILL FOR AN ACT relating to title insurance; to amend sections 44-1955 and 44-1957, Revised Statutes Supplement, 1992; to change provisions relating to controlled business; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 558. Introduced by Hall, 7; Abboud, 12; Hartnett, 45; Horgan, 4; Lindsay, 9; Wickersham, 49; Will, 8.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-302 and 60-310, Revised Statutes Supplement, 1992; to change provisions relative to furnishing proof of financial responsibility; to provide for renewal of motor vehicle registration by telephone as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 559. Introduced by Hall, 7.

A BILL FOR AN ACT relating to sales and use taxes; to amend sections 77-2702.07 and 77-2702.13, Revised Statutes Supplement, 1992; to redefine terms; to change provisions relating to taxation of certain membership fees, dues, and charges; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 560. Introduced by Schellpeper, 18; Day, 19.

A BILL FOR AN ACT relating to agriculture; to require aerial applicators to have liability insurance; and to provide a penalty.

LEGISLATIVE BILL 561. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to alcoholic liquor; to amend section 53-180.07, Revised Statutes Supplement, 1992; to change provisions relating to a defense as provided; and to repeal the original section.

LEGISLATIVE BILL 562. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to sales and use taxes; to amend sections 77-2702.07, 77-2702.13, 77-2702.14, and 77-2702.17, Revised Statutes Supplement, 1992, and section 77-2703, Revised Statutes Supplement, 1992, as amended by section 26, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992; to redefine terms; to tax certain services; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 563. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to gambling; to amend sections 9-1,104, 9-601, 9-603, 9-603.01, 9-605, 9-606.01, 9-607, 9-617, 9-618, 9-620, 9-623, 9-629, 9-630, 9-631, 9-639, 9-642, 9-642.01, 9-646, 9-652, and 9-653, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to fingerprinting, criminal history checks, and other investigations and inspections; to define and redefine terms; to change provisions related to county and city lotteries; to provide for work permits and licenses for sales outlet locations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 564. Introduced by Day, 19; Hohenstein, 17; Pedersen, 39.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 39-669.13, Reissue Revised Statutes of Nebraska, 1943,

and sections 39-669.11, 39-669.12, and 39-6,122, Revised Statutes Supplement, 1992; to prohibit certain persons from operating or having actual physical control of a motor vehicle with alcohol in the blood or breath as prescribed; to provide for consent to chemical tests; to provide automatic revocation procedures for motor vehicle operators' licenses; to provide for fees; to provide penalties; to provide for the applicability of provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

UNANIMOUS CONSENT - Members Excused

Messrs. Avery and Schmitt asked unanimous consent to be excused until they return. No objections. So ordered.

MR. SCHELLPEPER PRESIDING

EASE

The Legislature was at ease from 10:26 a.m. until 10:57 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 565. Introduced by Warner, 25; Wesely, 26.

A BILL FOR AN ACT relating to state government; to provide requirements for contracts for privatization of personal services as prescribed; and to provide duties for the Director of Administrative Services.

LEGISLATIVE BILL 566. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to abandoned wells; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska, 1943, and section 77-2734.03, Revised Statutes Supplement, 1992; to provide for identification, inspection, and registration as prescribed; to provide penalties; to define terms; to provide an income tax credit; and to repeal the original sections.

LEGISLATIVE BILL 567. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to special assessments; to amend sections 2-955, 14-557, 15-821, 16-230, 17-563, 39-1813, and 77-209, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to certain liens as special assessments as prescribed; to provide for liability for political subdivisions for failure to file notice of special

assessment districts as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 568. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to support for children; to amend section 42-351, Revised Statutes Supplement, 1992; to authorize a parent to sue the other parent for support for a child's expenses for postsecondary education; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 569. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 79-201, 79-205, 79-206, and 79-2011, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1910, 79-444, and 79-1415, Revised Statutes Supplement, 1992; to change age limits relating to compulsory education; to change provisions relating to school-sponsored child care; to provide for a supervised, structured environment for students during the school day as prescribed; to provide powers and duties for school districts and the State Department of Education; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 570. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the environment; to amend sections 28-523, 39-683, and 39-6,190, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1501, 81-1504, 81-1505, 81-1506, 81-1508, and 81-1532, Revised Statutes Supplement, 1992; to provide and harmonize penalties for littering; to state intent; to provide powers and duties for the Department of Environmental Quality; to eliminate provisions relating to certain permit procedures; to change and provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 571. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to erosion and sediment control; to amend sections 2-4603, 2-4608, and 2-4610, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to change order requirements; to provide for cost-sharing assistance; and to repeal the original sections.

LEGISLATIVE BILL 572. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to trail development; to amend section 37-1503, Revised Statutes Supplement, 1992; to impose a fee on the

sale of bicycles; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 573. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 32-1610, Revised Statutes Supplement, 1992, and section 77-2602, Revised Statutes Supplement, 1992, as amended by section 1, Legislative Bill 9, Ninety-second Legislature, Third Special Session, 1992, and by section 1, Legislative Bill 11, Ninety-second Legislature, Third Special Session, 1992; to increase the cigarette tax and to change provisions relating to disbursement of the proceeds of such tax; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 574. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to public power; to amend section 70-1001, Reissue Revised Statutes of Nebraska, 1943; to define a term; to restrict sales of electric energy by independent power producers as prescribed; to restate policy; and to repeal the original section.

LEGISLATIVE BILL 575. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to vehicles; to amend sections 39-622, 39-631, 39-633, 39-660, 39-669.02, 39-669.04, 39-669.05, 39-673, 39-686, 39-690, 39-6,104.04, 39-6,125, 39-6,137, 39-6,179, 60-506.01, 60-515, 60-561, and 60-2807, Reissue Revised Statutes of Nebraska, 1943, sections 39-669.06, 39-6,103.06, and 39-6,103.07, Revised Statutes Supplement, 1992, and section 39-6,123, Reissue Revised Statutes of Nebraska, 1943, as amended by section 349, Legislative Bill 370, Ninety-third Legislature, First Session, 1992; to change provisions relating to overtaking vehicles, riding bicycles on shoulders, towing of vehicles, operation of school buses, parking, and noise and smoke prevention equipment; to change penalties for reckless and willful reckless driving and certain speed, equipment, and weight violations; to change and transfer provisions relating to accident reports; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 39-6,183, 60-505, 60-505.03, 60-505.04, and 60-506, Reissue Revised Statutes of Nebraska, 1943.

SPEAKER BAACK PRESIDING

LEGISLATIVE BILL 576. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07 and 77-2730, Reissue Revised Statutes of Nebraska, 1943, and section 77-2734.03, Revised Statutes Supplement, 1992; to adopt the Small Business Investment Tax Credit Act; to provide income tax credits; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 577. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to power districts and corporations; to amend section 70-504, Reissue Revised Statutes of Nebraska, 1943; to provide for an exemption from an election requirement as prescribed; and to repeal the original section.

LEGISLATIVE BILL 578. Introduced by Wesely, 26; Landis, 46; Schimek, 27.

A BILL FOR AN ACT relating to counties; to amend section 23-151, Reissue Revised Statutes of Nebraska, 1943, and section 32-1058, Revised Statutes Supplement, 1992; to change provisions relating to the election of county board members in certain counties; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 579. Introduced by Hall, 7; Warner, 25.

A BILL FOR AN ACT relating to the Legislative Council; to amend section 50-401.01, Revised Statutes Supplement, 1992; to provide powers for the Executive Board of the Legislative Council as prescribed; and to repeal the original section.

LEGISLATIVE BILL 580. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to development districts; to amend section 13-1906, Revised Statutes Supplement, 1992; to specify the minimum level of funding; and to repeal the original section.

LEGISLATIVE BILL 581. Introduced by Landis, 46.

A BILL FOR AN ACT relating to utilities; to amend section 19-701, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to condemnation of a utility; and to repeal the original section.

LEGISLATIVE BILL 582. Introduced by Landis, 46.

A BILL FOR AN ACT relating to film vehicles; to amend section 60-347, Reissue Revised Statutes of Nebraska, 1943, and section

60-301, Revised Statutes Supplement, 1992; to redefine a term; to change registration and renewal fees; and to repeal the original sections.

LEGISLATIVE BILL 583. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend sections 44-319.03, 44-1640, 44-4009, 44-4040, and 48-144.03, Reissue Revised Statutes of Nebraska, 1943, and sections 44-116, 44-119, 44-214, 44-219, 44-231, 44-1525, 44-1527, 44-1936, 44-1951, 44-1959, 44-1960, 44-1969, 44-2008, 44-2123, 44-2131, 44-2137, 44-2621, 44-2627, 44-32,115, 44-32,118, 44-32,152, 44-3904, 44-3905, 44-4001, 44-4005, 44-4015, 44-4019, 44-4028, 44-4035, 44-4812, 44-4842, 44-4902, 44-4905, 44-4908, 44-5111, 44-5602, 44-5611, and 44-5812, Revised Statutes Supplement, 1992; to adopt the Insurers Examination Act; to eliminate provisions relating to examinations; to adopt the Life and Health Insurers Risk-Based Capital Act; to change provisions relating to stock and mutual companies; to adopt the Insurers Demutualization Act; to adopt the Assumption Reinsurance Act; to change provisions relating to insurance companies, title insurance, act citations, fees, health maintenance organizations, agents, brokers, managing general agents, reinsurance, and nonrenewal of workers' compensation insurance; to harmonize provisions; to provide severability; to repeal the original sections, and also sections 44-107.01, 44-107.02, 44-108.02 to 44-111.01, and 44-118, Reissue Revised Statutes of Nebraska, 1943, and sections 44-107, 44-107.03 to 44-108.01, and 44-232, Revised Statutes Supplement, 1992; and to declare an emergency.

LEGISLATIVE BILL 584. Introduced by Withem, 14.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,113 and 60-4,117, Revised Statutes Supplement, 1992; to change provisions relating to the issuance of operators' licenses; and to repeal the original sections.

LEGISLATIVE BILL 585. Introduced by Baack, 47.

A BILL FOR AN ACT relating to public safety; to state intent; to define a term; to provide for training and certification of public safety telecommunicators as prescribed; to provide powers and duties for the Nebraska Commission on Law Enforcement and Criminal Justice; and to provide for and limit liability.

LEGISLATIVE BILL 586. Introduced by Baack, 47.

A BILL FOR AN ACT relating to teachers; to amend sections 79-328, 79-1233, 79-1247.03, 79-1247.05, and 79-1247.06, Revised Statutes Supplement, 1992; to provide for alternative equivalent certificates for teaching; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 587. Introduced by Baack, 47; Beutler, 28; Bromm, 23; Coordsen, 32; Schimek, 27.

A BILL FOR AN ACT relating to elections; to amend sections 49-1446, 49-1455, 49-1459, 49-1462, 49-14,122, and 49-14,129, Reissue Revised Statutes of Nebraska, 1943, sections 32-1601, 32-1603, 32-1604, 32-1606, and 32-1608, Revised Statutes Supplement, 1992, and section 32-1607, Revised Statutes Supplement, 1992, as amended by section 3, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992; to define terms; to change spending limitations and amendments to affidavits as to expenditures under the Campaign Finance Limitation Act; to change provisions relating to placing public funds in accounts and require reporting of such funds as prescribed; to change and provide penalties relating to exceeding the spending limit under the act; to change provisions relating to prohibited political contributions; to require a candidate to keep records; to provide for a candidate to accept a lesser amount of public funds; to change provisions relating to campaign statements under the Nebraska Political Accountability and Disclosure Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 588. Introduced by Baack, 47, Bromm, 23, at the request of the Governor.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-958 and 81-2,162.04, Reissue Revised Statutes of Nebraska, 1943; to adopt the Pesticide Act; to eliminate provisions relating to economic poisons; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 2-2601 to 2-2614 and 2-2616 to 2-2621, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 589. Introduced by Pedersen, 39; Day, 19; Fisher, 35; Pirsch, 10; Witek, 31.

A BILL FOR AN ACT relating to persons under the age of nineteen; to amend sections 29-401, 29-412, and 29-424, Reissue Revised Statutes of Nebraska, 1943, and section 43-2,129, Revised Statutes Supplement, 1992; to provide that judges cannot hear cases of such persons without a parent, guardian, or responsible representative being present; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 590. Introduced by Pedersen, 39; Day, 19; Fisher, 35; Hillman, 48; Hohenstein, 17; Pirsch, 10; Witek, 31.

A BILL FOR AN ACT relating to public records; to amend sections 39-6,104.07, 39-6,104.08, 39-6,104.12, and 84-712.05, Reissue Revised Statutes of Nebraska, 1943; to provide for disclosure of certain information relating to fatal motor vehicle accidents as prescribed; to change provisions relating to withholding of records; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 18CA. Introduced by Beutler, 28.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to add a new section 3A to Article III:

III-3A "The Legislature may enact laws expressly conditioned upon ratification by the people.

The veto power of the Governor shall not extend to such laws. A law enacted by the Legislature expressly conditioned upon ratification by the people shall become a law when a majority of the votes cast thereon at the election at which the law was submitted, and not less than thirty-five percent of the total vote cast at the election, are cast in favor thereof, and shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of such votes. The vote shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

All laws submitted pursuant to this section shall be submitted in a nonpartisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize the Legislature to enact laws expressly conditioned upon ratification by the people, to prohibit the veto power of the Governor from extending to such laws, and to provide for the manner of submission and adoption of such laws.

For

Against".

Referred to the Reference Committee.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 591. Introduced by Coordsen, 32; Bernard-Stevens, 42; Byars, 30; Cudaback, 36; Dierks, 40; Elmer, 38; Hohenstein, 17; Janssen, 15; Jones, 43; Vrtiska, 1.

A BILL FOR AN ACT relating to auction sales; to amend sections 77-2702.09 and 77-2702.14, Revised Statutes Supplement, 1992; to redefine terms to exempt auction sales of agricultural machinery and equipment, household goods, and personal effects from sales and use taxes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 592. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to courts; to amend section 25-2221, Reissue Revised Statutes of Nebraska, 1943; to authorize the Supreme Court to close courts and court offices as prescribed; and to repeal the original section.

LEGISLATIVE BILL 593. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to county courts; to amend sections 24-514 and 24-515, Revised Statutes Supplement, 1992; to change provisions relating to payment of costs and expenses of the county courts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 594. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-118, Reissue Revised Statutes of Nebraska, 1943; to change settlement provisions; and to repeal the original section.

LEGISLATIVE BILL 595. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to the cigarette tax; to amend sections 81-173, 81-178, 81-179, and 81-181, Reissue Revised Statutes of Nebraska, 1943, and section 81-638, Revised Statutes Supplement, 1992, and section 77-2602, Revised Statutes Supplement, 1992, as amended by section 1, Legislative Bill 9, Ninety-second Legislature, Third Special Session, 1992, and section 1, Legislative Bill 11, Ninety-second Legislature, Third Special Session, 1992; to increase the

tax; to provide for disbursement of the proceeds as prescribed; to harmonize provisions; to repeal the original sections; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 596. Introduced by Janssen, 15; Day, 19; Dierks, 40; Hudkins, 21; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to game refuges; to amend sections 37-420, Reissue Revised Statutes of Nebraska, 1943, and section 37-413, Revised Statutes Supplement, 1992; to prohibit the operation of motorboats during certain months; to provide an exception; and to repeal the original sections.

LEGISLATIVE BILL 597. Introduced by Janssen, 15; Cudaback, 36; Day, 19; Elmer, 38; Hartnett, 45; Hudkins, 21; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to special education; to amend section 79-3333, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 15, Ninety-second Legislature, Third Special Session, 1992; to change provisions relating to reimbursement for minor building modifications as prescribed; and to repeal the original section.

LEGISLATIVE BILL 598. Introduced by Hall, 7; Lindsay, 9.

A BILL FOR AN ACT relating to courts; to amend section 27-404, Reissue Revised Statutes of Nebraska, 1943; to change the admissibility of evidence in certain crimes, wrongs, or acts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 599. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banks and banking; to provide for the acceptance of deposits by subsidiaries and affiliates.

LEGISLATIVE BILL 600. Introduced by Elmer, 38; Ashford, 6; Bohlke, 33; Bromm, 23; Day, 19; Fisher, 35; Hillman, 48; Hudkins, 21; Janssen, 15; Jones, 43; Preister, 5; Schimek, 27; Schmitt, 41; Vrtiska, 1; Wehrbein, 2; Witek, 31.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 29-2532 to 29-2546, Reissue Revised Statutes of Nebraska, 1943; to change the mode of inflicting the death penalty; to provide duties to the Director of Correctional Services; to change procedure for mentally incompetent, pregnant, and other persons convicted to death; to change a term; to harmonize provisions; to provide severability; to

repeal the original sections, and also section 83-905, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 601. Introduced by Bromm, 23; Day, 19; Hohenstein, 17; Janssen, 15; Jones, 43; Pedersen, 39; Preister, 5; Witek, 31.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1492, Reissue Revised Statutes of Nebraska, 1943; to prohibit past state senators and certain past staff members from engaging in lobbyist activities for a period of time; and to repeal the original section.

LEGISLATIVE BILL 602. Introduced by Bromm, 23; Horgan, 4; Lindsay, 9.

A BILL FOR AN ACT relating to judges retirement; to amend section 24-708, Reissue Revised Statutes of Nebraska, 1943; to authorize retirement at age sixty years as prescribed; and to repeal the original section.

LEGISLATIVE BILL 603. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to insolvent banks; to amend section 8-1,110, Reissue Revised Statutes of Nebraska, 1943; to provide for the priority of claims of sellers of federal funds; and to repeal the original section.

LEGISLATIVE BILL 604. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to employment security; to amend section 48-657, Reissue Revised Statutes of Nebraska, 1943; to provide for final payment on public works contracts conditioned upon satisfactory bond; and to repeal the original section.

LEGISLATIVE BILL 605. Introduced by Landis, 46.

A BILL FOR AN ACT relating to public power districts; to amend section 70-624, Reissue Revised Statutes of Nebraska, 1943; to subject an official to removal from office for not publishing certain salaries as required; to provide a penalty; to provide an operative date; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 19CA. Introduced by Bromm, 23.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to add a new section 14 to Article VIII:

VIII-14 "The Legislature may provide by law that each city, village, or metropolitan utilities district which acquires or has acquired real property outside of the county in which the city or village is located or outside of any county which is in whole or in part served by the metropolitan utilities district for water supply purposes shall annually make payments in lieu of taxes to the county within which the real property or any portion is located. The amount of the payments in lieu of taxes shall be determined based on the use the real property had at the time of acquisition and without regard to any value which the real property might have for other purposes or uses.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize the Legislature to require payments in lieu of taxes to counties by cities, villages, and metropolitan utilities districts for real property acquired for water supply purposes.

For

Against".

Referred to the Reference Committee.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 606. Introduced by Landis, 46.

A BILL FOR AN ACT relating to property taxation; to amend sections 77-1362 and 77-1364, Reissue Revised Statutes of Nebraska, 1943, and section 77-1363, Revised Statutes Supplement, 1992; to change provisions relating to valuation of agricultural land and horticultural land; and to repeal the original sections.

LEGISLATIVE BILL 607. Introduced by Crosby, 29; Bohlke, 33; Lynch, 13.

A BILL FOR AN ACT relating to firefighter retirement; to amend sections 16-1024, 16-1028, and 16-1033, Reissue Revised Statutes of

Nebraska, 1943, and section 16-1027, Revised Statutes Supplement, 1992; to authorize voluntary contributions; to change benefit payment provisions; to change vesting provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 608. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to the Nebraska Amusement Ride Act; to amend sections 48-1801, 48-1802, 48-1806, and 48-1812, Reissue Revised Statutes of Nebraska, 1943; to define and redefine a term; to change insurance provisions; to provide separate inspection fees for bungee jumping; to prohibit reverse bungee jumping; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 609. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Physical Exercise Club Act; and to provide severability.

MR. BERNARD-STEVENS PRESIDING

EASE

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

SPEAKER BAACK PRESIDING

BILLS ON FIRST READING

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

LEGISLATIVE BILL 610. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to liability; to amend sections 25-21,190 to 25-21,193, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,210, Revised Statutes Supplement, 1992; to define terms; to change provisions relating to liability of persons involved with not-for-profit organizations as prescribed; to redefine a term relating to the State Tort Claims Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 611. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-144, Reissue Revised Statutes of Nebraska, 1943; to provide and eliminate certain bank insider lending limit provisions as

prescribed; and to repeal the original section, and also section 8-140, Reissue Revised Statutes of Nebraska, 1993.

LEGISLATIVE BILL 612. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Commission of Industrial Relations; to amend section 48-809, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to use of evidence; and to repeal the original section.

LEGISLATIVE BILL 613. Introduced by Baack, 47.

A BILL FOR AN ACT relating to fuel tax; to amend section 66-605.04, Revised Statutes Supplement, 1992; to authorize exemption certificates for counties; and to repeal the original section.

LEGISLATIVE BILL 614. Introduced by Hall, 7.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-304, Revised Statutes Supplement, 1992; to change powers and duties as prescribed; and to repeal the original section.

LEGISLATIVE BILL 615. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to teachers; to amend section 79-1247.09, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1247.05 and 79-1247.06, Revised Statutes Supplement, 1992; to provide for alternate methods of assessment for prospective teachers; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 616. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to solid waste disposal; to define terms; to provide for formation of solid waste disposal districts; to provide powers and duties; to provide for the creation and operation of the Solid Waste Disposal Coordination Board; to provide powers, functions, duties, and responsibilities of the board; to create a fund; to provide for assessments; to provide for rules and regulations; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 617. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Disposition of Personal Property Landlord and Tenant Act; to amend section 69-2302, Revised Statutes Supplement, 1992; to redefine terms; and to repeal the original section.

LEGISLATIVE BILL 618. Introduced by Pedersen, 39; Ashford, 6; Hudkins, 21; Lynch, 13; Pirsch, 10.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-168.06, Revised Statutes Supplement, 1992; to change provisions relating to sale or service of alcoholic liquor by minors in the course of employment as prescribed; and to repeal the original section.

LEGISLATIVE BILL 619. Introduced by Pedersen, 39; Ashford, 6; Hohenstein, 17; Hudkins, 21; Lynch, 13; Pirsch, 10.

A BILL FOR AN ACT relating to crimes; to amend sections 81-1835 and 81-1844, Reissue Revised Statutes of Nebraska, 1943; to impose a surcharge on certain defendants; to provide for deposit of the surcharge in the Victim's Compensation Fund and the Crime Victim and Witness Assistance Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 620. Introduced by Warner, 25.

A BILL FOR AN ACT relating to county superintendents of schools; to amend section 23-3301, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to counties without county superintendents; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 621. Introduced by Warner, 25.

A BILL FOR AN ACT relating to public meetings; to amend sections 84-1410 and 84-1414, Revised Statutes Supplement, 1992; to eliminate a definition; to change a violation and penalties; and to repeal the original sections.

LEGISLATIVE BILL 622. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-202.01, 37-203, 37-204.01, 37-211.01, 37-214.04, 37-215, 37-215.03, 37-217.01, 37-227, 37-233, 37-304.02, 37-502, 37-503, 37-703, 37-714, 37-715, 37-901, 37-905, 37-908, 37-1105, 37-1108, 37-1212, 37-1214, 37-1217, and 37-1227, Reissue Revised Statutes of Nebraska, 1943, and sections 37-201, 37-204, 37-211, 37-213, 37-214.03, 37-216.01, 37-505, and 37-720, Revised Statutes Supplement, 1992; to permit the Game and Parks Commission to establish fees as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 623. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the environment; to amend sections 14-102, 71-1631, 81-1505, and 81-1506, Revised Statutes Supplement, 1992; to give cities of the metropolitan class power to carry out air quality permitting and regulatory programs as prescribed; to provide penalty powers to certain cities and local boards of health relating to clean air; to change provisions under the Environmental Protection Act relating to powers of the Environmental Control Council and relating to unlawful acts; and to repeal the original sections.

LEGISLATIVE BILL 624. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to natural resources; to state findings; to create the Task Force on River Assessment; to provide duties; and to provide a termination date.

LEGISLATIVE BILL 625. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to Community Improvements Cash Fund; to amend section 81-15,113.01, Revised Statutes Supplement, 1992; to change the date through which funds are remitted; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 626. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to flood plain management; to amend sections 31-1001, 31-1002, 31-1015, 31-1017, 31-1018, 31-1020, and 31-1023, Reissue Revised Statutes of Nebraska, 1943; to eliminate duties of the Department of Water Resources; to harmonize provisions; and to repeal the original sections, and also sections 31-1024 to 31-1031, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 627. Introduced by Abboud, 12; Bromm, 23; Byars, 30; Cudaback, 36; Elmer, 38; Fisher, 35; Hohenstein, 17; Hudkins, 21; Janssen, 15; Jones, 43; Pedersen, 39; Preister, 5; Schmitt, 41; Vrtiska, 1; Witek, 31.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-105, 28-201, 28-319, 28-431, 28-438, 28-441, 28-442, 28-445, 28-516, 28-1205, 29-2204, 29-2221, 29-2260, 29-2525, 29-2528, 29-3001, 71-1,147.09, and 83-1,116, Reissue Revised Statutes of Nebraska, 1943, and sections 25-1912, 28-101, 28-416, 28-1439.01 to 28-1439.05, 29-2262, 29-3002, 39-669.07, 39-669.08, 39-669.22, 81-2004.05, 83-1,107, 83-1,110, 83-1,122, and 83-1,123, Revised Statutes Supplement, 1992; to designate the Nebraska Crime Control Act of 1993; to change and provide classifications for felonies; to

change and provide penalties for certain offenses; to provide for suspension of a person's operator's license for certain violations; to transfer, change, provide, and eliminate provisions on seizure and disposition of certain property involved in criminal activity, uncorroborated testimony, and sentencing; to require notice of an alibi defense; to provide for commitment of certain offenders to regimented inmate discipline units; to change provisions relating to habitual criminals, appeals of death penalty cases, dates for executions, postconviction relief, good time, and eligibility for and conditions and revocation of parole; to change provisions relating to driving under the influence; to eliminate provisions on proceedings pending under prior law, on continuation of certain rules, and reduction of sentences; to harmonize provisions; to provide severability; and to repeal the original sections, and also sections 28-435, 28-436, 29-2308.01, and 83-1,105, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 628. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Bromm, 23; Preister, 5; Schimek, 27; Will, 8.

A BILL FOR AN ACT relating to municipal bond transactions of cities and villages; to provide for disclosure by financial advisors as prescribed.

LEGISLATIVE BILL 629. Introduced by Ashford, 6; Abboud, 12; Bohlke, 33; Bromm, 23; Hillman, 48; Landis, 46; Rasmussen, 20; Will, 8.

A BILL FOR AN ACT relating to infants; to amend section 43-1412, Reissue Revised Statutes of Nebraska, 1943, and section 42-364, Revised Statutes Supplement, 1992; to adopt the Parenting Act; to provide for the inclusion of a parenting plan in the divorce decree; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 630. Introduced by Hartnett, 45; Will, 8.

A BILL FOR AN ACT relating to municipalities; to amend sections 16-404, 17-614, 19-903, and 19-929, Reissue Revised Statutes of Nebraska, 1943; to define a term; to provide duties and limitations for municipalities annexing territory; to change provisions relating to the comprehensive development plan; and to repeal the original sections.

LEGISLATIVE BILL 631. Introduced by Schimek, 27; Hartnett, 45; Will, 8.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1716.01, Reissue Revised Statutes of Nebraska, 1943; to provide for the automatic annexation of certain county roads; and to repeal the original section.

LEGISLATIVE BILL 632. Introduced by Lynch, 13; Hartnett, 45.

A BILL FOR AN ACT relating to parking; to amend section 18-1737, Revised Statutes Supplement, 1992; to create the offense of handicapped parking infraction; to provide penalties and procedures applicable to the offense; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 633. Introduced by Wickersham, 49; Elmer, 38.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-3805, Revised Statutes Supplement, 1992; to change provisions relating to calculation of tiered cost per student; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 634. Introduced by Witek, 31; Jones, 43; Pirsch, 10.

A BILL FOR AN ACT relating to schools; to adopt the Student Privacy and Parental Rights Act; and to provide penalties.

LEGISLATIVE BILL 635. Introduced by Hillman, 48; Abboud, 12; Ashford, 6; Baack, 47; Bernard-Stevens, 42; Beutler, 28; Bohlke, 33; Bromm, 23; Byars, 30; Coordsen, 32; Crosby, 29; Cudaback, 36; Day, 19; Dierks, 40; Elmer, 38; Fisher, 35; Hall, 7; Hartnett, 45; Hohenstein, 17; Hudkins, 21; Janssen, 15; Jones, 43; Landis, 46; Lindsay, 9; Lynch, 13; Moore, 24; Pedersen, 39; Pirsch, 10; Preister, 5; Rasmussen, 20; Schellpeper, 18; Schimek, 27; Schmitt, 41; Vrtiska, 1; Warner, 25; Wehrbein, 2; Wickersham, 49; Will, 8; Witek, 31; Withem, 14.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1411, Reissue Revised Statutes of Nebraska, 1943, and section 84-1409, Revised Statutes Supplement, 1992; to define a term; to authorize meetings to be held by means of video or telecommunications equipment; to state intent; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 636. Introduced by Moore, 24.

A BILL FOR AN ACT relating to optometry; to amend sections 71-1,133 and 71-1,135.02, Reissue Revised Statutes of Nebraska, 1943; to define and redefine a term; to authorize the use of certain agents for therapeutic purposes in the treatment of glaucoma as prescribed; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 637. Introduced by Moore, 24; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Lynch, 13; Wehrbein, 2.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1449, 49-1451, 49-1453, 49-1464, 49-1470, 49-1482, 49-1484, and 49-1486, Reissue Revised Statutes of Nebraska, 1943, and sections 49-1401, 49-1483, 49-1483.02, 49-1485, 49-1488, 49-1488.01, 49-14,123, and 49-14,140, Revised Statutes Supplement, 1992; to provide fees; to change provisions relating to the statements of campaign committees and dissolution of the committees; to change provisions relating to lobbyist's and principal's filing applications with the Legislature; to provide and change duties for the Clerk of the Legislature; to change and create a fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 638. Introduced by Schimek, 27; Beutler, 28; Hartnett, 45.

A BILL FOR AN ACT relating to judicial nominating commissions; to amend section 24-805, Reissue Revised Statutes of Nebraska, 1943, and section 24-803, Revised Statutes Supplement, 1992; to change provisions relating to nomination of judges of the county court; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 639. Introduced by Fisher, 35.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend sections 81-1325, 81-1328, and 81-2033, Reissue Revised Statutes of Nebraska, 1943, and sections 81-2025 and 81-2026, Revised Statutes Supplement, 1992; to change provisions relating to payment of benefits; to redefine a term; to change calculations relating to retirement; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 640. Introduced by Bohlke, 33; Bernard-Stevens, 42; Hillman, 48; Landis, 46; Rasmussen, 20; Schimek, 27; Will, 8.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend sections 48-1102 and 48-1104, Revised Statutes Supplement, 1992; to define and redefine terms; to provide an

additional unlawful employment practice; and to repeal the original sections.

LEGISLATIVE BILL 641. Introduced by Wehrbein, 2; Bernard-Stevens, 42.

A BILL FOR AN ACT relating to securities; to amend sections 8-1108.01 and 8-1123, Reissue Revised Statutes of Nebraska, 1943; to create the Securities Act Educational Fund; to state intent; to provide for transfers to the fund as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 642. Introduced by Lindsay, 9; Beutler, 28; Bohlke, 33; Lynch, 13; Schimek, 27.

A BILL FOR AN ACT relating to real property; to require a disclosure statement for certain residential real property sales; to provide a cause of action for failure to provide the disclosure statement; to define terms; to require rules and regulations; and to provide an operative date.

LEGISLATIVE BILL 643. Introduced by Rasmussen, 20.

A BILL FOR AN ACT relating to students with hearing impairments; to state intent; to provide duties for the State Board of Education; and to require a report.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 437 through 506 and legislative resolution 15CA.

LB	Committee
437	Business and Labor
438	Health and Human Services
439	Natural Resources
440	Revenue
441	Urban Affairs
442	Judiciary
443	Health and Human Services
444	Natural Resources
445	Education
446	Government, Military and Veterans Affairs
447	Agriculture
448	Government, Military and Veterans Affairs
449	General Affairs

450	Judiciary
451	Judiciary
452	Revenue
453	Transportation
454	Education
455	Judiciary
456	Education
457	Judiciary
458	Judiciary
459	Nebraska Retirement Systems
460	Nebraska Retirement Systems
461	Judiciary
462	Judiciary
463	Judiciary
464	Judiciary
465	Banking, Commerce and Insurance
466	Judiciary
467	Judiciary
468	Government, Military and Veterans Affairs
469	Health and Human Services
470	Health and Human Services
471	General Affairs
472	Government, Military and Veterans Affairs
473	Transportation
474	Transportation
475	Banking, Commerce and Insurance
476	Judiciary
477	Transportation
478	Banking, Commerce and Insurance
479	Natural Resources
480	Revenue
481	Natural Resources
482	Natural Resources
483	Judiciary
484	General Affairs
485	Urban Affairs
486	Urban Affairs
487	Urban Affairs
488	Banking, Commerce and Insurance
489	General Affairs
490	Judiciary
491	Transportation
492	Transportation
493	Judiciary
494	Judiciary
495	Judiciary
496	Health and Human Services

497 Judiciary
498 Health and Human Services
499 Judiciary
500 Judiciary
501 Urban Affairs
502 Appropriations
503 Government, Military and Veterans Affairs
504 Banking, Commerce and Insurance
505 Health and Human Services
506 Health and Human Services

LR	Committee
15CA	Government, Military and Veterans Affairs

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 31	Wednesday, January 27, 1993	1:30 p.m.
LB 35	Wednesday, January 27, 1993	1:30 p.m.
LB 67	Wednesday, January 27, 1993	1:30 p.m.
LB 109	Wednesday, January 27, 1993	1:30 p.m.
LB 57	Thursday, January 28, 1993	1:30 p.m.
LB 190	Thursday, January 28, 1993	1:30 p.m.
LB 261	Thursday, January 28, 1993	1:30 p.m.
LB 271	Thursday, January 28, 1993	1:30 p.m.
LB 311	Thursday, January 28, 1993	1:30 p.m.
LB 44	Friday, January 29, 1993	1:30 p.m.
LB 65	Friday, January 29, 1993	1:30 p.m.
LB 236	Friday, January 29, 1993	1:30 p.m.
LB 249	Friday, January 29, 1993	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

EASE

The Legislature was at ease from 11:49 a.m. until 11:54 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 644. Introduced by Rasmussen, 20; Preister, 5.

A BILL FOR AN ACT relating to husband and wife; to amend section 42-364.15, Reissue Revised Statutes of Nebraska, 1943, and sections 42-347 and 42-364, Revised Statutes Supplement, 1992; to change provisions relating to child custody and visitation; to state findings and policy; to provide requirements for decrees and orders relating to visitation; to change provisions relating to petitions for visitation; to provide for a civil action; to change provisions relating to enforcement of decrees and orders relating to visitation; to provide duties for the State Court Administrator and the Revisor of Statutes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 645. Introduced by Will, 8.

A BILL FOR AN ACT relating to property taxation; to amend sections 13-509 and 77-509, Revised Statutes Supplement, 1992; to change dates relating to valuation of property; and to repeal the original sections.

LEGISLATIVE BILL 646. Introduced by Will, 8.

A BILL FOR AN ACT relating to property tax refunds; to amend section 77-3617, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the Personal Property Tax Reimbursement Fund; and to repeal the original section.

LEGISLATIVE BILL 647. Introduced by McKenzie, 34; Hall, 7; Schimek, 27.

A BILL FOR AN ACT relating to schools; to amend section 9-812, Revised Statutes Supplement, 1992; to define terms; to provide for programs for high-ability students; to provide for funding; to provide duties for the State Department of Education; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 648. Introduced by McKenzie, 34; Rasmussen, 20.

A BILL FOR AN ACT relating to public health and welfare; to define terms; to provide for comprehensive environmental lead inspections as prescribed; to restrict certain transfers of property; to provide penalties; and to provide for rules and regulations.

LEGISLATIVE BILL 649. Introduced by Withem, 14.

A BILL FOR AN ACT relating to math and science education; to state intent; and to appropriate funds.

LEGISLATIVE BILL 650. Introduced by Withem, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 79-4,140.11, Revised Statutes Supplement, 1992; to impose an excise tax on videotape rentals; to provide for use of the tax revenue for the Internet program; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 651. Introduced by Chambers, 11; Hall, 7; Lindsay, 9.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 27-609, 27-803, 28-104, 28-105, 28-201, 28-202, 28-303, 29-742, 29-744, 29-1822, 29-2005, 29-2006, 29-2282, 29-2407, 29-2801, 29-3205, and 55-480, Reissue Revised Statutes of Nebraska, 1943, and sections 24-1106, 25-1140.09, and 29-2020, Revised Statutes Supplement, 1992; to state the findings of the Legislature; to eliminate the death penalty; to eliminate the requirement that a transcript of the trial proceeding and briefs be provided to the defendant at county expense; to provide for life imprisonment without the possibility of parole and with order of restitution or life imprisonment; to provide factors for the determination of sentence and mitigating circumstances; to state the intent of the Legislature with regard to death sentences not yet carried out; to change provisions relating to an order of restitution; to eliminate provisions concerning the imposition of the death penalty, special procedures relating to the death penalty, and certain stay provisions; to harmonize provisions; to provide severability; and to repeal the original sections, and also sections 28-105.01, 29-2519 to 29-2525, 29-2527, 29-2528, 29-2532 to 29-2546, 29-2811, and 83-1,132, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 652. Introduced by Hall, 7.

A BILL FOR AN ACT relating to persons in custody; to provide for consultation with an attorney as prescribed.

LEGISLATIVE BILL 653. Introduced by Hall, 7; Will, 8.

A BILL FOR AN ACT relating to income tax; to amend section 77-2716.01, Revised Statutes Supplement, 1992; to provide a deduction from income for certain educational expenses; to define terms; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 654. Introduced by Hall, 7.

A BILL FOR AN ACT relating to liquor; to amend section 53-101, Revised Statutes Supplement, 1992; to authorize imposition of a fee on retailers by cities as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 655. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 39-6,122, Revised Statutes Supplement, 1992; to provide for a coordinated system of traffic-control signals; and to repeal the original section.

LEGISLATIVE BILL 656. Introduced by Robak, 22; Bohlke, 33.

A BILL FOR AN ACT relating to the Department of Health; to amend section 71-2622, Revised Statutes Supplement, 1992; to change provisions relating to the inspection of private water supplies and private sewage disposal facilities; to repeal the original section; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 20. Introduced by Bernard-Stevens, 42.

WHEREAS, Jim Kirkman served the city of North Platte as mayor with distinction and dedication for eight years; and

WHEREAS, Jim Kirkman has represented North Platte and its interests locally and at the state level; and

WHEREAS, Jim Kirkman recognized a need to participate in government and has made sacrifices and a commitment to public service.

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

1. That the Legislature and the citizens of North Platte are grateful to Jim Kirkman and his dedication to the democratic process and offer best wishes to a man that has had a long and successful career in public service.

2. That the Legislature recognizes and gives thanks for the dedication and sacrifice of countless numbers of public officials and their families who have contributed greatly for the purpose of building a better Nebraska.

3. That a copy of this resolution be presented to Jim Kirkman of North Platte, Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 21CA. Introduced by Warner, 25; Bromm, 23; Fisher, 35; Pedersen, 39; Schellpeper, 18; Witek, 31.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to add a new section 14 to Article VIII:

VIII-14 "Money derived from sales or use taxes imposed by the state on motor vehicles, trailers, or semitrailers, from fees or excises imposed by the state relating to the registration, licensure, ownership, operation, or use of such vehicles on the public highways, roads, or streets, or from taxes, fees, or excises imposed by the state relating to fuel used for the propulsion of such vehicles shall not be expended for any purpose other than the cost of administering laws under which such money is derived, statutory refunds and adjustments provided by such laws, the payment of highway obligations, including highway construction bonds authorized by Article XIII, section 1, of this Constitution, and the cost of construction, reconstruction, maintenance, and repair of public highways and bridges and county, city, township, and village roads, streets, bridges, and offstreet public parking owned by a municipality. This section shall not apply to money derived from motor vehicle operator's license fees.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide that the money from taxes, fees, and excises imposed on (1) the sale or use of motor vehicles, trailers, or semitrailers, (2) registration, licensure, ownership, operation, or use of such vehicles or trailers, and (3) fuel used to propel such vehicles or trailers shall be used only for the purposes of administration of the tax, fee, or excise, payment of highway obligations, including highway construction bonds, and construction, reconstruction, maintenance, and repair of highways, streets, roads, bridges, and offstreet public parking owned by a municipality.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 22CA. Introduced by Beutler, 28.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article III, section 2, and Article XVI, section 1, and add a new section 4A to Article III:

III-2 "The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition ~~be~~ is for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition ~~be~~ is for the amendment of ~~the~~ this Constitution, the petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election ~~be~~ pursuant to this section are approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative."

III-4A "The Legislature may propose laws and constitutional amendments as alternatives to measures proposed pursuant to Article III, section 2, of this Constitution.

The veto power of the Governor shall not extend to such measures. A measure submitted by the Legislature pursuant to this section shall become a law or part of this Constitution when a majority of the votes cast thereon at the election at which the measure was submitted, and not less than thirty-five percent of the total vote cast at the election, are cast in favor thereof, and shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of such votes. The vote shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

All measures submitted pursuant to this section shall be submitted in a nonpartisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party

or organization. Only the title or proper descriptive words of measures shall be printed on the ballot.

If a measure submitted pursuant to this section conflicts with a measure submitted pursuant to Article III, section 2, of this Constitution, and both are approved by the people at the same election, the one receiving the highest number of affirmative votes shall thereby become law."

XVI-1 "The Legislature may propose amendments to this Constitution. ~~If the same be~~ Such amendments may be presented on the ballot as alternative measures to measures initiated by the people pursuant to Article III, section 4A, of this Constitution, or may be presented independently of measures initiated by the people. If the proposed amendments are agreed to by three-fifths of the members elected to the Legislature, such proposed amendments shall be entered on the journal, with yeas and nays, and published once each week for three consecutive weeks, in at least one newspaper in each county, where a newspaper is published, immediately preceding the next election of members of the Legislature or a special election called by the vote of four-fifths of the members elected to the Legislature for the purpose of submitting such proposed amendments to the electors. ~~At such election said amendments shall be submitted to the electors for approval or rejection upon a ballot separate from that upon which the names of candidates appear.~~ If a majority of the electors voting on any such amendment adopt the same, it shall become a part of this Constitution, provided the votes cast in favor of such amendment shall not be less than thirty-five ~~per cent~~ percent of the total votes cast at such election. ~~When~~ Except for amendments submitted pursuant to Article III, section 4A, of this Constitution, when two or more amendments are submitted at the same election, they shall be so submitted as to enable the electors to vote on each amendment separately.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize the Legislature to offer alternative measures to measures initiated by the people, to prohibit the veto power of the Governor from extending to such measures, and to provide for the manner of submission and adoption of such measures.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 23CA. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Bromm, 23; Preister, 5; Schimek, 27; Will, 8.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article VII, section 5:

VII-5 "(1) Except as provided in subsections (2), ~~and~~ (3), and (4) of this section, all fines, penalties, and license money arising under the general laws of the state, except fines and penalties for violation of laws prohibiting the overloading of vehicles used upon the public roads and highways of this state, shall belong and be paid over to the counties respectively where the same may be levied or imposed, and all fines, penalties, and license money arising under the rules, bylaws, or ordinances of cities, villages, precincts, or other municipal subdivision less than a county shall belong and be paid over to the same respectively. All such fines, penalties, and license money shall be appropriated exclusively to the use and support of the common schools in the respective subdivisions where the same may accrue, except that all fines and penalties for violation of laws prohibiting the overloading of vehicles used upon the public roads and highways shall be placed as follows: Seventy-five ~~per cent~~ percent in a fund for state highways and twenty-five ~~per cent~~ percent to the county general fund where the fine or penalty is paid.

(2) Fifty ~~per cent~~ percent of all money forfeited or seized pursuant to enforcement of the drug laws shall belong and be paid over to the counties for drug enforcement purposes as the Legislature may provide.

(3) Law enforcement agencies may use conveyances forfeited pursuant to enforcement of the drug laws as the Legislature may provide. Upon the sale of such conveyances, the proceeds shall be appropriated exclusively to the use and support of the common schools as provided in subsection (1) of this section.

(4) The Legislature may provide that the funds derived from fines or penalties for the violation of statutes or ordinances relating to parking for handicapped or disabled persons may be used for improving accessibility in public buildings in the county where such fines or penalties were collected.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize the Legislature to provide for use of funds derived from fines or penalties for violation of laws relating to parking for handicapped or disabled persons for improving accessibility in public buildings.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 24CA. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Bromm, 23; Preister, 5; Schimek, 27; Will, 8.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article VII, section 5:

VII-5 "(1) Except as provided in subsections (2), ~~and~~ (3), and (4) of this section, all fines, penalties, and license money arising under the general laws of the state, except fines and penalties for violation of laws prohibiting the overloading of vehicles used upon the public roads and highways of this state, shall belong and be paid over to the counties respectively where the same may be levied or imposed, and all fines, penalties, and license money arising under the rules, bylaws, or ordinances of cities, villages, precincts, or other municipal subdivision less than a county shall belong and be paid over to the same respectively. All such fines, penalties, and license money shall be appropriated exclusively to the use and support of the common schools in the respective subdivisions where the same may accrue, except that all fines and penalties for violation of laws prohibiting the overloading of vehicles used upon the public roads and highways shall be placed as follows: Seventy-five ~~per cent~~ percent in a fund for state highways and twenty-five ~~per cent~~ percent to the county general fund where the fine or penalty is paid.

(2) Fifty ~~per cent~~ percent of all money forfeited or seized pursuant to enforcement of the drug laws shall belong and be paid over to the counties for drug enforcement purposes as the Legislature may provide.

(3) Law enforcement agencies may use conveyances forfeited pursuant to enforcement of the drug laws as the Legislature may provide. Upon the sale of such conveyances, the proceeds shall be appropriated exclusively to the use and support of the common schools as provided in subsection (1) of this section.

(4) The Legislature may provide that the actual direct costs for the time of personnel incurred in the prosecution of violations resulting in the collection of fines or penalties may be recovered by the agency or political subdivision incurring the costs before such funds are appropriated for the use and support of the common schools except

that the costs recovered shall not exceed fifty percent of the fine or penalty collected.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize deduction of certain personnel costs incurred in prosecution and collection of fines and penalties prior to appropriation of the fines and penalties for the use and support of the common schools and to limit the deduction for costs.

For

Against".

Referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Chambers asked unanimous consent to have his name added as cointroducer to LB 395. No objections. So ordered.

Mr. Pedersen asked unanimous consent to have his name added as cointroducer to LB 365. No objections. So ordered.

Mrs. Robak asked unanimous consent to have her name added as cointroducer to LB 204. No objections. So ordered.

Mr. Jones asked unanimous consent to have his name added as cointroducer to LB 195. No objections. So ordered.

Mr. Moore asked unanimous consent to have his name added as cointroducer to LB 491. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Cointroducer

Mrs. Bohlke asked unanimous consent to have her name withdrawn as cointroducer to LB 272. No objections. So ordered.

ELECTION CONTESTS REPORTS

Pursuant to legislative action on the 6th day of January, 1993, the Executive Board of the Legislative Council was appointed to hear and review the Election Contest of Ms. Lynda Thorpe for the 3rd Legislative District. The Executive Board, after reviewing the petition of contest, requested the attorney for petitioner, as well as the attorney for Senator Michael Avery, who was seated conditionally, to submit legal briefs on the issues raised by the petition.

Based on the briefs and the depositions submitted by counsel, the Executive Board finds and recommends:

1. That the Legislature is the sole judge of the election, returns, and qualifications of its members.
2. As judge, the Legislature must follow and interpret where necessary the Constitution and Statutes of the State of Nebraska.
3. That the Legislature dismiss the Election Contest filed in the 3rd district.
4. That the Legislature permanently seat Michael Avery as a member of the Ninety-Third Legislature, representing the 3rd Legislative District.

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

Pursuant to legislative action on the 6th day of January, 1993, the Executive Board of the Legislative Council was appointed to hear and review the Election Contest of Senator Carson Rogers for the 41st Legislative District. The Executive Board, after reviewing the petition of contest, requested the attorney for petitioner, as well as the attorney for Senator Jerry Schmitt, who was seated conditionally, to submit legal briefs on the issues raised by the petition.

Based on the briefs and the depositions submitted by counsel, the Executive Board finds and recommends:

1. That the Legislature is the sole judge of the election, returns, and qualifications of its members.
2. As judge, the Legislature must follow and interpret where necessary the Constitution and Statutes of the State of Nebraska.
3. That the Legislature dismiss the Election Contest filed in the 41st district.
4. That the Legislature permanently seat Jerry Schmitt as a member of the Ninety-Third Legislature, representing the 41st Legislative District.

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Will, the Legislature adjourned until 10:00 a.m., Thursday, January 21, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TENTH DAY - JANUARY 21, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 21, 1993

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Baack presiding.

PRAYER

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

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Moore, Withem, Mmes. McKenzie, and Rasmussen who were excused; and Messrs. Abboud, Landis, Lindsay, and Robinson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the ninth day was approved.

UNANIMOUS CONSENT - Member Excused

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

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 507 through 563.

LB	Committee
507	Appropriations

508	Urban Affairs
509	Judiciary
510	Health and Human Services
511	Urban Affairs
512	Natural Resources
513	Health and Human Services
514	Judiciary
515	Health and Human Services
516	Government, Military and Veterans Affairs
517	Health and Human Services
518	Judiciary
519	Judiciary
520	Health and Human Services
521	Health and Human Services
522	Health and Human Services
523	Judiciary
524	Natural Resources
525	Business and Labor
526	Urban Affairs
527	Natural Resources
528	Health and Human Services
529	Judiciary
530	Urban Affairs
531	Health and Human Services
532	Agriculture
533	Urban Affairs
534	Revenue
535	Judiciary
536	Health and Human Services
537	Natural Resources
538	Judiciary
539	Transportation
540	Executive Board
541	Appropriations
542	Appropriations
543	Appropriations
544	Appropriations
545	Government, Military and Veterans Affairs
546	Judiciary
547	Banking, Commerce and Insurance
548	Agriculture
549	Judiciary
550	Judiciary
551	Government, Military and Veterans Affairs
552	Government, Military and Veterans Affairs
553	Natural Resources
554	Urban Affairs

555 Revenue
556 Education
557 Banking, Commerce and Insurance
558 Transportation
559 Revenue
560 Agriculture
561 General Affairs
562 Revenue
563 General Affairs

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

REPORT OF THE EXECUTIVE BOARD

Mr. Hall, Chairperson of the Executive Board, reported the appointments of the following members, as required by statute.

Building Maintenance - Lynch, Chairperson

Moore	Vrtiska
Coordsen	Cudaback
Janssen	

Midwestern Higher Education Commission

Warner	Withem

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

LB 417 Thursday, January 28, 1993 12:00 p.m.

(Signed) Tom Horgan, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 17.

REPORT

Received preliminary report from the Department of Revenue on Nebraska Tax Burden Study as required under LB 719A, 1992.

RESOLUTION

LEGISLATIVE RESOLUTION 20. Read. Considered.

LR 20 was adopted with 28 ayes, 0 nays, and 21 not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 657. Introduced by Wesely, 26, Beutler, 28, Crosby, 29, Hall, 7, Landis, 46, Lynch, 13, Schimek, 27, Warner, 25, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to state intent; to appropriate funds for payments to depositors of Commonwealth Savings Company, State Security Savings, and American Savings Company; to authorize payment of claims; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 658. Introduced by Withem, 14.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-27,188.01, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2702.05, 77-2702.13, 77-2704.12, 77-2704.15, 77-2704.32, and 77-2704.33, Revised Statutes Supplement, 1992; to change provisions relating to taxation of property incorporated into real estate; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 659. Introduced by Withem, 14.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-443, Reissue Revised Statutes of Nebraska, 1943; to provide for placement procedures; and to repeal the original section.

LEGISLATIVE BILL 660. Introduced by Withem, 14.

A BILL FOR AN ACT relating to abortion; to eliminate a duty for school districts to provide certain information; and to repeal section 71-6909, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 661. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Lynch, 13; Wehrbein, 2.

A BILL FOR AN ACT relating to athletics; to amend section 11-201, Reissue Revised Statutes of Nebraska, 1943, and section 33-150, Revised Statutes Supplement, 1992; to adopt the State Athletic Act; to eliminate provisions relating to the State Athletic Commissioner, the State Athletic Commissioner's Fund, the Athletic Advisory Committee, and the Attorney General; to harmonize provisions; to provide an operative date; to repeal the original sections, and also sections 81-8,128 to 81-8,130.01, 81-8,132 to 81-8,139, and 81-8,141 to 81-8,142.01, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,139.01, Revised Statutes Supplement, 1992; and to declare an emergency.

LEGISLATIVE BILL 662. Introduced by Moore, 24.

A BILL FOR AN ACT relating to telegraph, telephone, and similar companies; to amend sections 86-303 and 86-304, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the location of certain rights-of-way; to provide duties for the Public Service Commission; to limit recovery for damages; and to repeal the original sections.

LEGISLATIVE BILL 663. Introduced by Moore, 24.

A BILL FOR AN ACT relating to criminal history record information; to provide for checks of persons residing at certain premises as prescribed.

LEGISLATIVE BILL 664. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-602, Revised Statutes Supplement, 1992; to redefine the term motorcycle; to define motortricycle; and to repeal the original section.

LEGISLATIVE BILL 665. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to civil actions; to adopt the Citizen Participation Act.

LEGISLATIVE BILL 666. Introduced by Chambers, 11; Hall, 7.

A BILL FOR AN ACT relating to the Legislature; to state findings regarding the constitutional powers of the Legislature.

LEGISLATIVE BILL 667. Introduced by Hall, 7; Baack, 47; Chambers, 11.

A BILL FOR AN ACT relating to civil rights; to repeal the Free Flow of Information Act; and to repeal sections 20-144 to 20-147, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 668. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the Legislature; to create a right of privacy for individuals relating to contacts with members of the Legislature; and to establish a cause of action for violations.

LEGISLATIVE BILL 669. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to mental health practitioners; to amend sections 71-102, 71-107, 71-110, 71-112, 71-113, 71-114, 71-116, 71-1,207, 71-1,248 to 71-1,252, 71-1,255, 71-1,256, 71-1,258, 71-1,260, 71-1,261, 71-1,263, 71-1,264, 71-1,266, 71-1,267, 71-1,269, 71-1,270, 71-1,273, 71-1,275, and 71-1,277, Reissue Revised Statutes of Nebraska, 1943, and sections 33-150, 71-101, 71-131, 71-162, 71-2017.01, and 71-6054, Revised Statutes Supplement, 1992; to require licensure of mental health practitioners; to provide for certification of certain specialties; to define and redefine terms; to create a board and a fund; to require fees; to provide powers and duties; to provide a penalty; to eliminate certain provisions relating to social workers and professional counselors; to eliminate boards and funds; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 71-1,244 to 71-1,247, 71-1,253, 71-1,254, 71-1,257, 71-1,259, 71-1,262, 71-1,265, 71-1,268, 71-1,271, and 71-1,274, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 670. Introduced by Landis, 46.

A BILL FOR AN ACT relating to severance tax funds; to amend section 57-705, Revised Statutes Supplement, 1992; to increase the statutory authority for an appropriation to the State Energy Office Cash Fund; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 671. Introduced by Landis, 46.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-669.07, 39-669.08, 39-669.16, 39-669.22, 39-6,122, and 60-4,118, Revised Statutes Supplement, 1992; to provide for the use of ignition interlock devices; to change provisions relating to the assessment of points against operators' licenses; to provide for a restricted operator's license; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 672. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1203.02, 2-1209, and 2-1211, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1203.01, 2-1207, and 2-1208, Revised Statutes Supplement, 1992; to change provisions relating to fees, costs, and reports; to change provisions for disbursement of funds; to eliminate provisions relating to exotic wagering; to harmonize provisions; and to repeal the original sections, and also sections 2-1208.03, 2-1208.04, and 2-1210, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 673. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to disabled motor vehicles; to amend sections 39-671, 39-6,180.02, and 60-1901 to 60-1903, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to removal of vehicles; to change provisions relating to permissible length of a combination of vehicles; to provide for towing and storage fees relating to abandoned vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 674. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Nebraska Litter Reduction and Recycling Act; to amend sections 81-1534, 81-1536, 81-1549, 81-1553, 81-1556 to 81-1559, 81-1560.01 to 81-1561, 81-1563, and 81-1565, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to taxable items; to provide for an alternate payment method as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 675. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to employee benefit plans; to amend section 13-1617, Reissue Revised Statutes of Nebraska, 1943; to permit pooling of self-funded portions of employee benefit plans by political subdivisions; and to repeal the original section.

LEGISLATIVE BILL 676. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to employment; to define terms; to provide duties for employers of non-English-speaking employees; to provide powers and duties for the Commissioner of Labor; and to provide penalties.

LEGISLATIVE BILL 677. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to parole and pardons; to amend sections 83-188, 83-192, 83-1,100, 83-1,113, 83-1,127, and 83-1,135,

Reissue Revised Statutes of Nebraska, 1943, as amended by sections 1, 3, 4, 5, 6, and 9, respectively, Legislative Bill 13, Ninety-second Legislature, Third Special Session, 1992, and section 7, Legislative Bill 13, Ninety-second Legislature, Third Special Session, 1992; to change and eliminate provisions relating to the powers and duties of the Board of Parole, the Board of Pardons, the Office of Parole Administration, and the Department of Correctional Services; to provide for transfer of certain items as prescribed; to harmonize provisions; to repeal the original sections, and also section 8, Legislative Bill 13, Ninety-second Legislature, Third Special Session, 1992; and to declare an emergency.

LEGISLATIVE BILL 678. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to postconviction proceedings; to amend section 29-3004, Revised Statutes Supplement, 1992; to require appointment of competent and effective counsel; and to repeal the original section.

LEGISLATIVE BILL 679. Introduced by Hartnett, 45; Hillman, 48; Janssen, 15; Pedersen, 39; Vrtiska, 1.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend sections 79-1430 to 79-1434, 81-501.01, 81-511, 81-512, 81-522, 81-525, 81-528, 81-529, and 81-538, Reissue Revised Statutes of Nebraska, 1943, and sections 79-330, 79-1421, 79-1422, 79-1423, 79-1429, 81-502, 81-503, 81-505, 81-509, and 81-551, Revised Statutes Supplement, 1992; to transfer the Fire Service and Safety Training Program, personnel, and equipment to the State Fire Marshal; to transfer a fund; to harmonize provisions; to repeal the provision transferring the program to the State Department of Education; to provide an operative date; to repeal the original sections, and also section 79-341, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 680. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to utilities; to amend sections 16-645, 16-674, 16-684, 17-559, 17-906, 19-707, 19-708, 19-709, 19-3311, 70-650, and 76-703, Reissue Revised Statutes of Nebraska, 1943; to eliminate provisions relating to acquisition of a utility; to change procedures for such acquisition; to harmonize provisions; and to repeal the original sections, and also sections 19-701 to 19-706, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 681. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to political subdivisions; to require an appraisal as prescribed.

LEGISLATIVE BILL 682. Introduced by Warner, 25.

A BILL FOR AN ACT relating to the Nebraska State Historical Society; to amend section 82-118, Reissue Revised Statutes of Nebraska, 1943; to change a reference to a date of amendments to a federal act; and to repeal the original section.

LEGISLATIVE BILL 683. Introduced by Warner, 25.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-931, Reissue Revised Statutes of Nebraska, 1943, and sections 85-180.14, 85-401, 85-404, 85-402, 85-403, 85-408, 85-937, 85-1402, 85-1414, 85-1415, and 85-1418, Revised Statutes Supplement, 1992; to change provisions relating to the review and approval of certain projects by the Coordinating Commission for Postsecondary Education; to redefine a term; to change provisions relating to degree programs; to prohibit the appropriation or expenditure of tax funds for certain purposes; to eliminate duties for FY1991-92; to harmonize provisions; and to repeal the original sections, and also section 85-1417, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 684. Introduced by Warner, 25.

A BILL FOR AN ACT relating to school districts; to amend section 79-901, Revised Statutes Supplement, 1992; to change provisions relating to the boundaries of Class IV school districts; to provide for an election regarding the merger of school districts; and to repeal the original section.

LEGISLATIVE BILL 685. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-4,140.16, Revised Statutes Supplement, 1992; to provide for rules and regulations relating to extracurricular activities; to change provisions relating to accreditation standards; and to repeal the original sections.

LEGISLATIVE BILL 686. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to health; to amend section 71-1,102, Reissue Revised Statutes of Nebraska, 1943; to define persons doing utilization reviews as physicians or surgeons for purposes of licensure; and to repeal the original section.

LEGISLATIVE BILL 687. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Legislature; to amend section 84-202, Reissue Revised Statutes of Nebraska, 1943, and section 84-205, Revised Statutes Supplement, 1992; to authorize employment of a Counsel to the Legislature; to define terms; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 688. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to corporations; to amend sections 21-329, 21-1301, 21-2103, 21-2105, 21-2110, 21-2115, 21-2203, 21-2204, 21-2439, 30-3214, 44-3312, 44-3812, and 67-248.02, Reissue Revised Statutes of Nebraska, 1943, and sections 44-205.01, 44-206, 44-208.02, 44-224.01, 44-224.04, 44-2128, 44-2916, 44-3112, and 44-32,115, Revised Statutes Supplement, 1992; to change provisions relating to the Nebraska Business Corporation Act; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections, and also sections 21-2001 to 21-2034, 21-2036 to 21-2069, 21-2071.01 to 21-2074, and 21-2077 to 21-20,147, Reissue Revised Statutes of Nebraska, 1943, and sections 21-2035, 21-2070, 21-2071, 21-2075, and 21-2076, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 689. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to Nebraska Rules of the Road; to amend section 39-6,181, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to permits to operate vehicles with loads exceeding maximum length specified by law; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 25. Introduced by Coordsen, 32; Preister, 5.

WHEREAS, there are at least 2,273 American service personnel and civilians who have yet to be accounted for in southeast Asia as a result of the aftermath of the war in Vietnam and southeast Asia; and

WHEREAS, twenty-one of those unaccounted for in southeast Asia are Nebraskans whose names, hometowns, branch of service, and date of capture or loss follow:

NAME	HOMETOWN	BRANCH OF SERVICE	DATE OF LOSS
Gerald M. Biber	Benkelman	Army	April 22, 1961
Delmar G. Booze	Papillion	Marine Corps	January 24, 1966
Herbert O. Brennan	O'Neill	Air Force	November 26, 1967

Richard D. Brenning	Lincoln	Navy	July 26, 1969
Michael S. Confer	McCook	Navy	October 10, 1966
Robert J. Cordova	Boystown	Navy	January 27, 1968
Donald C. Grella	Laurel	Navy	December 28, 1965
Harold Kahler	Lincoln	Air Force	June 14, 1969
Larry G. Kier	Omaha	Army	May 6, 1970
Michael L. Klingner	McCook	Air Force	April 6, 1970
Paul G. Magers	Sidney	Army	June 1, 1971
Larry J. Newman	North Platte	Air Force	June 18, 1972
Howard Ogden, Jr.	Omaha	Marine Corps	October 18, 1967
Larry W. Robinson	Randolph	Marine Corps	January 5, 1970
Thomas E. Scheurich	Norfolk	Navy	March 1, 1968
Stanley K. Smiley	Sidney	Navy	July 20, 1969
Doyle R. Sprick	Ft. Calhoun	Marine Corps	January 24, 1966
Ronald D. Stafford	Oxford	Air Force	November 21, 1972
Willie E. Stark	Omaha	Army	December 2, 1966
Daniel W. Thomas	Danbury	Air Force	July 6, 1971
Larry A. Zich	Lincoln	Army	April 3, 1972; and

WHEREAS, there is a body of credible evidence suggesting that live Americans or identifiable remains of Americans remain in southeast Asia; and

WHEREAS, the executive branch of the United States Government and the Congress of the United States have declared that resolution of this issue is of the "highest national priority"; and

WHEREAS, the agencies of the United States Government, including the Department of Defense and the Defense Intelligence Agency have had since the official termination of hostilities in May 1975 to resolve these issues; and

WHEREAS, the Department of Defense has created and maintained an unnecessary veil of secrecy and ignorance by classifying most of the available information concerning live sightings, status reports, and other data relating to those who are still missing, the declassification of which would not compromise resources, means, methods, and identities of intelligence operatives; and

WHEREAS, it would appear that by promulgating a classified plan referred to as a "road map for normalization of relations" between the United States, Laos, Cambodia, and Vietnam, the United States Government appears to be poised to "normalize" relations with those governments in spite of the unresolved issues concerning prisoners of war, those missing in action, and the repatriation of the remains of those Americans who made the ultimate sacrifice.

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

1. That the Legislature urges the President of the United States, by executive order, to declassify information, data, and intelligence pertaining to all matters relative to these issues, except for that data or information which would reveal the means, methods, and identities of intelligence operatives.

2. That the Legislature urges that the respective branches of the armed services be assigned to resolve these issues, that any and all future remains returned from southeast Asia be placed, for purposes of identification, with the Smithsonian Institution, Washington, D.C., and that normalization of relations with those countries of southeast Asia be deferred until such time as these issues are satisfactorily and adequately addressed.

3. That the Clerk of the Legislature forward a copy of this resolution to the President of the United States, to the President of the Senate, to the Speaker of the House of Representative of Congress, and to the congressional delegation representing the State of Nebraska in the Congress of the United States.

Laid over.

LEGISLATIVE RESOLUTION 26CA. Introduced by Crosby, 29.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article IV, sections 1, 3, and 28, and Article XV, section 21, and add a new section 29 to Article IV:

IV-1 "The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, ~~Auditor of Public Accounts, Treasurer~~ State Comptroller, Attorney General, and the heads of such other executive departments as set forth herein or as may be established by law. The Legislature may provide for the placing of the ~~above named~~ officers named in this section as heads over such departments of government as it may by law establish.

The Governor, Lieutenant Governor, Attorney General, and Secretary of State~~, Auditor of Public Accounts and the Treasurer~~ shall be chosen at the general election held in November, ~~1974~~ 1998, and in each alternate even-numbered year thereafter, for ~~a term~~ terms of four years and until their successors ~~shall be~~ are elected and qualified. The State Comptroller shall be appointed as provided in Article IV, section 29, of this Constitution.

In the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor nominated by the same party. The Governor shall be ineligible to the office of Governor for four years next after the expiration of two consecutive terms for which he was elected.

The records, books, and papers of all executive officers shall be kept at the seat of government, and such officers, excepting the

Lieutenant Governor and members of boards and commissions when the board or commission is the head of an executive department, shall reside there during their respective terms of office. Officers in the executive department of the state shall perform such duties as may be provided by law. The heads of all executive departments established by law, other than those to be elected as provided ~~herein~~ in this section, shall be appointed by the Governor, with the consent of a majority of all members elected to the Legislature, but officers so appointed may be removed by the Governor. Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments."

IV-3 "The Lieutenant Governor, Secretary of State, ~~Auditor of Public Accounts, Treasurer,~~ Attorney General, and members of the Public Service Commission shall be ineligible to file for reelection to those respective offices and shall be ineligible to serve in those respective offices for a number of years equal to the number of years in the term for which they were last elected, next after the expiration of the second of two consecutive terms for which previously elected, and as further provided in Article XV, section ~~Section~~ 21, of this Constitution."

IV-28 "A Tax Commissioner shall be appointed by the Governor with the advice and consent of the Senate. ~~He~~ The Tax Commissioner shall have jurisdiction over the administration of the revenue laws of the state, and together with the Governor, Secretary of State, ~~State Auditor~~ and State ~~Treasurer~~ Comptroller shall have power to review and equalize assessments of property for taxation within the state. ~~He~~ The Tax Commissioner shall have such other powers and perform such other duties as the Legislature may provide. ~~His~~ The term of office and compensation of the Tax Commissioner shall be as provided by law."

IV-29 "The State Comptroller shall be appointed by the Governor with the consent of a majority of the members elected to the Legislature. The State Comptroller shall serve for a term of six years and until his or her successor is appointed and qualified. The duties and compensation of the State Comptroller shall be as provided by law."

XV-21 "The ~~following~~ provisions of this section shall apply to the state offices of Lieutenant Governor, Secretary of State, ~~Auditor of Public Accounts, Treasurer,~~ Attorney General, members of the ~~State~~ Legislature, elected members of the Public Service Commission, elected members of the State Board of Education, and elected members of the Board of Regents of the University of Nebraska:

(1) ~~(a)~~ No person shall be appointed to serve in an office previously held by election;

(2) ~~.(b)~~ A portion of a term held and being served by appointment shall not come under the restrictive covenants set forth herein; and

(3) ~~.(c)~~ The term held and being served as the result of an election prior to ~~the effective date of this amendment~~ November 30, 1992, shall not be included in the number of consecutive terms referred to in stipulating ineligibility to file for election or to serve for any of the offices named in this initiative petition.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to eliminate the offices of Auditor of Public Accounts and State Treasurer and to provide for appointment of the State Comptroller.

For

Against".

Referred to the Reference Committee.

EASE

The Legislature was at ease from 10:24 a.m. until 10:48 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 690. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to professional engineers and architects; to amend section 81-839, Reissue Revised Statutes of Nebraska, 1943; to prohibit the use of certain titles; and to repeal the original section.

LEGISLATIVE BILL 691. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to district court judicial districts; to amend section 24-301.02, Revised Statutes Supplement, 1992; to increase the number of district judges in the third judicial district as prescribed; and to repeal the original section.

LEGISLATIVE BILL 692. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to public buildings; to amend sections 52-118, 72-803, 83-134, and 83-916, Revised Statutes Supplement, 1992; to change performance bond requirements; and to repeal the original sections.

LEGISLATIVE BILL 693. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2290, Revised Statutes Supplement, 1992; to change provisions relating to human immunodeficiency virus antibody or antigen tests; to provide powers and duties for the Department of Correctional Services and the Department of Health; to provide for the payment of the cost of the test; to define terms; and to repeal the original section.

LEGISLATIVE BILL 694. Introduced by Will, 8; Schellpeper, 18.

A BILL FOR AN ACT relating to gambling; to amend sections 9-1,101, 9-1,104, 9-201 to 9-204, 9-206, 9-207, 9-209, 9-209.01, 9-210, 9-211, 9-212, 9-214, 9-214.01, 9-217, 9-220, 9-225, 9-226, 9-226.01, 9-227, 9-228, 9-230, 9-233, 9-237, 9-255, 9-262.01, 9-264, 9-266, 9-301, 9-303, 9-304, 9-309, 9-310, 9-314.01, 9-315, 9-322, 9-324, 9-327 to 9-329.02, 9-330, 9-331, 9-332, 9-334, 9-335, 9-336, 9-340, 9-342, 9-344, 9-345.01, 9-346, 9-347, 9-348, 9-348.01, 9-349, 9-401, 9-403, 9-404, 9-407, 9-408, 9-409, 9-418, 9-420, 9-424, 9-425, 9-427, 9-429, 9-508, 9-607, 9-620, 9-624, 9-632, 9-636, 9-639, 9-642, 9-643, 9-648, and 9-701, Reissue Revised Statutes of Nebraska, 1943; to change and eliminate provisions of the Nebraska Bingo Act; to change penalties; to change, provide, and eliminate fees; to change, provide, and eliminate powers and duties related to bingo, lottery by the sale of pickle cards, lotteries, and raffles; to define and redefine terms; to harmonize provisions; and to repeal the original sections, and also sections 9-218, 9-219, 9-221, 9-222, 9-223, 9-232, 9-233.01 to 9-235.03, 9-238, 9-240, 9-242 to 9-254, and 9-256 to 9-261, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 695. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-207, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to regulation of streets and sidewalks; and to repeal the original section.

LEGISLATIVE BILL 696. Introduced by Hall, 7; Baack, 47; Fisher, 35; Horgan, 4; Wickersham, 49; Will, 8.

A BILL FOR AN ACT relating to employment; to limit certain actions by an employer based on a prospective or current employee's use of a lawful product as prescribed; to provide for damages; and to provide exceptions.

LEGISLATIVE BILL 697. Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Cudaback, 36; Janssen, 15; Pirsch, 10; Schmitt, 41; Witek, 31.

A BILL FOR AN ACT relating to state government; to amend sections 81-117, 81-1323, and 81-1328, Reissue Revised Statutes of Nebraska, 1943, sections 81-1317, 81-1317.01, and 84-108.01, Revised Statutes Supplement, 1992, and section 84-1001, Reissue Revised Statutes of Nebraska, 1943, as amended by section 30, Legislative Bill 14, Ninety-second Legislature, Third Special Session, 1992; to change and eliminate provisions relating to compensation; to clarify the balancing date for certain accounts; to authorize adjustments to terms and conditions of employment; to eliminate definitions, work requirements, and applicability provisions; to harmonize provisions; and to repeal the original sections, and also sections 81-117.01, 81-117.02, and 84-1002 to 84-1004, Reissue Revised Statutes of Nebraska, 1943, and section 84-1005, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 698. Introduced by Horgan, 4.

A BILL FOR AN ACT relating to motor vehicles; to amend section 39-6,122, Revised Statutes Supplement, 1992; to provide penalties for driving under the influence of alcoholic liquor or drugs when a minor is in the vehicle; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 699. Introduced by Horgan, 4.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2301, 23-2309, 23-2309.01, 23-2331, and 84-1309.01, Reissue Revised Statutes of Nebraska, 1943, and sections 23-2310, 84-1301, 84-1310, 84-1310.01, 84-1311, and 84-1331, Revised Statutes Supplement, 1992; to change provisions relating to county and state employee retirement; to redefine terms; to change provisions relating to investment options; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 700. Introduced by Hall, 7; Will, 8.

A BILL FOR AN ACT relating to horseracing; to adopt the Horseracing Industry Participants Bill of Rights Act; and to declare an emergency.

LEGISLATIVE BILL 701. Introduced by Hall, 7; Hartnett, 45.

A BILL FOR AN ACT relating to commercial property; to adopt the Commercial Landlord and Tenant Act.

LEGISLATIVE BILL 702. Introduced by Hall, 7.

A BILL FOR AN ACT relating to visitor development funds; to amend sections 81-1254 and 81-1255, Revised Statutes Supplement, 1992; to eliminate a restriction on formation of an improvement fund and imposition of a tax; to change provisions relating to use of tax proceeds; and to repeal the original sections.

LEGISLATIVE BILL 703. Introduced by Hall, 7.

A BILL FOR AN ACT relating to vehicles; to amend section 28-516, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain activities involving vehicles; to define terms; and to repeal the original section.

LEGISLATIVE BILL 704. Introduced by Hall, 7.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-669.07, 39-669.16, and 60-4,129, Revised Statutes Supplement, 1992; to change provisions relating to employment driving permits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 705. Introduced by Hall, 7.

A BILL FOR AN ACT relating to the state investment officer; to provide duties for the state investment officer with respect to corporations doing business in northern Ireland; and to require a report.

LEGISLATIVE BILL 706. Introduced by Hall, 7.

A BILL FOR AN ACT relating to initiative and referendum; to amend sections 19-3019, 32-504, 32-703, 32-703.01, 32-704.01, 32-705.01, 32-708, 32-710, 32-711, 32-713, 32-713.01, and 32-714, Reissue Revised Statutes of Nebraska, 1943, and sections 18-2528, 32-537, 32-702, 32-704, 32-704.02, 32-705, 32-707, 32-712, and 49-1461, Revised Statutes Supplement, 1992; to provide for filing a sample petition; to change provisions relating to determination of the ballot title and statement of the effect of a vote; to provide for review by the Attorney General, Revisor of Statutes, and Legislative Fiscal Analyst; to change requirements for petition forms; to change provisions relating to circulating petitions; to change a filing deadline and signature verification procedures; to provide for appeals and applicability of provisions; to eliminate appeal provisions, ballot provisions, and applicability provisions; to repeal the original sections, and also section 32-713.02, Reissue Revised Statutes of Nebraska, 1943, and sections

32-706 and 32-709, Revised Statutes Supplement, 1992; and to declare an emergency.

LEGISLATIVE BILL 707. Introduced by Will, 8; Lindsay, 9; Pirsch, 10; Rasmussen, 20.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 27-1103, 28-1409, and 29-2203, Reissue Revised Statutes of Nebraska, 1943; to state intent relating to battered spouse syndrome and battered person syndrome; to change provisions relating to the defenses of justification and insanity as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 708. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 81-805, Reissue Revised Statutes of Nebraska, 1943; to provide for acceptance of a gift of property as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 709. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Bromm, 23; Preister, 5; Schimek, 27; Will, 8.

A BILL FOR AN ACT relating to cities and villages; to amend sections 15-105, 16-118, and 17-405.02, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to annexation of contiguous land; and to repeal the original sections.

LEGISLATIVE BILL 710. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Bromm, 23; Preister, 5; Schimek, 27; Will, 8.

A BILL FOR AN ACT relating to cities and villages; to amend sections 15-104, 16-117, and 17-405.01, Reissue Revised Statutes of Nebraska, 1943; to change and eliminate provisions relating to annexation; and to repeal the original sections, and also sections 15-105, 16-118, and 17-405.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 711. Introduced by Byars, 30.

A BILL FOR AN ACT relating to child support; to amend sections 42-364.13, 42-763, 42-773, 42-779, 42-799, 43-1711, 43-1712, and 43-1733, Reissue Revised Statutes of Nebraska, 1943, and sections 43-1708, 43-1720, 43-1722 to 43-1726, 43-1728, and 43-1737, Revised Statutes Supplement, 1992; to change provisions relating to the Income

Withholding for Child Support Act and the Revised Uniform Reciprocal Enforcement of Support Act; to redefine terms; to change provisions relating to income withholding for child, spousal, or medical support; to change provisions relating to notices required under the act; to provide and change duties for clerks of the district court, county attorneys, authorized attorneys, and payors; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 712. Introduced by Byars, 30.

A BILL FOR AN ACT relating to income tax; to adopt the Beginning Farmer and Business Investment Act; and to provide an operative date.

LEGISLATIVE BILL 713. Introduced by Byars, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska, 1943, section 77-2704.24, Revised Statutes Supplement, 1992, and section 77-2701, Revised Statutes Supplement, 1992, as amended by section 22, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992; to provide for a sales tax on food; to provide for distribution of the funds; to provide for an income tax credit or refund; to provide duties for the Department of Revenue; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 714. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Bromm, 23; Preister, 5; Schimek, 27; Will, 8.

A BILL FOR AN ACT relating to cities and villages; to amend sections 15-104, 15-105, 16-117, 16-118, 17-405 to 17-405.02, 17-405.05, and 17-406, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to annexation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 715. Introduced by Withem, 14.

A BILL FOR AN ACT relating to community colleges; to amend section 79-1254.09, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1254.02, 79-2636, 79-2637, 79-2644, 79-2648, 79-2649, and 79-2650.09, Revised Statutes Supplement, 1992; to define terms; to provide for reductions in force and employment contracts; to eliminate obsolete provisions and provisions relating to contracts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 716. Introduced by Hartnett, 45; Schimek, 27.

A BILL FOR AN ACT relating to judicial nominating commissions; to amend sections 24-808 and 24-811.01, Reissue Revised Statutes of Nebraska, 1943, and sections 24-802, 24-803, 24-806, 24-807, 24-809, and 24-810, Revised Statutes Supplement, 1992; to provide additional election and nominating procedures as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 717. Introduced by Chambers, 11; Hall, 7; Horgan, 4; Preister, 5; Will, 8.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-602, Reissue Revised Statutes of Nebraska, 1943; to preserve the powers of the chief of police against certain labor agreement provisions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 718. Introduced by Bohlke, 33; Baack, 47; Byars, 30; Coordsen, 32; Fisher, 35; Pedersen, 39; Schellpeper, 18; Vrtiska, 1; Witek, 31.

A BILL FOR AN ACT relating to insurance; to amend section 44-513.02, Revised Statutes Supplement, 1992; to prohibit certain provisions in medical benefit contracts; and to repeal the original section.

LEGISLATIVE BILL 719. Introduced by Bohlke, 33; Baack, 47; Bernard-Stevens, 42; Cudaback, 36; Day, 19; Hillman, 48; Hohenstein, 17; Kristensen, 37; Robak, 22; Wickersham, 49.

A BILL FOR AN ACT relating to children; to provide access to certain records by specified individuals and agencies as provided by court order; to provide for confidentiality; and to provide a penalty.

LEGISLATIVE BILL 720. Introduced by Preister, 5; Beutler, 28; Hartnett, 45.

A BILL FOR AN ACT relating to the Petroleum Products and Hazardous Substances Storage and Handling Act; to amend section 81-15,123, Revised Statutes Supplement, 1992; to provide a duty for the State Fire Marshal; and to repeal the original section.

LEGISLATIVE BILL 721. Introduced by Cudaback, 36; Hall, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 79-3811, Revised Statutes Supplement, 1992; to authorize a local income tax for school districts; to require an election; to provide

for collection; to provide duties for the Department of Revenue; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 722. Introduced by Cudaback, 36; Bernard-Stevens, 42; Schimek, 27.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-502, 13-504, 13-511, 16-691, 16-701, 16-704, 17-701, 17-706, and 17-802, Reissue Revised Statutes of Nebraska, 1943, and sections 13-508, 77-1601, 79-810, 79-903, and 79-2210, Revised Statutes Supplement, 1992; to adopt the Municipal Proprietary Function Act and the Municipal Miscellaneous Expenditure Act; to change provisions of the Nebraska Budget Act; to change certain fiscal years and appropriation provisions; to change the levy date for property taxes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 723. Introduced by Will, 8.

A BILL FOR AN ACT relating to childhood sexual abuse; to establish a statute of limitations for civil actions based on childhood sexual abuse; and to define terms.

LEGISLATIVE BILL 724. Introduced by Day, 19.

A BILL FOR AN ACT relating to firefighter retirement; to amend sections 16-1021, 16-1023, 16-1024, 16-1025, 16-1028, 16-1031, 16-1033, 16-1038, and 16-1042, Reissue Revised Statutes of Nebraska, 1943, and sections 16-1027, 16-1029, 16-1030, 16-1034, and 16-1036, Revised Statutes Supplement, 1992; to change provisions relating to the firefighters' retirement systems for cities of the first class; to define and redefine terms; to change benefit provisions; to change funding provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 725. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to enterprise zones; to amend section 77-27,188, Reissue Revised Statutes of Nebraska, 1943, and sections 13-2101 to 13-2112, Revised Statutes Supplement, 1992; to name the Enterprise Zone Act; to define and redefine terms; to change application procedures; to authorize designations within tribal governments; to change tax credits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 726. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to cities and villages; to amend sections 14-101, 15-101, 16-101, 17-101, 17-201, 18-2603, 39-2517,

and 77-27,137.01, Reissue Revised Statutes of Nebraska, 1943; to provide calculations relating to changes in population resulting from annexation; to change provisions relating to population of cities and villages; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 727. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the register of deeds; to amend section 23-1506, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the recording of plats, subdivisions, and conveyances as prescribed; and to repeal the original section.

EASE

The Legislature was at ease from 10:57 a.m. until 11:21 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 728. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Nebraska Pickle Card Lottery Act; to amend sections 9-329.01, 9-340, 9-342, and 9-347, Reissue Revised Statutes of Nebraska, 1943; to eliminate certain qualifications for and restrictions on sales agents; to change restrictions on pickle cards; to provide for orders for the purchase of pickle cards; to change restrictions on the use of definite profits; and to repeal the original sections.

LEGISLATIVE BILL 729. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to counties; to amend sections 23-901, 23-903, 23-904, and 23-906, Reissue Revised Statutes of Nebraska, 1943, and section 77-1601, Revised Statutes Supplement, 1992; to require an analysis of the operations, costs, and revenue of a county as they relate to certain classes of people in the county; to require separate county levies on property within and without cities and villages in a county; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 730. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Nebraska Lottery and Raffle Act; to amend sections 9-411 and 9-415, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 731. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to parking; to amend sections 18-1738 and 18-1738.01, Revised Statutes Supplement, 1992; to change provisions relating to handicapped or disabled parking permits as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 732. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend sections 18-2709, 18-2710, 18-2711, 18-2712, 18-2713, 18-2715, and 18-2718, Reissue Revised Statutes of Nebraska, 1943, and section 18-2717, Revised Statutes Supplement, 1992; to redefine the term qualifying business; to change provisions relating to the preparation of a proposed plan for an economic development program; to provide for use of funds collected as prescribed; to change provisions relating to public hearings; to change election procedures; to change the qualifications of members of a citizen advisory review committee; to change provisions relating to appropriations as prescribed; to change economic development fund sources; and to repeal the original sections.

LEGISLATIVE BILL 733. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend section 18-2701, Reissue Revised Statutes of Nebraska, 1943; to authorize the issuance of bonds; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 734. Introduced by Hillman, 48; Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 2-2444, 13-508, 13-509, 14-1821, 18-2107, 23-3552, 31-333, 31-513, 31-711, 31-739, 39-1621, 46-543, 46-631, 77-507.01, 77-508, 77-509, 77-509.01, 77-680, 77-681, 77-1601, 77-1612, 79-903, and 79-2210, Revised Statutes Supplement, 1992, and Laws 1981, LB 81, section 5, as amended by Laws 1986, LB 124, section 3, Laws 1991, LB 137, section 2, Laws 1992, LB 1063, section 206, and section 177, Legislative Bill 1, Ninety-second Legislature, Second Special Session, 1992, and Laws 1981, LB 81, section 6, as amended by Laws 1992, LB 1063, section 207, and section 178, Legislative Bill 1, Ninety-second Legislature, Second Special Session, 1992; to change provisions relating to certification of tax levies by governing bodies and the State Board of Equalization and Assessment as prescribed; to change provisions relating to notice; to change provisions relating to statements of railroads and carline companies; to harmonize provisions;

to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 735. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to divorce; to amend section 42-372, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to when a divorce decree becomes final; to provide severability; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 736. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to drinking water; to adopt the Drinking Water Source Quality Act.

LEGISLATIVE BILL 737. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 81-801 and 81-801.01, Reissue Revised Statutes of Nebraska, 1943; to change the number of members and their qualifications; to require the Legislature to redistrict the state for purposes of appointing members to the commission; and to repeal the original sections.

LEGISLATIVE BILL 738. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to real estate; to amend section 76-1005, Reissue Revised Statutes of Nebraska, 1943, and sections 44-1947 and 44-1951, Revised Statutes Supplement, 1992; to adopt the Real Estate Closing Act; to change provisions relating to trust deeds; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 739. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-1503, Revised Statutes Supplement, 1992; to state intent; to provide duties for the commission relating to recreational trails; to create a fund; to change provisions relating to and provide for distribution of money in funds; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 740. Introduced by Wesely, 26; Hall, 7.

A BILL FOR AN ACT relating to certificates of need; to amend section 71-5801, Revised Statutes Supplement, 1992; to prohibit

issuance of certificates for a one-year period for certain projects; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 741. Introduced by Wesely, 26; Hall, 7.

A BILL FOR AN ACT relating to health; to amend section 53-160, Revised Statutes Supplement, 1992; to adopt the Mental Health and Substance Abuse Treatment Act; to increase the tax on alcoholic beverages; and to repeal the original section.

LEGISLATIVE BILL 742. Introduced by Warner, 25.

A BILL FOR AN ACT relating to educational service units; to amend sections 77-3439 and 79-2210, Revised Statutes Supplement, 1992; to authorize an increase in anticipated aggregate receipts from property taxes; to authorize an additional levy for certain project costs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 743. Introduced by Warner, 25.

A BILL FOR AN ACT relating to records; to amend section 81-1117.02, Reissue Revised Statutes of Nebraska, 1943; to limit the availability of certain records; and to repeal the original section.

LEGISLATIVE BILL 744. Introduced by Fisher, 35; Bohlke, 33; Byars, 30; Coordsen, 32; Pedersen, 39; Schellpeper, 18; Wickersham, 49; Witek, 31.

A BILL FOR AN ACT relating to insurance; to require health benefit programs; to provide an open enrollment period to pharmacies as prescribed.

LEGISLATIVE BILL 745. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 10-612, 13-1108, 14-557, 14-558, 14-562, 23-131, 25-1555, 35-504, 35-505, 35-506, 35-514, 35-531, 35-535, 44-2414, 60-303, 60-305.11, 60-1807, 72-1237.01, 77-202.01 to 77-202.06, 77-415, 77-802, 77-1244, 77-1246, 77-1318, 77-1507, 77-1613.02, 77-1616, 77-1624, 77-2701.01, 77-2701.02, 79-481, 79-2301, 79-2303, 79-2304, 79-2308, 79-2311, and 79-2312, Reissue Revised Statutes of Nebraska, 1943, sections 13-501, 13-503, 13-508, 13-509, 15-808, 21-17,126, 31-411.02, 31-447, 66-4,128, 77-121, 77-201, 77-202, 77-381, 77-1240.01, 77-1315, 77-1342, 77-1502, 77-1503.01, 77-1504, 77-1506.01, 77-1514, 77-1613, 77-1613.01, 77-1734.01, 77-1736, 77-3438, 79-101.01, 79-437.03, 79-451, 79-470, 79-4,141.01, 79-4,159,

and 79-3415, Revised Statutes Supplement, 1992, and section 77-1510, Revised Statutes Supplement, 1992, as amended by section 15, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992; to adopt the School Operation Fund Tax Act; to define a term; to change provisions relating to the budgets of public school districts and community colleges; to eliminate personal property tax except on certain motor vehicles; to harmonize provisions; to eliminate the Tax Equity and Educational Opportunities Support Act; to provide operative dates; and to repeal the original sections, and also sections 77-205, 77-206, 77-601, 77-602, 77-605, 77-607, 77-608, 77-609, 77-611, 77-612, 77-616, 77-621, 77-623, 77-1202.01, 77-1214, 77-1216, 77-1233.03, 77-1245, 77-1247, 77-1249.01, 77-1250, 77-1250.02 to 77-1250.05, 77-1312, and 77-1373, Reissue Revised Statutes of Nebraska, 1943, and sections 43-2513, 77-119, 77-603, 77-604, 77-615, 77-679 to 77-691, 77-693, 77-1201, 77-1202, 77-1211, 77-1219, 77-1229, 77-1229.01, 77-1230, 77-1232, 77-1233.02, 77-1233.04, 77-1233.05, 77-1236, 77-1241.01, 77-1248, 77-1249, 79-2317, 79-3509.02, and 79-3801 to 79-3824, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 746. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to fuel; to eliminate provisions relating to gasohol and ethanol; and to repeal sections 66-801, 66-803 to 66-811, 66-814 to 66-816, 66-819 to 66-824, 66-1302, 66-1304 to 66-1306, 66-1308 to 66-1317, 66-1319, 66-1321 to 66-1323, and 66-1325, Reissue Revised Statutes of Nebraska, 1943, and sections 66-802, 66-812, 66-813, 66-1301, 66-1303, 66-1307 to 66-1307.02, 66-1320, 66-1324, and 66-1326 to 66-1329, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 747. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to liens; to amend sections 52-118 and 52-118.02, Revised Statutes Supplement, 1992; to change provisions relating to labor payment bonds for public building construction projects; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 748. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to low-level radioactive waste; to accept certain real estate on behalf of the state as prescribed.

LEGISLATIVE BILL 749. Introduced by Fisher, 35; Crosby, 29; Cudaback, 36; Elmer, 38; Hohenstein, 17; Hudkins, 21; Lynch, 13; Pedersen, 39; Pirsch, 10; Schellpeper, 18; Schmitt, 41; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to motor vehicles; to amend section 44-515, Reissue Revised Statutes of Nebraska, 1943, and section 60-462, Revised Statutes Supplement, 1992; to authorize the suspension of driving privileges for certain juveniles as prescribed; to prohibit cancellation of insurance coverage as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 750. Introduced by Fisher, 35; Bohlke, 33; Schmitt, 41; Wehrbein, 2.

A BILL FOR AN ACT relating to museums; to amend section 51-511, Reissue Revised Statutes of Nebraska, 1943; to change powers and duties of museum boards relating to sale of property; and to repeal the original section.

LEGISLATIVE BILL 751. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to water; to state intent; to provide notice of possible future laws, rules, and regulations integrating the management of ground water and surface water; to provide duties for the Department of Water Resources and water well contractors and drilling supervisors; to authorize prohibitions on the use of certain wells; and to declare an emergency.

LEGISLATIVE BILL 752. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to Game and Parks Commission; to amend sections 37-1105, 37-1107.01, 37-1108, 81-815, 81-815.22, and 81-815.31, Reissue Revised Statutes of Nebraska, 1943; to change fees for park permits; to change provisions relating to temporary and duplicate annual permits and purchasing of permits; to change the penalty for use of the name of a state park for trade purposes; to define and redefine terms; to authorize agreements for state recreational trails; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 753. Introduced by Coordsen, 32; Ashford, 6; Elmer, 38; Hohenstein, 17; Pirsch, 10.

A BILL FOR AN ACT relating to employment security; to amend sections 48-624 and 48-628, Revised Statutes Supplement, 1992; to change the unemployment table as prescribed; to define a term; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 754. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to workers' compensation; to authorize pooling by self-insurers; and to provide powers and duties for the Director of Insurance.

LEGISLATIVE BILL 755. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-3801, 79-3803, and 79-3813, Revised Statutes Supplement, 1992; to provide for additional state aid as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 756. Introduced by Robak, 22.

A BILL FOR AN ACT relating to revolving charge agreements; to amend section 45-205, Reissue Revised Statutes of Nebraska, 1943; to authorize fees and charges as prescribed; and to repeal the original section.

LEGISLATIVE BILL 757. Introduced by Landis, 46; Abboud, 12; Coordsen, 32; Withem, 14.

A BILL FOR AN ACT relating to employees; to amend sections 48-121, 48-138, 48-139, 48-146.01, 48-151, 48-162, 48-162.01, 48-168, 48-172, 48-173, 48-187, 48-194, 48-612, and 77-912, Reissue Revised Statutes of Nebraska, 1943, and sections 44-5028, 48-120, 48-121.01, 48-128, 48-140, 48-141, 48-162.02, and 48-1,110, Revised Statutes Supplement, 1992; to provide for workers' compensation premium rates; to limit and provide duties for employers relating to medical services; to provide for certification of and services by managed care organizations; to provide standards for vocational rehabilitation; to provide when compensation is due during rehabilitation; to change provisions relating to maximum weekly income benefit; to eliminate district court review of certain settlements; to provide certain fees for the compensation court; to define a term; to eliminate a fund; to create funds; to provide for informal dispute resolution; to provide access to employment records; to harmonize provisions; to provide for payments by certain insurance companies and risk management pools; to provide for safety committees; to provide for the Workplace Safety Consultation Program; to provide duties for the Director of Insurance and the Workers' Compensation Court; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 758. Introduced by Will, 8.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-516.08, Revised Statutes Supplement, 1992; to

change provisions relating to student population requirements for cooperative programs and contracting for instruction; and to repeal the original section.

LEGISLATIVE BILL 759. Introduced by Landis, 46.

A BILL FOR AN ACT relating to bonds; to amend section 10-140, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to recording requirements; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 760. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to homesteads; to amend section 40-115, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 761. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to liens; to amend section 52-401, Reissue Revised Statutes of Nebraska, 1943; to require sharing of certain costs of claims and actions related to the lien of a physician, nurse, or hospital; and to repeal the original section.

LEGISLATIVE BILL 762. Introduced by Kristensen, 37; Baack, 47; Crosby, 29; Cudaback, 36; Day, 19; Haberman, 44; Hartnett, 45; Hillman, 48; Lynch, 13; Schellpeper, 18; Warner, 25.

A BILL FOR AN ACT relating to state district attorneys; to amend sections 2-955, 2-963, 2-10,115, 2-2605, 2-2612, 2-3008, 2-3109, 2-3524, 2-3909, 2-3945, 8-1,121, 8-1,137, 8-1117, 8-1729, 9-262, 9-266, 9-350, 9-352, 9-356, 9-434, 9-652, 9-653, 9-701, 11-119, 12-1206, 12-1207, 12-1208, 20-139, 23-1201, 23-1202, 23-1206, 23-1206.01, 23-1212, 23-1216, 23-1217, 23-1218, 23-1219, 23-1220, 23-1222, 23-1223, 23-1710, 23-1711, 23-3401, 24-318, 25-21,122, 25-21,123, 25-21,147, 25-21,148, 28-374, 28-378, 28-387, 28-412, 28-431, 28-1440, 28-1441, 28-1449, 29-104, 29-118, 29-814.03, 29-826, 29-827, 29-1205, 29-1408, 29-1419, 29-1603, 29-1606, 29-1814, 29-1816, 29-1817, 29-1823, 29-1904, 29-2203, 29-2261, 29-2266, 29-2317, 29-2524.01, 29-2706, 29-2709, 29-3001, 29-3101, 29-3103, 29-3602, 29-3705, 32-1235, 37-601, 39-707, 39-1813, 42-358.08, 42-364.02, 43-250, 43-261, 43-272, 43-274, 43-276, 43-2,105, 43-512.01, 43-1733, 44-395, 44-3,134, 48-231, 48-312, 48-434, 48-667, 48-1206, 48-1817, 49-14,133, 53-138.03, 53-198, 53-199, 54-705, 54-861, 54-1383, 54-1805, 59-507, 59-828, 59-1760, 71-151, 71-1,132.36, 71-1,147.11, 71-1,220, 71-3,166, 71-506, 71-524, 71-605, 71-605.04, 71-606, 71-1915, 71-2060, 71-3514, 71-3603,

71-4306, 71-4307, 71-5123, 71-5312, 71-6007, 75-606, 76-1516, 77-378, 77-1234, 77-2612, 77-27,117, 77-3010, 77-3107, 81-2,157, 81-2,162.19, 81-508, 81-526, 81-5,117, 81-5,141, 81-1417, 81-1531.02, 81-15,109, 81-2009, 81-2126, 83-375, 83-1003, 83-1021, 83-1022, 83-1023, 83-1024, 83-1026, 83-1027, 83-1029, 83-1036, 83-1044, 83-1045, 83-1053, 83-1068, 83-1079, 83-1080, 84-204, 84-1213.01, 86-104, 86-706, 86-708, 86-709, 86-710, 86-711, and 87-301, Reissue Revised Statutes of Nebraska, 1943, sections 25-1140.09, 25-2728, 28-377, 28-611, 28-713, 28-726, 28-729, 28-730, 28-1439.03, 29-116, 29-824, 29-2011.02, 29-2011.03, 29-2315.01, 29-2316, 29-2320, 29-2321, 32-1403, 42-358, 42-358.02, 43-285, 43-290, 43-292, 43-512, 43-512.02, 43-512.03, 43-512.05, 43-512.08, 43-512.12, 43-512.13, 43-512.15, 43-512.16, 43-512.17, 43-1406, 43-1719, 43-1720, 43-1721, 43-1722, 43-1723, 43-1724, 43-1725, 43-1726, 43-1727, 43-1728, 43-1740, 43-2410, 44-386.06, 46-1138, 49-506, 49-14,103.01, 49-14,123, 54-796, 54-2291, 66-4,119, 66-728, 71-171, 71-1001, 71-6019, 71-6908, 71-7425, 77-2713, 79-2857, 81-2,147.07, 81-2,147.09, 81-2,162.16, 81-2,179, 81-2,289, 81-2,290, 81-502.04, 81-1429.01, 81-1504, 81-1508, 81-15,112, 81-1848, 81-1849, 81-1850, 81-2260, 83-383, 83-1028, 83-1043, 84-205, 84-1414, 86-701, 86-703, 86-705, 88-545, 89-196.01, 89-198, and 89-1,100, Revised Statutes Supplement, 1992, section 49-14,121, Reissue Revised Statutes of Nebraska, 1943, as amended by section 4, Legislative Bill 14, Ninety-second Legislature, Third Special Session, 1992, and section 49-617, Revised Statutes Supplement, 1992, as amended by section 3, Legislative Bill 14, Ninety-second Legislature, Third Special Session, 1992; to create state district attorney offices, prosecutorial districts, and state district attorney nominating commissions; to provide for commission membership, the selection and appointment of state district attorneys, public hearings, and powers and duties; to provide for the filling of vacancies; to create a fund; to create the office of State District Attorney Administrator; to provide powers and duties; to define and redefine terms; to create the Nebraska State District Attorney Standards Advisory Council; to change duties of the Nebraska Commission on Law Enforcement and Criminal Justice; to eliminate provisions relating to certain powers and duties of county attorneys; to harmonize provisions; to provide an opertaive date; and to repeal the original sections, and also sections 23-1208, 23-1209, and 23-1210, Reissue Revised Statutes of Nebraska, 1943.

RESOLUTIONS

LEGISLATIVE RESOLUTION 27CA. Introduced by Rasmussen, 20.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article II, section 1:

II-1 "The powers of the government of this state are divided into three distinct departments, the legislative, executive, and judicial, and no person or collection of persons ~~being~~ charged with the exercise of powers belonging to one of these departments, shall exercise any ~~power~~ powers properly belonging to either of the others, except as ~~hereinafter~~ otherwise expressly directed or permitted in this Constitution.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide that no person charged with the exercise of powers properly belonging to one of the three distinct departments of government of this state shall exercise any powers properly belonging to either of the other departments.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 28CA. Introduced by Beutler, 28.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article V, section 30:

V-30 "(1) A Justice or Judge of the Supreme Court or judge of any court of this state may be reprimanded, disciplined, censured, suspended without pay for a definite period of time, not to exceed six months, or removed from office for (a) willful misconduct in office, (b) willful disregard of or failure to perform his or her duties, (c) habitual intemperance, (d) conviction of a crime involving moral turpitude, (e) disbarment as a member of the legal profession licensed to practice law in the State of Nebraska, ~~or~~ (f) inadequate level of competence to efficiently perform the duties of the office, or (g) conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or he or she may be retired for physical

or mental disability seriously interfering with the performance of his or her duties if such disability is determined to be permanent or reasonably likely to become permanent.

Any citizen of the State of Nebraska may request the Commission on Judicial Qualifications to consider the qualifications of any Justice or Judge of the Supreme Court or other judge, and in such event the commission shall make such investigation as the commission deems necessary and shall, upon a finding of probable cause, reprimand such Justice or Judge of the Supreme Court or other judge or order a formal open hearing to be held before it concerning the reprimand, discipline, censure, suspension, removal, or retirement of such Justice or Judge of the Supreme Court or other judge. In the alternative or in addition, the commission may request the Supreme Court to appoint one or more special masters who shall be judges of courts of record to hold a formal open hearing to take evidence in any such matter, and to report to the commission. If, after formal open hearing, or after considering the record and report of the masters, the commission finds that the charges are established by clear and convincing evidence, it shall recommend to the Supreme Court that the Justice or Judge of the Supreme Court or other judge involved ~~shall~~ be reprimanded, disciplined, censured, suspended without pay for a definite period of time not to exceed six months, removed, or retired as the case may be.

The commission shall on its own motion consider the qualifications of a judge, following the procedures established in this section, when any poll conducted by the Nebraska State Bar Association indicates a serious lack of confidence on the part of practicing attorneys in the performance of such judge.

(2) The Supreme Court shall review the record of the proceedings and in its discretion may permit the introduction of additional evidence. The Supreme Court shall make such determination as it finds just and proper, and may order the reprimand, discipline, censure, suspension, removal, or retirement of such Justice or Judge of the Supreme Court or other judge, or may wholly reject the recommendation. Upon an order for retirement, the Justice or Judge of the Supreme Court or other judge shall thereby be retired with the same rights and privileges as if he or she had retired pursuant to statute. Upon an order for removal, the Justice or Judge of the Supreme Court or other judge shall be removed from office, his or her salary shall cease from the date of such order, and he or she shall be ineligible for judicial office. Upon an order for suspension, the Justice or Judge of the Supreme Court or other judge shall draw no salary and shall perform no judicial functions during the period of suspension. Suspension shall not create a vacancy in the office of Justice or Judge of the Supreme Court or other judge.

(3) Upon order of the Supreme Court, a Justice or Judge of the Supreme Court or other judge shall be disqualified from acting as a Justice or Judge of the Supreme Court or other judge, without loss of

salary, while there is pending (a) an indictment or information charging him or her in the United States with a crime punishable as a felony under Nebraska or federal law or (b) a recommendation to the Supreme Court by the Commission on Judicial Qualifications for his or her removal or retirement.

(4) In addition to the procedure set forth in subsections (1) and (2) of this section, on recommendation of the Commission on Judicial Qualifications or on its own motion, the Supreme Court (a) shall remove a Justice or Judge of the Supreme Court or other judge from office when in any court in the United States such justice or judge pleads guilty or no contest to a crime punishable as a felony under Nebraska or federal law; and (b) may suspend a Justice or Judge of the Supreme Court or other judge from office without salary when in any court in the United States such justice or judge is found guilty of a crime punishable as a felony under Nebraska or federal law or of any other crime that involves moral turpitude. If his or her conviction is reversed, suspension shall terminate and he or she shall be paid his or her salary for the period of suspension. If he or she is suspended and his or her conviction becomes final, the Supreme Court shall remove him or her from office.

(5) All papers filed with and proceedings before the ~~commission~~ Commission on Judicial Qualifications or masters appointed by the Supreme Court pursuant to this section prior to a reprimand or formal open hearing shall be confidential. The filing of papers with and the testimony given before the commission or masters or the Supreme Court shall be deemed a privileged communication.

When the ~~Commission on Judicial Qualifications~~ commission determines that a reprimand or other disciplinary action is warranted, ~~whether it be a reprimand or otherwise, the Commission on Judicial Qualifications~~ the commission shall issue one or more short announcements confirming that a complaint has been filed, ; stating the subject and nature of the complaint, the disciplinary action recommended or reprimand issued, or the date of the hearing, ; clarifying the procedural aspects, ; and reciting the right of a judge to a fair hearing.

When the ~~Commission on Judicial Qualifications~~ commission determines that disciplinary action is not warranted; and the existence of any investigation or complaint has become publicly known, the judge against whom a complaint has been filed or investigation commenced may waive the confidentiality of papers and proceedings under this subsection.

The Supreme Court shall by rule provide for procedure under this section before the commission, the masters, and the Supreme Court.

(6) No Justice or Judge of the Supreme Court or other judge shall participate, as a member of the commission, ~~or~~ as a master, or as a member of the Supreme Court, in any proceedings involving his or her

own reprimand, discipline, censure, suspension, removal, or retirement.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide for disciplinary action against judges on the basis of an inadequate level of competence to perform the duties of the office of judge.

For

Against".

Referred to the Reference Committee.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

LB 63	Thursday, January 28, 1993	1:30 p.m.
LB 131	Thursday, January 28, 1993	1:30 p.m.
LB 247	Thursday, January 28, 1993	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Revenue

LB 426	Thursday, January 28, 1993	1:30 p.m.
LB 452	Thursday, January 28, 1993	1:30 p.m.
LB 58	Thursday, January 28, 1993	1:30 p.m.
LB 220	Thursday, January 28, 1993	1:30 p.m.
LB 307	Thursday, January 28, 1993	1:30 p.m.
LB 347	Friday, January 29, 1993	1:30 p.m.
LB 46	Friday, January 29, 1993	1:30 p.m.
LB 320	Friday, January 29, 1993	1:30 p.m.
LB 24	Friday, January 29, 1993	1:30 p.m.
LB 38	Friday, January 29, 1993	1:30 p.m.
LB 440	Friday, January 29, 1993	1:30 p.m.

(Signed) Jerome Warner, Chairperson

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 25 was referred to the Reference Committee.

EASE

The Legislature was at ease from 11:32 a.m. until 11:51 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 763. Introduced by Will, 8.

A BILL FOR AN ACT relating to school districts; to authorize a special levy to cover reimbursement for certain property taxes; to provide duties for school boards and county boards; and to declare an emergency.

LEGISLATIVE BILL 764. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to family policy; to amend section 43-535, Reissue Revised Statutes of Nebraska, 1943, and sections 43-532, 43-2403, and 43-2502, Revised Statutes Supplement, 1992; to eliminate an annual statement requirement; to harmonize provisions; and to repeal the original sections, and also section 43-534, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 765. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to corrections; to amend section 29-2262, Revised Statutes Supplement, 1992; to adopt the Community Correctional Facilities and Programs Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 766. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to handicapped persons; to amend sections 20-127, 20-128, 20-131.04, 28-1313, and 28-1314, Reissue Revised Statutes of Nebraska, 1943, and section 48-1102, Revised Statutes Supplement, 1992; to provide for assistive animals; to change provisions relating to penalties; to redefine a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 767. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2703, Revised Statutes Supplement, 1992, as amended by section 26, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992; to change a provision related to collection of tax for leased vehicles; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 768. Introduced by Warner, 25.

A BILL FOR AN ACT relating to volunteer fire departments; to adopt the Volunteer Firefighter Trust Fund Act.

LEGISLATIVE BILL 769. Introduced by Hall, 7; Schellpeper, 18.

A BILL FOR AN ACT relating to the Nebraska County City and Lottery Act; to amend sections 9-604, 9-629, and 9-629.02, Reissue Revised Statutes of Nebraska, 1943; to redefine community betterment purposes; to change provisions relating to the use of gross proceeds and the Thoroughbred Racing Assistance Fund; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 770. Introduced by Beutler, 28; Jones, 43.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 37-704, 37-713 to 37-715, 37-717, and 37-719, Reissue Revised Statutes of Nebraska, 1943, and sections 37-705 and 37-706, Revised Statutes Supplement, 1992; to change provisions relating to the issuance of certain permits as prescribed; to increase certain fees; to eliminate provisions relating to the sale of certain game and fish raised or propagated under a permit; to change rule and regulation provisions; and to repeal the original sections.

LEGISLATIVE BILL 771. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Industrial Relations Act; to amend sections 48-801, 48-801.01, and 48-818, Reissue Revised Statutes of Nebraska, 1943; to define terms; to provide for the use of an economic variables test and a concentric circle approach when establishing rates of pay; to change provisions relating to orders issued by the Commission of Industrial Relations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 772. Introduced by Elmer, 38; Beutler, 28.

A BILL FOR AN ACT relating to pesticides; to adopt the Pesticide Preemption Act.

LEGISLATIVE BILL 773. Introduced by Beutler, 28; Bromm, 23; Elmer, 38; Jones, 43; Preister, 5.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 37-227 and 37-703, Reissue Revised Statutes of Nebraska, 1943, and section 37-505, Revised Statutes Supplement, 1992; to change permit fees; and to repeal the original sections.

LEGISLATIVE BILL 774. Introduced by Haberman, 44.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-908, Revised Statutes Supplement, 1992; to change the rate of tax on insurance premiums; and to repeal the original section.

LEGISLATIVE BILL 775. Introduced by Dierks, 40; Bohlke, 33; Kristensen, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3437, 77-3439, and 77-3441, Revised Statutes Supplement, 1992; to authorize certain educational service units to be exempt from budget limitations as prescribed; to redefine a term; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 776. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to initiative and referendum; to provide for determining the validity and sufficiency of signatures on petitions.

LEGISLATIVE BILL 777. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,117, 60-4,151, and 60-4,181, Revised Statutes Supplement, 1992; to provide for a notation regarding proof of identification on the face of an operator's license or state identification card in certain cases; and to repeal the original sections.

LEGISLATIVE BILL 778. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to elections; to amend sections 49-1445 and 49-1446.01, Revised Statutes Supplement, 1992; to adopt the Campaign Committee Income Tax Act; to change campaign practices as prescribed; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 779. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to pretrial diversion; to amend section 29-3604, Reissue Revised Statutes of Nebraska, 1943; to authorize pretrial diversion for certain violators; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 780. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to district courts; to amend section 33-106, Reissue Revised Statutes of Nebraska, 1943; to provide for an additional fee in civil cases; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 781. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to the state; to authorize the award of fees and expenses in legal actions and proceedings involving state agencies, boards, commission, constitutional officers, and the Legislature; and to create a fund and provide for its use; and to declare an emergency.

LEGISLATIVE BILL 782. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to health care power of attorney; to amend sections 30-3402, 30-3404, 30-3407 to 30-3409, 30-3412 to 30-3414, 30-3422 to 30-3424, 30-3429, and 30-3432, Revised Statutes Supplement, 1992; to change provisions relating to the signing of the power of attorney; to change the form; to change provisions relating to the duties of the attorney in fact; to change provisions relating to penalties; to eliminate an applicabilty provision; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 783. Introduced by Lindsay, 9, at the request of the Governor.

A BILL FOR AN ACT relating to the Board of Pardons; to amend sections 29-2264, 83-1,126, 83-1,126.01, 83-1,129, and 83-1,130, Reissue Revised Statutes of Nebraska, 1943, and section 83-1,118, Revised Statutes Supplement, 1992; to change provisions relating to the pardon application, record keeping, and restoration of civil rights; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 784. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to the University of Nebraska Medical Center; to require a plan as prescribed; and to declare an emergency.

LEGISLATIVE BILL 785. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-121, 48-162.01, and 48-172, Reissue Revised Statutes of Nebraska, 1943, and sections 48-120, 48-121.01, 48-125, and 48-162.02, Revised Statutes Supplement, 1992; to change provisions

relating to medical services, the selection of physicians, rehabilitation, and attorney's fees and costs; to change the maximum weekly income benefit; to require additional representation of the Vocational Rehabilitation Fund by the Attorney General; and to repeal the original sections.

LEGISLATIVE BILL 786. Introduced by Crosby, 29; Schellpeper, 18.

A BILL FOR AN ACT relating to schools; to amend sections 79-422, 79-438.12, 79-4,207, 79-547.04, and 79-609, Revised Statutes Supplement, 1992; to change provisions relating to levying of taxes by the school board or board of education; and to repeal the original sections.

LEGISLATIVE BILL 787. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to rehabilitation services; to amend sections 79-1446 to 79-1454, Reissue Revised Statutes of Nebraska, 1943, and section 83-1216, Revised Statutes Supplement, 1992, as amended by section 1, Legislative Bill 4, Ninety-second Legislature, Third Special Session, 1992; to provide for a Division of Rehabilitation Services in the Department of Public Institutions; to provide powers and duties; to eliminate provisions relating to the Division of Rehabilitation Services in the State Department of Education and interagency agreements; to transfer sections; to harmonize provisions; and to repeal the original sections, and also section 79-1457, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 788. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to Morrill Hall; to authorize continued renovation; to appropriate funds for exhibit renovation as prescribed; and to require matching nonstate funds.

LEGISLATIVE BILL 789. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bromm, 23; Elmer, 38; Jones, 43; Preister, 5.

A BILL FOR AN ACT relating to irrigation; to amend sections 46-231, 46-233, 46-288, and 46-294, Reissue Revised Statutes of Nebraska, 1943, and section 46-657, Revised Statutes Supplement, 1992; to change provisions relating to the amount of and application for an appropriation of water; to provide for a temporary permit to appropriate water; to redefine terms; to change provisions relating to interbasin transfers of water; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 790. Introduced by Will, 8; Bernard-Stevens, 42; Bohlke, 33; Landis, 46; Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska Criminal Code; to amend section 28-101, Revised Statutes Supplement, 1992; to state intent; to define terms; to prohibit interference with medical facilities, personnel, and patients as prescribed; to prohibit entry into certain places as prescribed; to provide penalties; and to repeal the original section.

LEGISLATIVE BILL 791. Introduced by Abboud, 12; Hartnett, 45; Robak, 22.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend section 9-629, Reissue Revised Statutes of Nebraska, 1943; to eliminate the Thoroughbred Racing Assistance Fund; to harmonize provisions; and to repeal the original section, and also section 9-629.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 792. Introduced by Moore, 24; Ashford, 6; Baack, 47; Haberman, 44; Hall, 7; Warner, 25; Wehrbein, 2; Wesely, 26.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1020, Reissue Revised Statutes of Nebraska, 1943; to exclude certain persons from eligibility as prescribed; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 29CA. Introduced by Pirsch, 10; Abboud, 12; Ashford, 6; Beutler, 28; Bromm, 23; Dierks, 40; Fisher, 35; Haberman, 44; Hohenstein, 17; Horgan, 4; Hudkins, 21; Lindsay, 9; Pedersen, 39; Preister, 5; Robak, 22; Schimek, 27; Schmitt, 41; Vrtiska, 1; Wehrbein, 2; Will, 8; Witek, 31.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to add a new section 28 to Article I:

I-28 "(1) To preserve and protect crime victims' rights to justice and a meaningful role in the criminal justice system and to accord them

due dignity and respect, any person who is a crime victim, as shall be defined by law, or such crime victim's guardian or designee shall be entitled to and have standing to enforce the following basic and fundamental rights as shall be defined by law: The right to be informed, upon request, of all criminal justice proceedings at which the defendant has the right to be present; the right to be present at all criminal justice proceedings at which the defendant has such right, subject to the rules of evidence; the right to make an oral or written statement at sentencings, dispositions, and parole hearings and, when relevant, at other criminal justice proceedings; and the right to receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury. This enumeration of rights for crime victims shall not be construed to impair or deny others provided by law or retained by crime victims.

(2) The Legislature shall provide by law for the enforcement of this section and, notwithstanding any other provision in this Constitution, the Legislature may provide by law for an assessment against convicted defendants to pay for crime victim's rights.

(3) Nothing in this section shall constitute a basis for error in favor of a defendant in any criminal proceeding, a basis for providing standing to participate as a party to any criminal proceeding, or a basis to contest the disposition of any charge.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to prescribe that crime victims be entitled to and have standing to enforce certain basic and fundamental rights. A crime victim or such victim's guardian or designee would have the right to be informed of criminal justice proceedings, the right to be present at such proceedings subject to the rules of evidence, the right to make an oral or written statement at sentencings, dispositions, and parole hearings, and at other proceedings when relevant, and the right to prompt restitution from the convicted offender. The Legislature would be required to pass laws for enforcement of this section and could also pass laws providing for an assessment against convicted defendants to pay for crime victim's rights.

For

Against".

Referred to the Reference Committee.

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 285	Monday, February 1, 1993	1:30 p.m.
LB 286	Monday, February 1, 1993	1:30 p.m.

LB 334	Monday, February 1, 1993	1:30 p.m.
LB 360	Monday, February 1, 1993	1:30 p.m.
LB 403	Monday, February 1, 1993	1:30 p.m.

(Signed) Chris Abboud, Chairperson

Health and Human Services

LB 16	Thursday, January 28, 1993	1:30 p.m.
LB 103	Thursday, January 28, 1993	1:30 p.m.
LB 205	Thursday, January 28, 1993	1:30 p.m.
LB 48	Friday, January 29, 1993	1:30 p.m.
LB 135	Friday, January 29, 1993	1:30 p.m.
LB 226	Friday, January 29, 1993	1:30 p.m.
LB 316	Friday, January 29, 1993	1:30 p.m.

(Signed) Don Wesely, Chairperson

EASE

The Legislature was at ease from 11:57 a.m. until 12:29 p.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 793. Introduced by Moore, 24; Ashford, 6; Baack, 47; Haberman, 44; Hall, 7; Warner, 25; Wehrbein, 2; Wesely, 26.

A BILL FOR AN ACT relating to paupers and public assistance; to amend section 68-1020, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to eligibility for medical assistance as prescribed; and to repeal the original section.

LEGISLATIVE BILL 794. Introduced by Moore, 24; Ashford, 6; Baack, 47; Dierks, 40; Haberman, 44; Hall, 7; Warner, 25; Wehrbein, 2; Wesely, 26; Will, 8.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1019, Reissue Revised Statutes of Nebraska, 1943; to exclude certain services; and to repeal the original section.

LEGISLATIVE BILL 795. Introduced by Moore, 24; Baack, 47; Dierks, 40; Haberman, 44; Hall, 7; Schellpeper, 18; Warner, 25; Wehrbein, 2; Wesely, 26; Will, 8.

A BILL FOR AN ACT relating to infants; to amend sections 43-2508 and 43-2511, Revised Statutes Supplement, 1992; to change funding for medical assistance as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 796. Introduced by Moore, 24; Ashford, 6; Baack, 47; Haberman, 44; Hall, 7; Warner, 25; Wehrbein, 2; Wesely, 26.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1019, Reissue Revised Statutes of Nebraska, 1943; to exclude certain services; and to repeal the original section.

LEGISLATIVE BILL 797. Introduced by Wesely, 26; Baack, 47; Dierks, 40; Haberman, 44; Hall, 7; Moore, 24; Rasmussen, 20; Schellpeper, 18; Warner, 25; Wehrbein, 2; Will, 8.

A BILL FOR AN ACT relating to long-term care; to authorize a long-term care security demonstration program; to provide conditions and requirements for the program; and to provide powers and duties for the Director of Social Services, the Department of Social Services, the Director of Health, the Director on Aging, and the Director of Insurance.

LEGISLATIVE BILL 798. Introduced by Wesely, 26; Baack, 47; Dierks, 40; Haberman, 44; Hall, 7; Moore, 24; Rasmussen, 20; Schellpeper, 18; Warner, 25; Wehrbein, 2; Will, 8.

A BILL FOR AN ACT relating to the medical assistance program; to state intent that the Department of Social Services apply for a waiver from the federal government relating to transfer of assets as prescribed.

LEGISLATIVE BILL 799. Introduced by Wesely, 26; Baack, 47; Dierks, 40; Haberman, 44; Hall, 7; Moore, 24; Rasmussen, 20; Schellpeper, 18; Warner, 25; Wehrbein, 2; Will, 8.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-2017.07, Revised Statutes Supplement, 1992; to change provisions relating to waiver of staffing requirements for nursing facilities; and to repeal the original section.

LEGISLATIVE BILL 800. Introduced by Wesely, 26; Baack, 47; Dierks, 40; Haberman, 44; Hall, 7; Moore, 24; Rasmussen, 20; Schellpeper, 18; Warner, 25; Wehrbein, 2; Will, 8.

A BILL FOR AN ACT relating to public assistance; to amend section 68-129, Reissue Revised Statutes of Nebraska, 1943; to limit the

disposition of trust assets or income when the beneficiary applies or becomes eligible for public assistance; and to repeal the original section.

LEGISLATIVE BILL 801. Introduced by Wesely, 26; Baack, 47; Dierks, 40; Haberman, 44; Hall, 7; Moore, 24; Rasmussen, 20; Warner, 25; Wehrbein, 2; Will, 8.

A BILL FOR AN ACT relating to the Nebraska Nursing Home Act; to amend section 71-6037, Reissue Revised Statutes of Nebraska, 1943; to require evaluations of persons applying for admission to a nursing home; to provide duties for the Department of Social Services; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 802. Introduced by Wesely, 26; Baack, 47; Dierks, 40; Haberman, 44; Hall, 7; Moore, 24; Rasmussen, 20; Warner, 25; Wehrbein, 2; Will, 8.

A BILL FOR AN ACT relating to medical assistance; to authorize the Department of Social Services to obtain a lien on real property of certain recipients of medical assistance as prescribed; to provide exceptions from the lien; to define terms; to provide for rules and regulations by the department; and to exempt the department from filing or recording fees.

LEGISLATIVE BILL 803. Introduced by Wesely, 26; Baack, 47; Dierks, 40; Haberman, 44; Hall, 7; Moore, 24; Rasmussen, 20; Warner, 25; Wehrbein, 2; Will, 8.

A BILL FOR AN ACT relating to medical assistance; to amend sections 30-2222, 30-2414, 30-2487, and 30-24,125, Reissue Revised Statutes of Nebraska, 1943; to authorize claims against the estate of a decedent; to provide powers and duties for the Department of Social Services; to provide for notice, priority, and collection of such claims; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 804. Introduced by Wesely, 26; Ashford, 6; Baack, 47; Dierks, 40; Haberman, 44; Hall, 7; Moore, 24; Schellpeper, 18; Warner, 25; Wehrbein, 2; Will, 8.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1019, Reissue Revised Statutes of Nebraska, 1943; to provide a duty for the Director of Social Services; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 805. Introduced by Wesely, 26; Baack, 47; Dierks, 40; Hall, 7; Schellpeper, 18; Warner, 25; Wehrbein, 2.

A BILL FOR AN ACT relating to health; to amend section 71-162, Revised Statutes Supplement, 1992; to change the renewal fee for a license to practice medicine and surgery or osteopathic medicine and change the distribution of the fee; and to repeal the original section.

LEGISLATIVE BILL 806. Introduced by Hall, 7; Ashford, 6; Dierks, 40; Haberman, 44; Moore, 24; Rasmussen, 20; Warner, 25; Wehrbein, 2; Wesely, 26; Will, 8.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2704.12, Revised Statutes Supplement, 1992; to eliminate tax exemptions for hospitals, nursing facilities, and certain nonprofit organizations; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 807. Introduced by Hall, 7; Haberman, 44; Moore, 24; Rasmussen, 20; Warner, 25; Wehrbein, 2; Wesely, 26; Will, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Supplement, 1992; to eliminate a property tax exemption for certain not-for-profit hospitals; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 808. Introduced by Hall, 7; Baack, 47; Dierks, 40; Haberman, 44; Moore, 24; Schellpeper, 18; Warner, 25; Wehrbein, 2; Wesely, 26; Will, 8.

A BILL FOR AN ACT relating to medical assistance; to amend sections 68-1019 and 68-1021, Reissue Revised Statutes of Nebraska, 1943; to provide powers and duties for the Director of Social Services; and to repeal the original sections.

LEGISLATIVE BILL 809. Introduced by Hall, 7; Haberman, 44; Moore, 24; Warner, 25; Wehrbein, 2; Wesely, 26.

A BILL FOR AN ACT relating to medical assistance payments; to amend section 68-1022, Reissue Revised Statutes of Nebraska, 1943; to provide for county payment of a portion of medical assistance payments; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 810. Introduced by Warner, 25; Dierks, 40; Haberman, 44; Hall, 7; Moore, 24; Wehrbein, 2; Wesely, 26; Will, 8.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2704.09, Revised Statutes Supplement, 1992; to change an exemption for prescription medicine; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 811. Introduced by Warner, 25; Dierks, 40; Haberman, 44; Hall, 7; Moore, 24; Wehrbein, 2; Wesely, 26; Will, 8.

A BILL FOR AN ACT relating to prescription drugs; to impose a fee on prescription drugs; and to declare an emergency.

LEGISLATIVE BILL 812. Introduced by Warner, 25; Haberman, 44; Hall, 7; Moore, 24; Rasmussen, 20; Wehrbein, 2; Wesely, 26.

A BILL FOR AN ACT relating to revenue and taxation; to impose a tax on the beds of health care providers; to define terms; to provide for enforcement and collection of the tax; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 813. Introduced by Warner, 25; Haberman, 44; Hall, 7; Moore, 24; Wehrbein, 2; Wesely, 26.

A BILL FOR AN ACT relating to revenue and taxation; to impose a tax on the patient days of health care providers; to define terms; to provide for enforcement and collection of the tax; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 814. Introduced by Warner, 25, Hall, 7, Moore, 24, Wehrbein, 2, Wesely, 26, Will, 8, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Health Services Availability Act; and to provide an operative date.

LEGISLATIVE BILL 815. Introduced by Warner, 25; Dierks, 40; Haberman, 44; Hall, 7; Moore, 24; Schellpeper, 18; Wehrbein, 2; Wesely, 26; Will, 8.

A BILL FOR AN ACT relating to hospital authorities; to amend sections 23-3579, 23-3582, 23-3586, and 23-3594, Reissue Revised Statutes of Nebraska, 1943; to change the number of trustees; to provide new requirements for a trustee; to provide an additional hospital authority power; to provide for taxing authority as prescribed; to create a fund; to provide duties for the Department of Revenue and the Department of Social Services; to provide a termination date for certain sections; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 816. Introduced by Ashford, 6; Baack, 47; Dierks, 40; Hall, 7; Moore, 24; Warner, 25; Wehrbein, 2; Wesely, 26; Will, 8.

A BILL FOR AN ACT relating to health care; to adopt the Managed Care Plan Act; and to declare an emergency.

LEGISLATIVE BILL 817. Introduced by Wesely, 26; Byars, 30.

A BILL FOR AN ACT relating to hospitals; to adopt the Hospital Cooperation Act.

LEGISLATIVE BILL 818. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Byars, 30; Day, 19; Dierks, 40; Horgan, 4; Vrtiska, 1.

A BILL FOR AN ACT relating to Nebraska Community Aging Services Act; to amend sections 81-2213 and 81-2224, Revised Statutes Supplement, 1992; to change provisions relating to submission of plans and budgets; to provide an additional source for state reimbursement of area agency on aging costs; and to repeal the original sections.

LEGISLATIVE BILL 819. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Byars, 30; Day, 19; Dierks, 40; Horgan, 4; Vrtiska, 1.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-501.02 and 71-506, Reissue Revised Statutes of Nebraska, 1943, and sections 71-502.04 and 71-503.01, Revised Statutes Supplement, 1992; to change provisions relating to notification required of clinical laboratories; to provide services as prescribed; to provide for the reporting, informed consent, and anonymous option for human immunodeficiency virus test results; to provide that investigation results are confidential and privileged; to provide a penalty; to provide for operative dates; and to repeal the original sections.

LEGISLATIVE BILL 820. Introduced by Hall, 7; Baack, 47; Bernard-Stevens, 42; Beutler, 28; Bohlke, 33; Chambers, 11; Coordsen, 32; Haberman, 44; Hartnett, 45; Hillman, 48; Landis, 46; Lynch, 13; Warner, 25; Wesely, 26; Will, 8.

A BILL FOR AN ACT relating to the Supreme Court; to amend sections 24-208 and 24-212, Reissue Revised Statutes of Nebraska, 1943; to require the signing of court decisions by the justice principally writing the opinion; to change provisions relating to publication of opinions; and to repeal the original sections.

LEGISLATIVE BILL 821. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-321.04, Reissue Revised Statutes of Nebraska, 1943; to provide for guidance counseling services for elementary students; to provide duties for the Administrator of Pupil Personnel Services; and to repeal the original section.

LEGISLATIVE BILL 822. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend sections 77-4103, 77-4104.01, and 77-4110, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to change incentive limitations; to change a report requirement; and to repeal the original sections.

LEGISLATIVE BILL 823. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to economic development; to adopt the Foreign and Domestic Trade Assistance Act.

LEGISLATIVE BILL 824. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-4101, 77-4104, and 77-4107, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715.09, Revised Statutes Supplement, 1992; to change a capital gains deduction as prescribed; to change provisions relating to the Employment and Investment Growth Act; to provide duties for the Department of Revenue and Department of Economic Development; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 825. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to children; to amend section 43-701, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain advertisements, offers, payments of money, and other actions relating to adoption of children; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 826. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-7504, Revised Statutes Supplement, 1992; to adopt the Family Resource Centers Support Act; to redefine a term under the

Community Public Health Services Act; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 827. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 68-104, 68-126, 68-133, 68-139, 68-1020, 68-1026, 71-1,107.30, 71-1,132.18, 71-2049, 71-5805.01, 71-5821.01, 71-5828, 71-5831, 71-5835, 71-5836.01, 71-5837, 71-5848, 71-5849, 71-5859, 71-5865, 71-5866, and 77-2734.02 Reissue Revised Statutes of Nebraska, 1943, sections 53-160, 60-4,115, 71-162, 71-526, 71-5801, 71-5810, 71-5830, 71-7010, and 77-1601, Revised Statutes Supplement, 1992, and section 69-1317, Reissue Revised Statutes of Nebraska, 1943, as amended by section 17, Legislative Bill 26, Ninety-second Legislature, Third Special Session, 1992, and section 77-2602, Revised Statutes Supplement, 1992, as amended by section 1, Legislative Bill 9, Ninety-second Legislature, Third Special Session, 1992; to designate the Health Care Reform Act; to adopt the Small Business Health Insurance Access Corporation Act, the Health Care Data Commission Act, the Rural Health Innovation and Enhancement Act, the Rehabilitation and Support Mental Health Services Incentive Act, and the Mental Health and Substance Abuse Treatment Act; to change provisions relating to responsibility, requirements, waivers, standards, and procedures for medical assistance to the poor; to provide for audits; to limit the total cost of medical assistance; to provide for children's mental health teams; to create the position of coordinator of children's mental health services; to create funds and provide for funding and disbursement thereof; to create and to provide powers and duties for the Commission on Health Promotion and Physical Fitness; to state intent to appropriate funds; to state intent with respect to funding the Health Care Reform Act; to change provisions relating to motor vehicle operators' license and permit fees, and license renewal fees for physicians; to require hospitals and ambulatory surgical facilities to provide readable and understandable bills; to add, change, and eliminate provisions relating to health care certificates of need; to change provisions relating to taxes on cigarettes and corporate income; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 71-5818.03, 71-5825, 71-5826, 71-5829, 71-5832.01, and 71-5859.01 to 71-5859.04, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 828. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to mental health; to amend sections 20-164, 23-3402, 53-1,120, 71-5016, 71-5021 to 71-5024, 71-5027, 71-5030, 71-5031, 71-5033, 71-5037 to 71-5040, 83-1,147, 83-306, 83-308.02, 83-324, 83-337, 83-338 to 83-340.01, 83-344, 83-349,

83-351, 83-357, 83-380.01, and 84-1211, Reissue Revised Statutes of Nebraska, 1943, and sections 29-3915, 71-5034, 80-601, and 80-605, Revised Statutes Supplement, 1992; to adopt the Mental Health Act; to provide for the disposition of certain persons and the transfer of certain property; to repeal the Nebraska Mental Health Commitment Act; to eliminate provisions relating to mental health boards, the release of persons from mental health treatment, and the expenditure of funds during the fiscal year ending June 30, 1977; to harmonize provisions; to provide severability; and to repeal the original sections, and also sections 29-3705, 71-5028, 83-312, 83-318, 83-321, 83-336, 83-1001 to 83-1009.02, 83-1013 to 83-1016, 83-1018, 83-1019, 83-1021 to 83-1027, 83-1029, 83-1035 to 83-1038, 83-1041, 83-1042, 83-1044 to 83-1062, 83-1064, 83-1066 to 83-1069, 83-1077.01, 83-1079, and 83-1080, Reissue Revised Statutes of Nebraska, 1943, and sections 83-1010, 83-1011, 83-1012, 83-1017, 83-1020, 83-1028, 83-1039, 83-1040, 83-1043, 83-1065, 83-1070, and 83-1078, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 829. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to public health and welfare; to amend section 77-2602, Revised Statutes Supplement, 1992, as amended by section 1, Legislative Bill 9, Ninety-second Legislature, Third Special Session, 1992, and section 1, Legislative Bill 11, Ninety-second Legislature, Third Special Session, 1992; to adopt the Community Health Care Development Act; to increase the cigarette tax and change provisions relating to distribution of proceeds; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 830. Introduced by Preister, 5; Abboud, 12; Beutler, 28; Bohlke, 33; Bromm, 23; Chambers, 11; Coordsen, 32; Crosby, 29; Cudaback, 36; Day, 19; Elmer, 38; Fisher, 35; Hall, 7; Hartnett, 45; Hillman, 48; Hohenstein, 17; Hudkins, 21; Janssen, 15; Jones, 43; Lindsay, 9; Lynch, 13; Pedersen, 39; Pirsch, 10; Robak, 22; Schellpeper, 18; Schimek, 27; Schmitt, 41; Warner, 25; Wehrbein, 2; Wesely, 26; Wickersham, 49; Will, 8.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-102, Revised Statutes Supplement, 1992; to state intent; to prohibit trafficking in reptiles and amphibians native to Nebraska as prescribed; to provide exceptions; to provide an operative date; and to repeal the original section.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Horgan asked unanimous consent to have his name added as cointroducer to LB 300 and LB 635. No objections. So ordered.

Mr. Hohenstein asked unanimous consent to have his name added as cointroducer to LR 2CA. No objections. So ordered.

Mrs. Robak asked unanimous consent to have her name added as cointroducer to LB 108. No objections. So ordered.

Mr. Byars asked unanimous consent to have his name added as cointroducer to LB 161, LB 261, and LB 607. No objections. So ordered.

Mr. Lynch asked unanimous consent to have his name added as cointroducer to LB 241. No objections. So ordered.

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 717. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Cointroducer

Ms. Schimek asked unanimous consent to have her name withdrawn as cointroducer to LB 600. No objections. So ordered.

VISITORS

Visitors to the Chamber were Vernon Bourlier from Kimball; Linda Mai, Jim Parks, Barb Lungren, and Rob O'Hare from Scottsbluff; Senator Vrtiska's daughter, Lori, and his twin brother, Lloyd Vrtiska, from Table Rock.

The Doctor of the Day was Phyllis Shannon Salyards from Hastings.

ADJOURNMENT

At 12:41 p.m., on a motion by Mr. Hall, the Legislature adjourned until 10:00 a.m., Friday, January 22, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

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ELEVENTH DAY - JANUARY 22, 1993

LEGISLATIVE JOURNAL

ELEVENTH DAY - JANUARY 22, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 22, 1993

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Homer Clements, St. Paul United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Beutler, Coordsen, Fisher, Hall, Lindsay, Pedersen, Robinson, Withem, Mmes. McKenzie, and Rasmussen who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the tenth day was approved.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 21, 1993. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Arch, John - Omaha	Nebraskans for HealthCare Equity Saint Joseph Center for Mental Health

	Saint Joseph Hospital
Bergman, Janet S. - Lincoln	Licensed Practical Nurse Association of Nebraska
Cavanaugh, James P. - Omaha	Nebraska Keno Operators, Inc.
Connell, Patrick H. - Omaha	Nebraskans for HealthCare Equity
	Saint Joseph Center for Mental Health
	Saint Joseph Hospital
Evans, Eric A. - Lincoln	Nebraska Advocacy Services, Inc.
Frisk, Deanna M. - Omaha	League of Women Voters of Nebraska
Hartley, Richard - Lincoln	Mothers Against Drunk Driving
Hartley, Shirley - Lincoln	Mothers Against Drunk Driving
Hogrefe, Raymond - Lincoln	Nebraska Federation National Association, Retired Federal Employees
Huff Jr., Walt - Lincoln	Nebraska Associated General Contractors
Kimberly, Kelly L. - Omaha	Nebraska Hospital Association
Mathies, Marcia L.- Lincoln	Licensed Practical Nurse Association of Nebraska
Minor, Timothy H. - Long Grove, IL	CF Industries, Inc.
Moody, Randall - Lincoln	American Association of University Professors-UNL
	National Multi Housing Council
Morrissey, Bill - Lincoln	Cornhusker Food Retailers Association
Pack, Mary M. - Lincoln	Radcliffe & Associates
Rasmussen, Dennis - Lincoln	Livestock Feeders & Producers of Howard County
Riibe, Diane - Hooper	Mothers Against Drunk Driving
Sanne, Richard D. - Lincoln	Nebraska Grain and Feed Association
Scarpello, Sam M. - Omaha	Nebraska State Utility Workers Conference
	Omaha Building & Construction Trades Council
Snyder, Patricia - Lincoln	Licensed Practical Nurse Association of Nebraska
Tooker, Norman E. - Ralston	Nebraska State Grange

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 20.

SELECT FILE

LEGISLATIVE BILL 1. Advanced to E & R for engrossment.

LEGISLATIVE BILL 2. E & R amendment, AM5320, found in the Journal on page 232, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 3. E & R amendment, AM5327, found in the Journal on page 232, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 4. E & R amendment, AM5321, found in the Journal on page 233, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 5. E & R amendment, AM5322, found in the Journal on page 233, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 6. Advanced to E & R for engrossment.

LEGISLATIVE BILL 7. E & R amendment, AM5323, found in the Journal on page 234, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 8. E & R amendment, AM5324, found in the Journal on page 234, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 9. E & R amendment, AM5325, found in the Journal on page 234, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 10. E & R amendment, AM5326, found in the Journal on page 234, was adopted.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Wehrbein asked unanimous consent to have his name added as cointroducer to LB 241. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Transportation

LB 176	Monday, February 1, 1993	1:30 p.m.
LB 112	Monday, February 1, 1993	1:30 p.m.

LB 410	Monday, February 1, 1993	1:30 p.m.
LB 413	Monday, February 1, 1993	1:30 p.m.
LB 412	Monday, February 1, 1993	1:30 p.m.
LB 106	Monday, February 1, 1993	1:30 p.m.
LB 200	Monday, February 1, 1993	1:30 p.m.
LB 341	Monday, February 1, 1993	1:30 p.m.
LB 370	Tuesday, February 2, 1993	1:30 p.m.
LB 42	Monday, February 8, 1993	1:30 p.m.
LB 275	Monday, February 8, 1993	1:30 p.m.
LB 274	Monday, February 8, 1993	1:30 p.m.
LB 340	Monday, February 8, 1993	1:30 p.m.
LB 201	Monday, February 8, 1993	1:30 p.m.
LB 421	Monday, February 8, 1993	1:30 p.m.
LB 477	Monday, February 8, 1993	1:30 p.m.
LB 411	Monday, February 8, 1993	1:30 p.m.
LB 414	Monday, February 8, 1993	1:30 p.m.

(Signed) Doug Kristensen, Chairperson

Natural Resources

LB 182	Friday, January 29, 1993	1:30 p.m.
LB 439	Friday, January 29, 1993	1:30 p.m.
LB 479	Friday, January 29, 1993	1:30 p.m.
LB 482	Friday, January 29, 1993	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Judiciary

LB 83	Friday, January 29, 1993	1:30 p.m.
LB 151	Friday, January 29, 1993	1:30 p.m.
LB 202	Friday, January 29, 1993	1:30 p.m.
LB 225	Friday, January 29, 1993	1:30 p.m.
LB 278	Friday, January 29, 1993	1:30 p.m.
LB 402	Friday, January 29, 1993	1:30 p.m.
LB 442	Friday, January 29, 1993	1:30 p.m.

(Signed) John Lindsay, Chairperson

VISITORS

Visitors to the Chamber were 25 eighth grade students and sponsor from Sterling High School; Senator Jones' brother-in-law, Blaine Runner, from Cherry County; Sarah Roth, Lynette Steinbrecher, Joanne

Kreig, Tammy McClellan, Rachael LaBounty, Keith Ellis, and Deb Cottier from Scottsbluff; and former Senator John Weihing and his wife from Scottsbluff.

The Doctor of the Day was Clarence Davis from Osceola.

ADJOURNMENT

At 10:21 a.m., on a motion by Mrs. Hudkins, the Legislature adjourned until 9:00 a.m., Monday, January 25, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

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TWELFTH DAY - JANUARY 25, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 25, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mr. Warner who was excused; and Messrs. Chambers, Landis, Lindsay, Moore, Wesely, Will, Withem, Mmes. Pirsch, and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eleventh day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 564 through 656, legislative resolutions 18CA, 19CA, and 21CA through 24CA.

LB	Committee
564	Transportation
565	Government, Military and Veterans Affairs
566	Revenue
567	Revenue
568	Judiciary
569	Education

570 Natural Resources
571 Natural Resources
572 Natural Resources
573 Revenue
574 Natural Resources
575 Transportation
576 Revenue
577 Natural Resources
578 Government, Military and Veterans Affairs
579 Executive Board
580 Government, Military and Veterans Affairs
581 Judiciary
582 Transportation
583 Banking, Commerce and Insurance
584 Transportation
585 Judiciary
586 Education
587 Government, Military and Veterans Affairs
588 Agriculture
589 Judiciary
590 Transportation
591 Revenue
592 Judiciary
593 Judiciary
594 Business and Labor
595 Revenue
596 Natural Resources
597 Education
598 Judiciary
599 Banking, Commerce and Insurance
600 Judiciary
601 Government, Military and Veterans Affairs
602 Nebraska Retirement Systems
603 Banking, Commerce and Insurance
604 Business and Labor
605 Natural Resources
606 Revenue
607 Nebraska Retirement Systems
608 Business and Labor
609 Banking, Commerce and Insurance
610 Judiciary
611 Banking, Commerce and Insurance
612 Business and Labor
613 Revenue
614 Executive Board
615 Education
616 Natural Resources

617	Judiciary
618	General Affairs
619	Judiciary
620	Government, Military and Veterans Affairs
621	Government, Military and Veterans Affairs
622	Natural Resources
623	Natural Resources
624	Natural Resources
625	Natural Resources
626	Natural Resources
627	Judiciary
628	Urban Affairs
629	Judiciary
630	Urban Affairs
631	Urban Affairs
632	Urban Affairs
633	Education
634	Education
635	Government, Military and Veterans Affairs
636	Health and Human Services
637	Government, Military and Veterans Affairs
638	Judiciary
639	Nebraska Retirement Systems
640	Business and Labor
641	Banking, Commerce and Insurance
642	Judiciary
643	Education
644	Judiciary
645	Revenue
646	Revenue
647	Education
648	Health and Human Services
649	Appropriations
650	Revenue
651	Judiciary
652	Judiciary
653	Revenue
654	General Affairs
655	Transportation
656	Health and Human Services

LR	**Committee**
18CA	Government, Military and Veterans Affairs
19CA	Revenue
21CA	Revenue
22CA	Government, Military and Veterans Affairs
23CA	Urban Affairs

24CA Urban Affairs

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

EXECUTIVE BOARD REPORT

Mr. Hall, Chairperson of the Executive Board, reported the appointments of the following members, as required by statute.

Education Commission of the States

Rasmussen
Withem
Robinson

Program Evaluation

Haberman
Hillman
Warner
Hall
Moore

EXECUTIVE BOARD REPORT

Pursuant to Executive Board action on January 22, 1993, Marshall Lux has been recommended for reappointment to a six-year term as the Public Counsel (Ombudsman) for the State of Nebraska.

(Signed) Tim Hall, Chairperson
Executive Board

MOTION - Election Contests

Mr. Hall renewed his motion, found in the Journal on page 305, to dismiss the Election Contest filed in the 3rd district, and to permanently seat Michael Avery as a member of the Ninety-Third Legislature, representing the 3rd Legislative District.

The Hall motion prevailed with 40 ayes, 0 nays, 2 present and not voting, and 7 excused and not voting.

Mr. Hall renewed his motion, found in the Journal on page 306, to dismiss the Election Contest filed in the 41st district, and to permanently seat Jerry Schmitt as a member of the Ninety-Third Legislature, representing the 41st Legislative District.

The Hall motion prevailed with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

EASE

The Legislature was at ease from 9:46 a.m. until 9:59 a.m.

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

LB 111	Monday, February 1, 1993	1:30 p.m.
LB 216	Monday, February 1, 1993	1:30 p.m.
LB 217	Monday, February 1, 1993	1:30 p.m.
LB 218	Monday, February 1, 1993	1:30 p.m.
LB 270	Monday, February 1, 1993	1:30 p.m.
LB 283	Monday, February 1, 1993	1:30 p.m.

(Signed) David Landis, Chairperson

General Affairs

LB 17	Monday, February 1, 1993	1:30 p.m.
LB 102	Monday, February 1, 1993	1:30 p.m.
LB 192	Monday, February 1, 1993	1:30 p.m.
LB 193	Monday, February 1, 1993	1:30 p.m.
LB 215	Monday, February 1, 1993	1:30 p.m.
LB 471	Monday, February 1, 1993	1:30 p.m.

(Signed) Stan Schellpeper, Chairperson

Transportation

LB 575	Tuesday, February 2, 1993	1:30 p.m.

(Signed) Doug Kristensen, Chairperson

Education

LB 27	Monday, February 1, 1993	1:30 p.m.
LR 3CA	Monday, February 1, 1993	1:30 p.m.
LB 263	Monday, February 1, 1993	1:30 p.m.
LB 239	Monday, February 1, 1993	1:30 p.m.
LB 349	Monday, February 1, 1993	1:30 p.m.

(Signed) Ron Withem, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 30. Introduced by Vrtiska, 1; Wehrbein, 2; Byars, 30.

WHEREAS, Peru State College has served the educational needs of southeast Nebraska as well as the entire state for 129 years, longer than any other postsecondary educational institution in the state; and

WHEREAS, Peru State College's academic, artistic, and athletic programs have gained national recognition for excellence; and

WHEREAS, Peru State College has become an integral part of the effort to bolster and nurture the economy of southeast Nebraska; and

WHEREAS, under the leadership of Dr. Robert Burns, Peru State College has returned to a state of fiscal efficiency and rising enrollment; and

WHEREAS, the community of Peru has provided a comfortable home for Peru State College for almost thirteen decades.

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

1. That Peru State College be commended for its contribution to the postsecondary education system of our state.

2. That Peru State College, located in Peru, be recognized by the Legislature as part of a strong three-member state college system.

3. That copies of this resolution be sent to Dr. Robert Burns, President of Peru State College, Sonya Miller, Peru State student representative to the Board of Trustees of the Nebraska State Colleges, and Carrol Krause, executive director to the Board of Trustees of the Nebraska State Colleges.

Laid over.

LEGISLATIVE RESOLUTION 31. Introduced by Hohenstein, 17; Day, 19; Schellpeper, 18; Dierks, 40.

WHEREAS, Statute 81-1108.36 provides direction to state agencies wishing to name buildings or sites; and

WHEREAS, Wayne State College wishes to name its football field for a distinguished alumnus who has arranged to support students in the athletic program, non-athlete students, and the college in general, with financial support directed to the Wayne State Foundation; and

WHEREAS, Mr. Robert E. Cunningham, a 1939 graduate of Wayne State College, was named to the Wayne State College Athletic Hall of Fame in 1985 for his athletic prowess while a student at the institution, and for his distinguished career as the Chief Executive Officer of the Omaha Livestock Exchange for 33 years; and

WHEREAS, on December 12, 1992, the Board of Trustees of the Nebraska State Colleges unanimously approved the naming of the football field at Wayne State College after Mr. Cunningham.

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

1. That the football field at Wayne State College be named the Robert E. Cunningham Field in appreciation for his generous support of the college.

2. That a copy of this resolution be presented to Mr. Cunningham upon its passage.

Laid over.

LEGISLATIVE RESOLUTION 32. Introduced by Hohenstein, 17; Day, 19; Schellpeper, 18; Dierks, 40.

WHEREAS, a new facility is being constructed on the Wayne State College campus that, when completed in 1996, will house the Division of Business for that institution; and

WHEREAS, the construction of this building will provide modern classrooms and laboratories that are flexible and adaptable to the current and future needs of the business students enrolling at Wayne State College; and

WHEREAS, the new facility will provide teaching facilities that will support and enhance the demonstrated commitment to academic excellence held by Wayne State College's faculty and administration; and

WHEREAS, such an excellent facility should be named after a person or persons who have demonstrated a similar commitment to assisting the institution in providing and maintaining an outstanding instructional program in Business for the students at Wayne State College; and

WHEREAS, Mr. and Mrs. Daniel Gardner of Wakefield, NE have been outstanding citizens of the state, leading business entrepreneurs, and generous supporters of activities which have enhanced the quality of life and the economic base in northeast Nebraska; and

WHEREAS, Daniel and Jeanne Gardner have particularly been generous supporters of Wayne State College, both with their personal time and with financial donations for various needs of the institution; and

WHEREAS, on July 17, 1992, the Board of Trustees of the Nebraska State Colleges unanimously approved the naming of the facility after Mr. and Mrs. Gardner.

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

1. That the new academic business building being constructed at Wayne State College be named the Daniel W. and Jeanne M. Gardner

Business Building in appreciation for their exemplary support of the College.

2. That a copy of this resolution be presented to Mr. and Mrs. Gardner upon its passage.

Laid over.

EXPLANATION OF VOTE

Had I been present, I would have voted aye on the adoption of the Executive Board Report with respect to the Election Contests.

(Signed) Carol Pirsch

UNANIMOUS CONSENT - Add Cointroducers

Mr. Coordsen asked unanimous consent to have his name added as cointroducer to LB 241. No objections. So ordered.

Mr. Bernard-Stevens asked unanimous consent to have his name added as cointroducer to LBs 795, 797, 798, 799, 800, 801, 802, 803, 805, and 808. No objections. So ordered.

Mr. Robinson asked unanimous consent to have his name added as cointroducer to LB 635. No objections. So ordered.

ADJOURNMENT

At 10:00 a.m., on a motion by Mr. Bromm, the Legislature adjourned until 10:00 a.m., Tuesday, January 26, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

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THIRTEENTH DAY - JANUARY 26, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 26, 1993

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

PRAYER

The prayer was offered by Pastor Lee Seetin, Good Shepherd Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Beutler, Hall, Landis, Preister, Schellpeper, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twelfth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10.

(Signed) Kurt A. Hohenstein, Chairperson

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 62. Placed on General File.

LEGISLATIVE BILL 15. Placed on General File as amended.
Standing Committee amendment to LB 15:
AM0026

1. On page 6, line 5, strike "of" and insert "or".
2. On page 12, line 27, after "a" insert "Public".

LEGISLATIVE BILL 108. Placed on General File as amended.
Standing Committee amendment to LB 108:
AM0018

1. On page 4, line 15, after the second comma insert "39-1302,".

(Signed) Doug Kristensen, Chairperson

NOTICE OF COMMITTEE HEARING
Education

LB 350	Tuesday, February 2, 1993	1:30 p.m.
LB 569	Tuesday, February 2, 1993	1:30 p.m.
LB 647	Tuesday, February 2, 1993	1:30 p.m.
LR 13CA	Tuesday, February 2, 1993	1:30 p.m.

(Signed) Ron Withem, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bills 399, 572, 581, and the referral of legislative bills 657 through 762.

LB	Committee
399	Revenue
572	Revenue
581	Urban Affairs
657	Appropriations
658	Revenue
659	Education
660	Judiciary
661	Government, Military and Veterans Affairs
662	Transportation
663	Judiciary
664	Transportation
665	Judiciary
666	Executive Board
667	Judiciary

668 Executive Board
669 Health and Human Services
670 Appropriations
671 Transportation
672 General Affairs
673 Transportation
674 Natural Resources
675 Banking, Commerce and Insurance
676 Business and Labor
677 Judiciary
678 Judiciary
679 Education
680 Urban Affairs
681 Government, Military and Veterans Affairs
682 Government, Military and Veterans Affairs
683 Education
684 Education
685 Education
686 Health and Human Services
687 Government, Military and Veterans Affairs
688 Banking, Commerce and Insurance
689 Transportation
690 Government, Military and Veterans Affairs
691 Judiciary
692 Government, Military and Veterans Affairs
693 Judiciary
694 General Affairs
695 Urban Affairs
696 Business and Labor
697 Government, Military and Veterans Affairs
698 Transportation
699 Nebraska Retirement Systems
700 General Affairs
701 Banking, Commerce and Insurance
702 Government, Military and Veterans Affairs
703 Judiciary
704 Transportation
705 Banking, Commerce and Insurance
706 Government, Military and Veterans Affairs
707 Judiciary
708 Natural Resources
709 Urban Affairs
710 Urban Affairs
711 Judiciary
712 Revenue
713 Revenue
714 Urban Affairs

715 Education
716 Judiciary
717 Business and Labor
718 Banking, Commerce and Insurance
719 Judiciary
720 Natural Resources
721 Revenue
722 Urban Affairs
723 Judiciary
724 Nebraska Retirement Systems
725 Revenue
726 Urban Affairs
727 Government, Military and Veterans Affairs
728 General Affairs
729 Government, Military and Veterans Affairs
730 General Affairs
731 Urban Affairs
732 Urban Affairs
733 Urban Affairs
734 Revenue
735 Judiciary
736 Natural Resources
737 Natural Resources
738 Banking, Commerce and Insurance
739 Natural Resources
740 Health and Human Services
741 Revenue
742 Revenue
743 Executive Board
744 Banking, Commerce and Insurance
745 Revenue
746 Natural Resources
747 Government, Military and Veterans Affairs
748 Natural Resources
749 Transportation
750 Urban Affairs
751 Natural Resources
752 Natural Resources
753 Business and Labor
754 Banking, Commerce and Insurance
755 Education
756 Banking, Commerce and Insurance
757 Business and Labor
758 Education
759 Government, Military and Veterans Affairs
760 Judiciary
761 Health and Human Services

762 Judiciary

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 30 was referred to the Reference Committee.

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

LB 363	Tuesday, February 2, 1993	12:00 p.m.
LB 13	Thursday, February 4, 1993	12:00 p.m.

(Signed) Tom Horgan, Chairperson

MOTION - Ombudsman Appointment

Mr. Haberman moved the reappointment of Marshall Lux as Public Counsel (Ombudsman), and asks that the Legislature vote its approval as required by Section 81-8,241. A two-thirds vote is required.

The motion prevailed with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

STANDING COMMITTEE REPORT
Agriculture

The Committee on Agriculture desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Rod Armstrong - Climate Assessment Response Committee
Jack Daniel - Climate Assessment Response Committee
Elbert Dickey - Climate Assessment Response Committee
Gen. Stanley Heng - Climate Assessment Response Committee
Michael Jess - Climate Assessment Response Committee
Dick Mercer - Climate Assessment Response Committee
Ron Saylor - Climate Assessment Response Committee
Larry Sitzman - Climate Assessment Response Committee
Perry Wigley - Climate Assessment Response Committee
Dayle Williamson - Climate Assessment Response Committee

VOTE: AYE: Senators Chambers, Cudaback, Dierks, Elmer, Hudkins, Schellpeper, and Vrtiska. NAY: none. PASS: Senator Haberman. ABSENT: none.

(Signed) Merton L. Dierks, Chairperson

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 122	Tuesday, February 2, 1993	1:30 p.m.
LB 288	Tuesday, February 2, 1993	1:30 p.m.
LB 150	Tuesday, February 2, 1993	1:30 p.m.
LB 230	Tuesday, February 2, 1993	1:30 p.m.
LB 356	Tuesday, February 2, 1993	1:30 p.m.
LB 423	Tuesday, February 2, 1993	1:30 p.m.

(Signed) George Coordsen, Vice Chairperson

Agriculture

LB 588	Tuesday, February 2, 1993	1:30 p.m.
LB 560	Tuesday, February 2, 1993	1:30 p.m.
LB 258	Tuesday, February 2, 1993	1:30 p.m.
LB 335	Tuesday, February 9, 1993	1:30 p.m.
LB 532	Tuesday, February 9, 1993	1:30 p.m.
LB 447	Tuesday, February 9, 1993	1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

Urban Affairs

LB 119	Tuesday, February 2, 1993	1:30 p.m.
LB 367	Tuesday, February 2, 1993	1:30 p.m.
LB 384	Tuesday, February 2, 1993	1:30 p.m.
LB 390	Tuesday, February 2, 1993	1:30 p.m.
LB 441	Tuesday, February 2, 1993	1:30 p.m.
LB 508	Tuesday, February 2, 1993	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 45. Placed on General File.
LEGISLATIVE BILL 47. Placed on General File.
LEGISLATIVE BILL 118. Placed on General File.

(Signed) Chris Abboud, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Jones asked unanimous consent to have his name added as cointroducer to LB 233 and LR 29CA. No objections. So ordered.

Mr. Withem asked unanimous consent to have his name added as cointroducer to LB 726. No objections. So ordered.

Mr. Robinson asked unanimous consent to have his name added as cointroducer to LB 643. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Cointroducer

Mr. Withem asked unanimous consent to have his name withdrawn as cointroducer to LB 221. No objections. So ordered.

ADJOURNMENT

At 10:25 a.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Wednesday, January 27, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

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FOURTEENTH DAY - JANUARY 27, 1993

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 27, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Andrew Rollins, Quinn Chapel, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Bernard-Stevens, Landis, Lindsay, Lynch, Wehrbein, Withem, Mmes. Bohlke, Hillman, and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 234, after line 27, insert:

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 10.

The Journal for the eighth day was approved as corrected.
The Journal for the thirteenth day was approved.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 14. Placed on General File.
LEGISLATIVE BILL 87. Placed on General File.

(Signed) David Landis, Chairperson

Business and Labor

LEGISLATIVE BILL 140. Placed on General File as amended.
Standing Committee amendment to LB 140:
AM0036

1. Strike original section 1 and insert the following new section:

"Section 1. That section 74-915, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

74-915. The Department of Labor is hereby authorized to promulgate and enforce reasonable rules and regulations after due notice and hearing for the safety, sanitation, shelter, and health of railroad ~~maintenance-of-way~~ employees; as far as shelter, appropriate meal, and drinking water for human consumption pertain to the railroad ~~maintenance-of-way~~ employees.".

(Signed) Chris Abboud, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 107. Placed on General File.

(Signed) Tom Horgan, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 81. Placed on General File as amended.
Standing Committee amendment to LB 81:
AM0009

1. On page 5, line 20, strike the new matter.

2. On page 31, line 10, strike "said", show as stricken, and insert "the".

3. On page 32, line 8, strike "it" and insert "its".

4. On page 38, line 9, strike the underscored period and insert an underscored semicolon.

5. On page 42, line 21, strike the comma and show as stricken; and in line 22 before "shall" insert "and any federal savings association authorized by the Director of the Office of Thrift Supervision to act in a fiduciary capacity in this state".

6. On page 44, line 14, strike "or" and insert an underscored comma and after "bank" insert ", or federal

savings association"; and in line 23 after "banks" insert "and federal savings associations".

7. On page 45, lines 4, 8, and 14, after "bank" insert ", federal savings association,".

8. On page 46, lines 4 and 9, after "bank" insert "or federal savings association"; in line 8 after "Currency" insert ", the Office of Thrift Supervision,"; in line 16 strike "or" and insert an underscored comma and after "bank" insert ", or federal savings association"; and in line 28 after "bank" insert "or federal savings association".

9. On page 48, line 8, strike "or" and insert an underscored comma and after "Bank" insert ", or the Office of Thrift Supervision".

10. On page 58, line 12, strike "and"; and in line 13 after "8-162" insert ", and any federal savings association authorized to conduct a trust company business".

11. On page 63, line 18, strike "or" and insert an underscored comma and after "bank" insert ", or federal savings association".

(Signed) David Landis, Chairperson

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 43	Wednesday, February 3, 1993	1:30 p.m.
LB 90	Wednesday, February 3, 1993	1:30 p.m.
LB 169	Wednesday, February 3, 1993	1:30 p.m.
LB 578	Wednesday, February 3, 1993	1:30 p.m.
LB 357	Thursday, February 4, 1993	1:30 p.m.
LB 448	Thursday, February 4, 1993	1:30 p.m.
LR 8CA	Thursday, February 4, 1993	1:30 p.m.
LR 12CA	Thursday, February 4, 1993	1:30 p.m.
LB 84	Friday, February 5, 1993	1:30 p.m.
LB 333	Friday, February 5, 1993	1:30 p.m.
LB 372	Friday, February 5, 1993	1:30 p.m.
LB 565	Friday, February 5, 1993	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

Revenue

LB 128	Wednesday, February 3, 1993	1:30 p.m.
LB 171	Wednesday, February 3, 1993	1:30 p.m.

LB 658	Wednesday, February 3, 1993	1:30 p.m.
LB 418	Wednesday, February 3, 1993	1:30 p.m.
LB 240	Friday, February 5, 1993	1:30 p.m.
LB 396	Friday, February 5, 1993	1:30 p.m.
LB 653	Friday, February 5, 1993	1:30 p.m.
LB 721	Friday, February 5, 1993	1:30 p.m.
LB 566	Friday, February 5, 1993	1:30 p.m.

(Signed) Jerome Warner, Chairperson

ANNOUNCEMENT

Mrs. Hillman designates LB 635 as her priority bill.

MOTION - Approve Appointments

Mr. Dierks moved the adoption of the report of the Agriculture Committee for the following Governor appointments found in the Journal on page 375: Rod Armstrong, Jack Daniel, Elbert Dickey, Gen. Stanley Heng, Michael Jess, Dick Mercer, Ron Saylor, Larry Sitzman, Perry Wigley, and Dayle Williamson - Climate Assessment Response Committee.

Voting in the affirmative, 33:

Avery	Dierks	Horgan	Pedersen	Schimek
Baack	Elmer	Hudkins	Pirsch	Schmitt
Bromm	Fisher	Janssen	Preister	Vrtiska
Coordsen	Haberman	Jones	Robak	Warner
Crosby	Hall	Kristensen	Robinson	Will
Cudaback	Hartnett	McKenzie	Schellpeper	Witek
Day	Hohenstein	Moore		

Voting in the negative, 0.

Present and not voting, 5:

Beutler	Byars	Chambers	Wesely	Wickersham

Excused and not voting, 11:

Abboud	Bohlke	Landis	Lynch	Wehrbein
Ashford	Hillman	Lindsay	Rasmussen	Withem
Bernard-Stevens				

These appointments were confirmed with 33 ayes, 0 nays, 5 present and not voting, and 11 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 31. Read. Considered.

LR 31 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 32. Read. Considered.

Mr. Hohenstein offered the following amendment:
FA1
In the first "Whereas" paragraph, in line 2, strike "1996" and insert "1994"

The Hohenstein amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

LR 32, as amended, was adopted with 34 ayes, 0 nays, and 15 not voting.

GENERAL FILE

LEGISLATIVE BILL 62. Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

ANNOUNCEMENT

The Chair announced today is Mr. Schellpeper's birthday.

GENERAL FILE

LEGISLATIVE BILL 15. Title read. Considered.

Standing Committee amendment, AM0026, found in the Journal on page 372, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 108. Title read. Considered.

Standing Committee amendment, AM0018, found in the Journal on page 372, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 45. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

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

LEGISLATIVE BILL 47. Title read. Considered.

Ms. Schimek offered the following amendment:
FA2
Amend LB 47 by adding the following new section:
Since an emergency exists, this act shall be in full force and take effect from and after its passage and approval, according to law.

The Schimek amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 118. Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

LB 377	Wednesday, February 3, 1993	1:30 p.m.
LB 73	Wednesday, February 3, 1993	1:30 p.m.
LB 369	Wednesday, February 3, 1993	1:30 p.m.
LB 319	Wednesday, February 3, 1993	1:30 p.m.

(Signed) Don Wesely, Chairperson

Natural Resources

LB 144	Wednesday, February 3, 1993	1:30 p.m.
LB 172	Wednesday, February 3, 1993	1:30 p.m.
LB 626	Wednesday, February 3, 1993	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Judiciary

LB 306	Wednesday, February 3, 1993	1:30 p.m.
LB 430	Wednesday, February 3, 1993	1:30 p.m.
LB 462	Wednesday, February 3, 1993	1:30 p.m.
LB 592	Wednesday, February 3, 1993	1:30 p.m.
LB 593	Wednesday, February 3, 1993	1:30 p.m.
LB 598	Wednesday, February 3, 1993	1:30 p.m.
LR 7CA	Wednesday, February 3, 1993	1:30 p.m.

(Signed) John Lindsay, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 93. Placed on General File as amended.
Standing Committee amendment to LB 93:
AM0038

1. On page 4, line 2, after the period insert "Such institution shall be exempt from this section if the offering is in the nature of a short course or seminar and instruction for the segment takes not more than twenty classroom hours or each course or program offered by it in this state is offered on a military installation solely for military personnel or civilians employed on such installations."; in line 3, strike "(1)"; in line 4, strike "degree" and insert "college"; strike beginning with the first "and" in line five through "programs" in line 7 and insert "at locations other than the personal residence of individual students"; in line 9 strike "which are"; and strike lines 10 through 13 and insert "as prescribed in section 85-1103. Alternatively the commission may enter into reciprocal agreements to review degree programs offered via telecommunications if the standards for review in the state of origin are at least equivalent to the standards prescribed in section 85-1103."; and in line 25, strike "ten", show as stricken, and insert "sixty".

LEGISLATIVE BILL 177. Placed on General File as amended.
Standing Committee amendment to LB 177:
AM0037

1. On page 4, lines 5 and 13, after "board" insert "of a Class IV or V school district or certificated employee thereof".

2. On page 5, line 7, after "hear" insert "and receive"; in line 13 strike "including" and insert "which shall include the transcribed testimony from the hearing," and after "fact" insert an underscored comma; in line 14 strike "record certified and" and insert "certified record"; in line 17 after "argument" insert "and briefing"; and in line 18 after the period insert "Except as otherwise provided in this section, if a hearing is requested by a certificated employee, no one shall contact or be contacted by the school board or individual school board members regarding the subject matter of the hearing in order to provide information to the school board to consider in making its decision or in an attempt to persuade the school board regarding what decision to make.".

(Signed) Ron Withem, Chairperson

EASE

The Legislature was at ease from 10:37 a.m. until 11:06 a.m.

NOTICE OF COMMITTEE HEARING
Revenue

LB 70	Thursday, February 4, 1993	1:30 p.m.
LB 284	Thursday, February 4, 1993	1:30 p.m.
LB 298	Thursday, February 4, 1993	1:30 p.m.
LB 98	Thursday, February 4, 1993	1:30 p.m.
LB 767	Thursday, February 4, 1993	1:30 p.m.
LB 559	Thursday, February 4, 1993	1:30 p.m.
LB 591	Thursday, February 4, 1993	1:30 p.m.
LB 365	Thursday, February 4, 1993	1:30 p.m.

(Signed) Jerome Warner, Chairperson

PROPOSED RULE CHANGE

Messrs. Robinson, Preister, Fisher, Pedersen, Horgan, Wesely, Jones, Wehrbein, Lynch, Janssen, Ashford, Kristensen, Wickersham, Beutler, Hohenstein, Chambers, Bromm, Cudaback, Avery, Schmitt, Vrtiska, Byars, Dierks, Warner, Mmes. Hillman, Bohlke, Hudkins, McKenzie, Crosby, Witek, Rasmussen, Mses. Day, and Schimek asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Amend Rule 2, Section 3 of the Rules of the Nebraska Unicameral Legislature, Ninety-Third Legislature, First Session, by inserting the following subsection:

(j) The smoking of any tobacco product by any member or any other individual within the legislative chamber is prohibited.

Referred to the Rules Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bill 96, the referral of legislative bills 763 through 830, legislative resolutions 9, 16, 25, 26CA through 29CA, and 30.

LB	Committee
96	Education
763	Revenue
764	Health and Human Services
765	Government, Military and Veterans Affairs
766	Judiciary
767	Revenue
768	Urban Affairs
769	General Affairs
770	Agriculture
771	Business and Labor
772	Agriculture
773	Natural Resources
774	Revenue
775	Revenue
776	Government, Military and Veterans Affairs
777	Transportation
778	Revenue
779	Judiciary
780	Judiciary
781	Judiciary
782	Health and Human Services
783	Judiciary
784	Health and Human Services
785	Business and Labor
786	Revenue
787	Health and Human Services
788	Appropriations
789	Natural Resources
790	Judiciary
791	General Affairs
792	Health and Human Services

793	Health and Human Services
794	Health and Human Services
795	Health and Human Services
796	Health and Human Services
797	Health and Human Services
798	Health and Human Services
799	Health and Human Services
800	Health and Human Services
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802	Health and Human Services
803	Health and Human Services
804	Health and Human Services
805	Health and Human Services
806	Revenue
807	Revenue
808	Health and Human Services
809	Health and Human Services
810	Revenue
811	Revenue
812	Revenue
813	Revenue
814	Revenue
815	Revenue
816	Health and Human Services
817	Health and Human Services
818	Health and Human Services
819	Health and Human Services
820	Judiciary
821	Education
822	Revenue
823	Banking, Commerce and Insurance
824	Revenue
825	Judiciary
826	Health and Human Services
827	Health and Human Services
828	Health and Human Services
829	Revenue
830	Natural Resources

LR	**Committee**
9	Natural Resources
16	Judiciary
25	Government, Military and Veterans Affairs
26CA	Government, Military and Veterans Affairs
27CA	Government, Military and Veterans Affairs
28CA	Judiciary
29CA	Judiciary

30 Education

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Add Cointroducers

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 54, LB 241, and LB 563. No objections. So ordered.

Mr. Pedersen asked unanimous consent to have his name added as cointroducer to LB 241. No objections. So ordered.

Mr. Elmer asked unanimous consent to have his name added as cointroducer to LB 79. No objections. So ordered.

VISITORS

Visitors to the Chamber were Vickie Pullama, Judy Hawley, and Ruth Daharsh from Cozad; and 28 fourth grade students and teacher from St. Mary's, Lincoln.

The Doctor of the Day was Dawn Malene from Omaha.

ADJOURNMENT

At 11:07 a.m., on a motion by Mr. Will, the Legislature adjourned until 9:00 a.m., Thursday, January 28, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTEENTH DAY - JANUARY 28, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 28, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Hall, Hartnett, Horgan, Lindsay, Lynch, Pedersen, Preister, Robinson, Warner, Will, Withem, Mmes. Pirsch, and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 41. Placed on General File.
LEGISLATIVE BILL 66. Placed on General File.
LEGISLATIVE BILL 116. Placed on General File.

(Signed) David Landis, Chairperson

NOTICE OF COMMITTEE HEARING
Natural Resources

LB 234	Thursday, February 4, 1993	1:30 p.m.
LB 708	Thursday, February 4, 1993	1:30 p.m.
LB 737	Thursday, February 4, 1993	1:30 p.m.

(Signed) Chris Beutler, Chairperson

REPORTS

Received report from the State Investment Council of South Africa related investments as of December 31, 1992, as required by 72-1273 (3) and 72-1274 (2) of the Nebraska Statutes.

Received annual report from the Nebraska Investment Finance Authority (NIFA).

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 31 and LR 32.

GENERAL FILE

LEGISLATIVE BILL 14. Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 87. Title read. Considered.

Advanced to E & R for review with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 140. Title read. Considered.

Standing Committee amendment, AM0036, found in the Journal on page 379, was considered.

Mr. Bernard-Stevens offered the following amendment to the Standing Committee amendment:
AM0075

(Amendments to Standing Committee amendments, AM0036)

1. On page 1, line 6, strike "promulgate", show as stricken, and insert "adopt, promulgate,"; and in line 9 after "employees" insert an underscored period; and strike beginning with the first "as" in line 9 through the first period in line 11 and show the old matter as stricken.

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

The Standing Committee amendment, as amended, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Ashford offered the following amendment:
FA3
Repeal entire section, 74-915.

MR. HALL PRESIDING

PRESIDENT MOUL PRESIDING

Mrs. Pirsch requested a record vote on the Ashford amendment.

Voting in the affirmative, 11:

Ashford	Coordsen	Haberman	Pedersen	Vrtiska
Beutler	Crosby	Jones	Pirsch	Warner
Bohlke				

Voting in the negative, 28:

Abboud	Day	Hudkins	McKenzie	Wesely
Baack	Fisher	Janssen	Preister	Wickersham
Bernard-	Hall	Kristensen	Robak	Will
Stevens	Hillman	Landis	Robinson	Witek
Bromm	Hohenstein	Lindsay	Schimek	Withem
Byars	Horgan	Lynch	Schmitt	

Present and not voting, 8:

Avery	Cudaback	Elmer	Schellpeper	Wehrbein
Chambers	Dierks	Moore		

Excused and not voting, 2:

Hartnett	Rasmussen

The Ashford amendment lost with 11 ayes, 28 nays, 8 present and not voting, and 2 excused and not voting.

Mr. Ashford moved to rerefer LB 140 to committee.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Ashford motion to rerefer to committee lost with 12 ayes, 24 nays, 12 present and not voting, and 1 excused and not voting.

Pending.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

LB 338	Thursday, February 4, 1993	1:30 p.m.
LB 187	Thursday, February 4, 1993	1:30 p.m.
LB 374	Thursday, February 4, 1993	1:30 p.m.
LB 443	Thursday, February 4, 1993	1:30 p.m.
LB 536	Thursday, February 4, 1993	1:30 p.m.
LB 498	Friday, February 5, 1993	1:30 p.m.
LB 337	Friday, February 5, 1993	1:30 p.m.
LB 515	Friday, February 5, 1993	1:30 p.m.
LB 513	Friday, February 5, 1993	1:30 p.m.
LB 291	Friday, February 5, 1993	1:30 p.m.

(Signed) Don Wesely, Chairperson

Judiciary

LB 585	Thursday, February 4, 1993	1:30 p.m.
LB 760	Thursday, February 4, 1993	1:30 p.m.
LB 663	Thursday, February 4, 1993	1:30 p.m.
LB 110	Thursday, February 4, 1993	1:30 p.m.
LB 156	Thursday, February 4, 1993	1:30 p.m.
LB 660	Thursday, February 4, 1993	1:30 p.m.
LB 137	Friday, February 5, 1993	1:30 p.m.
LB 299	Friday, February 5, 1993	1:30 p.m.
LB 600	Friday, February 5, 1993	1:30 p.m.
LB 651	Friday, February 5, 1993	1:30 p.m.

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Hall and Landis asked unanimous consent to print the following amendment to LB 81 in the Journal. No objections. So ordered.

AM0076

1. On page 7, line 6, after the period insert "(1)"; and strike lines 19 through 24 and insert the following new subsection:

"(2) The department shall have authority, upon investigation and following notice and an opportunity for hearing, to revoke such approval to act as a member of the board of directors if:

(a) The director was an executive officer of a bank and his or her license to act as an executive officer has been revoked pursuant to section 8-139;

(b) The director has voted in favor of an action which the director knew or should have known to be in violation of the laws, rules, or regulations of any agency exercising proper regulatory authority over the affairs of the bank;

(c) The director has been convicted of any felony;

(d) The department determines that any fact or condition exists which, had it existed at the time of the original application for approval to act as a director, clearly would have warranted the department in refusing to grant such approval; or

(e) The director has engaged in any transaction with the bank or any of its affiliates to the personal benefit of the director, his or her immediate family, or any entity controlled by the director when such transaction is in violation of the laws, rules, or regulations of any agency exercising proper regulatory authority over the affairs of the bank.

(3) The department may".

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 183. Placed on General File.

LEGISLATIVE BILL 54. Placed on General File as amended.
Standing Committee amendment to LB 54:
AM0022

1. On page 3, strike lines 10 through 12, show the old matter as stricken, and insert "For purposes of this section, consideration shall not include (1) filling out an entry blank, (2) entering by mail with the purchase of postage, or (3) entering by a telephone call to the operator of or for the gift enterprise at a cost no greater than the cost of postage for a first-class letter.".

2. Insert the following new section:
"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Stan Schellpeper, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 35. Placed on General File.
LEGISLATIVE BILL 67. Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

Education

LEGISLATIVE BILL 100. Placed on General File as amended.
Standing Committee amendment to LB 100:
AM0060
1. Insert the following new section:
"Sec. 4. This act shall become operative on August 1, 1994.".
2. Renumber remaining section accordingly.

(Signed) Ron Withem, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 62. Placed on Select File.
LEGISLATIVE BILL 15. Placed on Select File.

LEGISLATIVE BILL 108. Placed on Select File as amended.
E & R amendment to LB 108:
AM5328
1. On page 1, line 2, after the first "provide" insert "for".
2. On page 2, line 12, strike "department" and insert "Department of Roads"; and in line 19 strike "Department of Roads" and insert "department".

LEGISLATIVE BILL 45. Placed on Select File.
LEGISLATIVE BILL 47. Placed on Select File.
LEGISLATIVE BILL 118. Placed on Select File.

(Signed) Kurt A. Hohenstein, Chairperson

GENERAL FILE

LEGISLATIVE BILL 140. Messrs. Vrtiska and Bromm moved to indefinitely postpone.

Messrs. Kristensen and Hall asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Vrtiska-Bromm motion to indefinitely postpone lost with 10 ayes, 20 nays, 17 present and not voting, and 2 excused and not voting.

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

SPEAKER BAACK PRESIDING

Mr. Bernard-Stevens requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 20:

Abboud	Fisher	Lynch	Robak	Wickersham
Bernard-Stevens	Hall	McKenzie	Schimek	Will
Beutler	Landis	Moore	Schmitt	Witek
Chambers	Lindsay	Preister	Wesely	Withem

Voting in the negative, 25:

Ashford	Byars	Elmer	Hudkins	Pirsch
Avery	Coordsen	Haberman	Janssen	Robinson
Baack	Cudaback	Hillman	Jones	Vrtiska
Bohlke	Day	Hohenstein	Kristensen	Warner
Bromm	Dierks	Horgan	Pedersen	Wehrbein

Present and not voting, 3:

Crosby	Hartnett	Schellpeper

Excused and not voting, 1:

Rasmussen

Failed to advance to E & R for review with 20 ayes, 25 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

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

LEGISLATIVE BILL 107. Title read. Considered.

Mr. Horgan offered the following amendment:
AM0063

1. Insert the following new section:

"Sec. 13. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The Horgan amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 81. Title read. Considered.

Standing Committee amendment, AM0009, found in the Journal on page 379, was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 93. Title read. Considered.

Standing Committee amendment, AM0038, found in the Journal on page 384, was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

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

LEGISLATIVE BILL 177. Title read. Considered.

Standing Committee amendment, AM0037, found in the Journal on page 384, was considered.

Mr. Wickersham offered the following amendment to the Standing Committee amendment:
AM0078

(Amendments to Standing Committee amendments, AM0037)

1. On page 1, strike beginning with "Except" in line 10 through the first period in line 16 and insert If a hearing is requested, no one shall contact or be contacted by the school board or individual school board members regarding the subject matter of the hearing in order to obtain or provide information to be considered in making the decision or in an attempt to persuade the school board regarding the decision to be made, except that the school board may receive advice and counsel from an attorney hired to represent the school board in making the decision.".

The Wickersham amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARING
Business and Labor

LB 61	Monday, February 8, 1993	1:30 p.m.
LB 124	Monday, February 8, 1993	1:30 p.m.
LB 204	Monday, February 8, 1993	1:30 p.m.
LB 604	Monday, February 8, 1993	1:30 p.m.
LB 640	Monday, February 8, 1993	1:30 p.m.
LB 696	Monday, February 8, 1993	1:30 p.m.
LB 717	Monday, February 8, 1993	1:30 p.m.

(Signed) Chris Abboud, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 140A. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 140, Ninety-third Legislature, First Session, 1993.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 141. Placed on General File.
LEGISLATIVE BILL 157. Placed on General File.
LEGISLATIVE BILL 208. Placed on General File.
LEGISLATIVE BILL 209. Placed on General File.
LEGISLATIVE BILL 210. Placed on General File.

LEGISLATIVE BILL 39. Placed on General File as amended.
Standing Committee amendment to LB 39:
AM0052

1. On page 3, line 22; and page 5, line 23, after the period insert "The city council may provide procedures in land subdivision regulations for appeal by any person aggrieved by any action of the city planning commission or city planning director on any plat.".

LEGISLATIVE BILL 59. Placed on General File as amended.
Standing Committee amendment to LB 59:
AM0053

1. On page 2, line 23; page 4, lines 4 and 5; page 5, line 7; page 6, line 15; and page 7, line 17, strike "performed in person" and insert "filed".
2. On page 2, line 23; page 4, line 5; page 5, line 7; page 6, line 15; and page 7, line 17, after "on" insert "or before".
3. On page 5, line 23; and page 6, line 24, strike "for three", show as stricken, and insert "once each week for three consecutive".
4. On page 6, line 5; and page 7, line 7, strike "passage and" and insert "third".

LEGISLATIVE BILL 207. Placed on General File as amended.
Standing Committee amendment to LB 207:
AM0033

1. On page 5, line 10, before "For" insert "(1)"; in line 18 after "act" insert "when the formation of such a commission is requested by either the municipality or the county within whose boundaries the municipality is not located

as provided in subsection (2) of this section"; and after line 18 insert the following new subsection:

"(2) Any municipality exercising zoning jurisdiction as defined in section 16-901 or 17-1001 outside its corporate limits but within a county other than the county within which the municipality is located or any county exercising such zoning jurisdiction may, by formal resolution of a majority of the voting members of its governing body, request the formation of an interjurisdictional planning commission to exercise the jurisdiction granted by sections 4 to 7 of this act. Such resolution shall be transmitted to the appropriate municipality or county and its receipt formally acknowledged.".

2. On page 6, line 9, strike "effective date of this act" and insert "formal passage of a resolution pursuant to subsection (2) of section 4 of this act"; and in line 13 after "commission" insert "until such time as both the municipality and the county agree by majority vote of each governing body to eliminate the interjurisdictional planning commission and transfer its jurisdiction to the planning commission of the municipality.".

(Signed) D. Paul Hartnett, Chairperson

Judiciary

LEGISLATIVE BILL 26. Placed on General File.
LEGISLATIVE BILL 49. Placed on General File.
LEGISLATIVE BILL 69. Placed on General File.

LEGISLATIVE BILL 29. Placed on General File as amended.
Standing Committee amendment to LB 29:
AM0058

1. On page 2, line 5, after "party" insert "upon motion".

LEGISLATIVE BILL 154. Placed on General File as amended.
Standing Committee amendment to LB 154:
AM0014

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 2, line 8, after the comma insert "a judge of the district court may agree to serve as judge of the separate juvenile court during such period or".

(Signed) John Lindsay, Chairperson

General Affairs

LEGISLATIVE BILL 138. Placed on General File as amended.
Standing Committee amendment to LB 138:
AM0054

1. Insert the following new sections:

"Section 1. There is hereby created the Division on Compulsive Gambling which shall be a division of the Department of Revenue. The Division on Compulsive Gambling shall consist of a director appointed by the Tax Commissioner and such other additional employees as may be necessary to provide clerical assistance to the director in carrying out the duties of the division.

Sec. 2. The Nebraska Advisory Commission on Compulsive Gambling is hereby created. The commission shall advise and provide recommendations to the Director of the Division on Compulsive Gambling with regard to matters relating to problem or pathological gambling to assist him or her in the performance of his or her duties. The commission shall evaluate agencies, groups, organizations, and individuals that have applied to the division to receive funds from the Compulsive Gamblers Assistance Fund and shall make recommendations to the director concerning disbursements from the fund.

Sec. 3. (1) The Nebraska Advisory Commission on Compulsive Gambling shall consist of eleven members to be appointed by the Governor with the approval of a majority of the Legislature. Three of the initial appointees shall serve for a four-year term, three of the initial appointees shall serve for a three-year term, three of the initial appointees shall serve for a two-year term, and two of the initial appointees shall serve for a one-year term. As the terms of initial appointees expire, their successors and all future members of the commission shall be appointed to serve four-year terms. Members of the commission shall be selected by the Governor so as to achieve a reasonable balance of representation from all geographic areas of the state. Individuals appointed to the commission shall possess some experience, expertise, or knowledge of the causes, treatment, or prevention of problem or pathological gambling, the providing of services to assist affected individuals and their families, or the education of the public to increase its awareness of the disorders and available gamblers assistance programs.

(2) The members of the commission shall receive no

pay for their service on the commission but shall be reimbursed from the Compulsive Gamblers Assistance Fund for the actual and necessary expenses incurred in carrying out their duties as provided in sections 81-1174 to 81-1177.

(3) The members of the commission shall select from their number a chairperson to serve for a one-year term. The chairperson shall serve as the principal liaison between the Director of the Division on Compulsive Gambling and the commission. The Director of the Division on Compulsive Gambling shall call the members of the commission together for meetings at least four times in each calendar year and shall prepare and distribute to members of the commission all relevant materials necessary to enable the commission to review and evaluate requests for funds and to make recommendations to the Director of the Division on Compulsive Gambling.

(4) Upon receiving the written approval of the Director of the Division on Compulsive Gambling, the chairperson may appoint and utilize a task force of commission members and nonmembers to report to the commission on specific areas relevant to the problem of compulsive gambling.

(5) The commission shall evaluate the requests submitted to it by the Director of the Division on Compulsive Gambling from the various agencies, groups, organizations, and individuals that are seeking funding from such fund to provide education, assistance, and counseling to individuals and families experiencing difficulties as the result of problem or pathological gambling, and shall recommend to the Director of the Division on Compulsive Gambling funding for those which have demonstrated their capacity to efficiently and effectively provide the necessary services. The commission may also recommend funding for the purpose of promoting public awareness of the availability of qualified assistance programs.

Sec. 4. The Director of the Division on Compulsive Gambling shall be responsible for:

(1) Establishing standards for the types of agencies, groups, organizations, and individuals that will be eligible to receive funding from the Compulsive Gamblers Assistance Fund;

(2) Establishing standards for the types of activities which will be eligible for funding;

(3) Developing standards for the appropriate documentation of past performance of such agencies, groups, organizations, and individuals and the activities which they have conducted;

(4) Requesting and receiving applications for

funding;

(5) Distributing appropriate materials regarding such applications to the Nebraska Advisory Commission on Compulsive Gambling;

(6) Evaluating the recommendations of the commission and certify to the Department of Administrative Services appropriate vouchers for the disbursement of funds from such fund to those agencies, groups, organizations, and individuals for the providing of services to problem or pathological gamblers and their families in conformity with subsection (5) of section 3 of this act;

(7) Requesting and receiving from the recipients of such funding, appropriate documentation of the manner in which funds from such fund have been expended, including audits; and

(8) Taking such other and further action as may be necessary and appropriate to carry out the provisions of subsection (5) of section 3 of this act.

Sec. 5. The State Treasurer is hereby designated as the custodian of the Compulsive Gamblers Assistance Fund and is authorized to provide for the proper custody of funds therein. In addition to money transferred to the fund from the State Lottery Operation Trust Fund, the State Treasurer is authorized to accept funds, donations, gifts, devises, or bequests from any federal, state, local, public, or private source to be used by the Division on Compulsive Gambling in the performance of its duties and in carrying out the provisions of the State Lottery Act. The Director of the Department of Administrative Services shall draw warrants upon the Compulsive Gamblers Assistance Fund upon the presentation of proper vouchers by the Division on Compulsive Gambling. Money from the Compulsive Gamblers Assistance Fund shall be used exclusively for the purpose of providing assistance to agencies, groups, organizations, and individuals that provide education, assistance, and counseling to individuals and families experiencing difficulty as a result of problem or pathological gambling, to promote the awareness of gamblers assistance programs, and to pay the costs and expenses of the Division on Compulsive Gambling and the commission. Neither the Director of the Division on Compulsive Gambling nor the Division on Compulsive Gambling shall provide any direct services to problem or pathological gamblers or their families.

Sec. 6. No individual, spouse, or immediate family of an individual, partnership, or partner in a partnership or corporation or officer, director, or any shareholder owning more than five percent of the capital stock of such corporation, seeking approval to qualify as a lottery vendor

or a lottery contractor, shall be connected with or interested in, directly or indirectly, any person, partnership, firm, corporation, or other party licensed as a distributor, manufacturer, or manufacturer-distributor under sections 9-233.01, 9-235, 9-330, 9-332, 9-632, or a contractor or an operator of a keno game under contract with a city, county, or village as authorized under the Nebraska County and City Lottery Act.".

2. On page 28, line 23, after "9-241" insert "and sections 1 to 6 of this act".

3. On page 34, line 18, after "annual" insert "written".

4. On page 37, line 20, before "Gamblers" insert "Compulsive".

5. On page 38, line 8; page 41, line 22; and page 42, line 2, before "Gamblers" insert "Compulsive".

6. On page 38, line 11, strike "1993-94" and insert "1994-95".

7. On page 41, strike beginning with "Social" in line 23 through "programs" in line 27, show the old matter as stricken, and insert "the Division on Compulsive Gambling to carry out the purposes of sections 1 to 5 of this act".

8. On page 57, line 24, after the period insert "No lottery tickets shall be sold through a vending or dispensing device.".

9. On page 58, line 22, after the first "of" insert "or levy a fine against"; in line 23 after the period insert "A fine levied against a lottery game retailer shall not exceed one thousand dollars per violation. In determining whether to impose a fine and the amount of the fine, if any fine is imposed, the director shall take into consideration the seriousness of the violation and the extent to which the lottery game retailer derived financial gain as a result of the violation. All money collected by the division as a fine shall be remitted on a monthly basis to the State Treasurer for credit to the permanent school fund. Any fine imposed by the director and unpaid shall constitute a debt to the State of Nebraska which may be collected by lien foreclosure, or sued for and recovered in any proper form of action, in the name of the State of Nebraska, in the district court of the county in which the violator resides or owns property."; and in line 25 after "contract" insert "or levy a fine".

10. On page 59, line 1, after "contract" insert "or levy a fine".

11. On page 87, line 4, strike "65" and insert "71".

12. Renumber the remaining sections accordingly.

(Signed) Stan Schellpeper, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Beutler asked unanimous consent to have his name added as cointroducer to LB 100. No objections. So ordered.

Mr. Vrtiska asked unanimous consent to have his name added as cointroducer to LB 712. No objections. So ordered.

Mr. Wesely asked unanimous consent to have his name added as cointroducer to LB 389. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Cointroducer

Mr. Pedersen asked unanimous consent to have his name withdrawn as cointroducer to LB 471. No objections. So ordered.

VISITOR

Visitor to the Chamber was Debra Andrews from Lincoln.

ADJOURNMENT

At 12:03 p.m., on a motion by Mr. Avery, the Legislature adjourned until 9:00 a.m., Friday, January 29, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTEENTH DAY - JANUARY 29, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 29, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Ken Severa, Zion Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Haberman and Wehrbein who were excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Byars, Hall, Hartnett, Kristensen, Lindsay, Pedersen, Robinson, Warner, Withem, Mmes. Hudkins, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

NOTICE OF COMMITTEE HEARINGS
Education

LB 303	Monday, February 8, 1993	1:30 p.m.
LB 336	Monday, February 8, 1993	1:30 p.m.
LB 348	Monday, February 8, 1993	1:30 p.m.
LB 685	Monday, February 8, 1993	1:30 p.m.

Governor Appointments Tuesday, February 9, 1993 1:30 p.m.
Nebraska Safety Center Advisory Council
Carol Cope

Jodi Filipi
Tom Gorman
Ralph Hild
John J. Siefkes
Fred Zwonechek

LB 445	Tuesday, February 9, 1993	1:30 p.m.
LB 659	Tuesday, February 9, 1993	1:30 p.m.
LB 318	Tuesday, February 9, 1993	1:30 p.m.

(Signed) Ron Withem, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 93002

DATE: January 27, 1993

SUBJECT: Requirement of Consent to Interstate Simulcasting by the Group Representing the Majority of Horsepersons at a Receiving Track Under Neb. Rev. Stat. § 2-1229(c) (1991).

REQUESTED BY: Senator Chris Abboud
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion as to the interpretation of the requirement in Neb. Rev. Stat. § 2-1229(c) (1991) that interstate simulcasting agreements be consented to by either the Horsemen's Benevolent and Protective Association {"HBPA"} "or other group representing the majority of horsepersons at the receiving track." Your specific question is whether such consent is required when interstate simulcasting agreements are approved on occasions where no live racing is being conducted at the receiving track. You indicate that, depending on our answer to your question, you are contemplating introducing legislation on this subject.

Neb. Rev. Stat. § 2-1228 (1991) provides that a racetrack meeting certain criteria may apply for and receive a license to operate as an interstate simulcast facility. Section 2-1229 further provides that the State Racing Commission may approve an application under § 2-1228 if certain conditions are met. Among the conditions is that set forth in subsection (c) of § 2-1229, which requires

> {a} written agreement between the receiving track and the sending track located outside of the state in any other state,

territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico setting forth the division of all proceeds between the sending and receiving tracks and all other conditions under which such interstate simulcast will be conducted. Such written agreement shall have the consent of the group representing the majority of horsepersons racing at the sending track and of the Horsemen's Benevolent and Protective Association or other group representing the majority of horsepersons at the receiving track. (Emphasis added).

"In considering the meaning of a statute, courts should, if possible, discover legislative intent from the language of the act and give it effect." **Peterson v. Minden Beef Co.**, 231 Neb. 18, 22, 434 N.W.2d 681, ___ (1989). In construing a statute, a "court must look at the statutory objective to be accomplished, the problem to be remedied, or the purpose to be served, and then place on the statute a reasonable construction which best achieves the purpose of the statute, rather than a construction defeating the statutory purpose." **State v. Burnett**, 227 Neb. 351, 353, 417 N.W.2d 355, 357 (1988). "{E}ffect must be given, if possible, to all the several parts of a statute. No sentence, clause, or word should be rejected as meaningless or superfluous if it can be avoided." **NC + Hybrids v. Growers Seed Ass'n**, 219 Neb. 296, 299, 363 N.W.2d 362, ___ (1985). "As far as practicable, {the courts} must give effect to the language of a statute and reconcile different statutory provisions so that parts of a statute are consistent, harmonious, and sensible." **Rosnick v. Marks**, 218 Neb. 499, 501, 357 N.W.2d 186, ___ (1984).

Applying these principles to the question presented, we believe that the language of § 2-1229(c) demonstrates a legislative intent to require approval of the HBPA or other group representing the majority of horsepersons at a receiving track prior to such racetrack being granted approval to conduct interstate simulcast racing. While it may, at first glance, seem anomalous to interpret this provision to require consent from a group representing horsepersons at a time when, because no live racing is being conducted, no such group may technically be said to be present at the racetrack, we believe this construction is consistent with the language of the statute and the purpose sought to be served by this provision. Significantly, while the last sentence of § 2-1229(c) requires the consent of the group representing the majority of horsepersons "racing" at the sending track, no similar reference to "racing" is made regarding the consent "of the group representing the majority of horsepersons at the receiving track." This consent requirement was evidently designed to grant horsepersons with a means to participate in the approval process for interstate simulcast racing, in recognition of the impact simulcasting could have on live racing in the state. The impact of simulcast racing of this nature is not limited solely to instances where live racing is also being conducted at a Nebraska racetrack in addition to interstate simulcasting. A sensible construction

of this provision, which would give effect to the apparent intent of the Legislature, would be to construe the statute to require the consent of the HBPA or other group representing the majority of horsepersons at the time racing was last conducted at the proposed receiving track prior to Commission approval of interstate simulcasting at the facility.

This interpretation is supported by the legislative history surrounding the enactment of 1989 Neb. Laws, L.B. 591, the legislation authorizing interstate simulcasting. An examination of this history reveals that the final version of the bill was the result of a compromise designed to protect the viability of live horse racing in Nebraska. Initially, two bills were considered: L.B. 736, which would have limited interstate simulcasting to the period during which live racing was conducted in the state; and L.B. 591, which authorized year-round interstate simulcasting. Committee Records on L.B. 591, 91st Neb. Leg., 1st Sess. 6-7 (March 13, 1989) (statement of Senator Rod Johnson). Eventually, L.B. 591 was, after amendment, endorsed by agreement of the Nebraska racetracks and representatives of the horse racing industry. Id. at 20 (statement of Bob Skochdopole). The testimony before the Committee on General Affairs reflects the consistent view that the consent of the HBPA or other group representing the majority of horsepersons at the receiving track was required prior to the Commission's approval of interstate simulcasting to be conducted at anytime, as opposed to only when the receiving track was also conducting live racing. Id. at 11-14 (statement of Senator Loran Schmit); 23-25, 28 (statement of Bob Skochdopole); and 36-37 (statement of Mike Kelley). This point was directly addressed in testimony presented by Mr. Skochdopole on behalf of the Thoroughbred Racing Association of Nebraska, the organization representing the state's five thoroughbred racetracks, who stated that interstate simulcasting would not be permitted without

> . . .the approval of the organization representing a majority of the horsemen at both the sending and receiving track. This applies whether we're racing live or not. So we really give veto power to the Racing Commission, other racetracks, and the horsemen at the receiving and sending tracks, before we can conduct simulcasting. Either live or at the end.

Id. at 25 (statement of Bob Skochdopole).

Further, it is our understanding that this interpretation of the need for consent of the HBPA or other horsepersons group prior to Commission authorization of interstate simulcasting has been applied by the Commission in the past. Although construction of a statute by a department charged with enforcing it is not controlling, it is entitled to considerable weight, particularly when the Legislature has not acted to change the agency's interpretation. **McCaul v. American Sav. Co.**, 213 Neb. 841, 331 N.W.2d 795 (1983). While there appears to be some disagreement among the members of the Commission as to the continued acceptance of this construction, the prior Commission

interpretation and application of this provision further supports our conclusion as to the construction of § 2-1229(c).

In conclusion, it is our opinion that, under § 2-1229(c), consent of the HBPA (or other group representing the majority of horsepersons at a receiving track) is necessary prior to Commission approval of an interstate simulcast agreement, even when the receiving track is not also conducting a live race meeting. As noted previously, the identity of such group should be determined by reference to the group which represented the majority of horsepersons at the last live race meeting conducted at the racetrack. We point out that, while we believe that this is the correct interpretation of this provision, the answer to this question is by no means clear. Therefore, we would suggest that, to the extent you wish to clarify the Legislature's intent in this regard, legislation on this subject would certainly be appropriate.

As a final matter, we note that, in your request, you make reference to the necessity of the "consent of the organization which represents a majority of the thoroughbred breeders in Nebraska and the organization which represents a majority of the owners and trainers at the racetrack of the licensee conducting the live race meeting" relative to the authorization of telephonic wagering under Neb. Rev. Stat. § 2-1239 (Cum. Supp. 1992). In your request, you appear to refer to this provision in connection with recent Commission action relating to "teleracing facilities". As the statutory provision referred to above has no bearing on the question of the operation of "teleracing facilities", there is no need for us to attempt to respond to your question regarding this provision. We note that we have previously opined that authorization of "off-track betting" is contrary to Neb. Const. art. III, § 24. Op. Att'y Gen. No. 91026 (April 5, 1991).

Very truly yours,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

7-558-7.18

RESOLUTIONS

LEGISLATIVE RESOLUTION 33. Introduced by Baack, 47.

WHEREAS, Donald O. Clifton, Ph D., has been named Entrepreneur of the Year through his progressive accomplishments in the field of surveys and research; and

WHEREAS, Dr. Clifton has focused the nation's attention on Nebraska through his company, formerly Selection Research, Inc., and now Gallup, Inc.; and

WHEREAS, Dr. Clifton has published many articles, coauthored a book, led many seminars, and presented over three thousand seminars and lectures; and

WHEREAS, Dr. Clifton has reflected a deep interest in his community and state through leadership of many organizations and board memberships; and

WHEREAS, Dr. Clifton's mission to select and develop the right people for the right jobs is exemplary of his concern for all people; and

WHEREAS, Dr. Clifton's mission to let people be heard through surveys and opinion polls is representative of his concern for democratic principles; and

WHEREAS, Dr. Clifton will receive the Trailblazer Award on February 26, 1993.

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

1. That the Legislature extend congratulations to Dr. Clifton on his receipt of the Trailblazer Award.

2. That a copy of this resolution be presented to Dr. Clifton.

Laid over.

LEGISLATIVE RESOLUTION 34. Introduced by Baack, 47.

WHEREAS, Miss Christina M. Hixson has provided the impetus to further enhance the quality of life of all Nebraskans; and

WHEREAS, Miss Hixson, with foresight, has opened new vistas for the arts in her adopted state and has made provisions for senior citizens, school children, and other groups to enjoy the performing arts; and

WHEREAS, Miss Hixson has made it possible for Nebraska to develop the world's largest indoor rain forest for the education and enjoyment of all citizens; and

WHEREAS, Miss Hixson has enriched the quality of our lives through her interest and support of facilities for the improvement of our environment; and

WHEREAS, Miss Hixson has demonstrated her interest in helping those who are striving to overcome physical handicaps by providing support facilities; and

WHEREAS, Miss Hixson, whose intelligence, abilities, generosity, and unselfish commitment to others has established an extraordinary standard of excellence; and

WHEREAS, The NEBRASKAland Foundation and the State of Nebraska recognize outstanding public service and exemplary spirit; and

WHEREAS, Miss Hixson will receive the Sower Award on February 27, 1993.

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

1. That the Legislature extend congratulations to Miss Hixson on her receipt of this most prestigious award.

2. That a copy of this resolution be presented to Miss Hixson.

Laid over.

LEGISLATIVE RESOLUTION 35. Introduced by Baack, 47.

WHEREAS, Mr. Theodore Edward Hustead, a native Nebraskan, has brought worldwide attention to the Midwest as a remarkable entrepreneur; and

WHEREAS, Mr. Hustead and his wife Dorothy, through imagination and initiative, overcame severe odds during the Great Depression of the 1930's by creating one of the Old West region's great tourist attractions; and

WHEREAS, Mr. Hustead persevered against all odds to raise his family in a prairie town and bring fame and fortune to his Wall Drug Store as well as to the community of Wall, South Dakota; and

WHEREAS, Mr. Hustead has provided the means, through his interest and concern for thousands of young Midwesterners, to start their adult lives and business careers; and

WHEREAS, Mr. Hustead has drawn attention to his unique "ice water drug store" with signs and billboards all over the world, including all the battlefields since World War I; and

WHEREAS, the cities of Phillips, Aurora, and Grand Island, the University of Nebraska, and all Nebraskans everywhere are proud of their native son who so dramatically reversed an economic depression to build a world-famous enterprise; and

WHEREAS, Mr. Hustead will receive the Pioneer Award on February 26, 1993.

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

1. That the Legislature extend congratulations to Mr. Hustead on his receipt of the Pioneer Award.

2. That a copy of this resolution be presented to Mr. Hustead.

Laid over.

LEGISLATIVE RESOLUTION 36. Introduced by Baack, 47.

WHEREAS, Mr. Bob Devaney has ranked as one of the outstanding athletic directors of the nation; and

WHEREAS, Mr. Devaney has been acclaimed as one of America's greatest football coaches; and

WHEREAS, Mr. Devaney has brought fame and fortune to the State of Nebraska through his outstanding records as coach and Athletic Director; and

WHEREAS, Mr. Devaney has developed the University of Nebraska's athletic program to a state of highest excellence in all sports; and

WHEREAS, Mr. Devaney has been inducted into the National Football Foundation's Hall of Fame and has received many other honors for his leadership in sports; and

WHEREAS, Mr. Devaney, as Athletic Director Emeritus, continues to extend his expertise unselfishly to all men and women seeking skills in sports; and

WHEREAS, Mr. Devaney will receive the Distinguished Nebraskalander of the Year Award on February 27, 1993.

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

1. That the Legislature extend congratulations to Mr. Devaney on being named the Distinguished Nebraskalander for 1993.

2. That a copy of this resolution be presented to Mr. Devaney.

Laid over.

LEGISLATIVE RESOLUTION 37. Introduced by Baack, 47.

WHEREAS, Mr. Don Bryant, Assistant Athletic Director of the University of Nebraska for the past seventeen years and Sports Information Director for the past thirty years, has established a national reputation in the world of sports; and

WHEREAS, Mr. Bryant has demonstrated his leadership through his positions as Executive Secretary of the Nebraska Touchdown Club, Secretary of the Nebraska Chapter of the National Football Hall of Fame, and as President of the College Sports Information Directors of America; and

WHEREAS, Mr. Bryant was selected four times to serve as media liaison for the United States teams participating in the Winter Olympics at Lake Placid, Sarajevo, and Calgary and at the Pan American Games; and

WHEREAS, Mr. Bryant was the chief United States press officer at the World Cup Games at Montreal and served for seventeen years as a member of the National Collegiate Athletic Association Media Services Staff at the Final Four basketball tournaments; and

WHEREAS, Mr. Bryant has brought much attention in the sports world to the Nebraska athletic program and its outstanding facilities, attracting many quality students to Nebraska; and

WHEREAS, Mr. Bryant will receive the Wagon Master Award on February 26, 1993.

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

1. That the Legislature extend congratulations to Mr. Bryant on his receipt of the Wagon Master Award.
2. That a copy of this resolution be presented to Mr. Bryant.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 41. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 66. Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 5 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 116. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 183. Title read. Considered.

MR. WITHEM PRESIDING

Advanced to E & R for review with 27 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 54. Title read. Considered.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendment, AM0022, found in the Journal on page 393, was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

SPEAKER BAACK PRESIDING

Mr. Kristensen and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 2 nays, 10 present and not voting, and 11 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 14. Placed on Select File.

LEGISLATIVE BILL 87. Placed on Select File as amended.
E & R amendment to LB 87:
AM5329

1. On page 3, lines 11 and 13, strike "90th" and insert "ninetieth".

LEGISLATIVE BILL 107. Placed on Select File as amended.
E & R amendment to LB 107:
AM5330

1. On page 1, line 1, strike the comma and insert "and"; in line 2 strike "and 79-1049.06,"; in line 4 after the second comma insert "79-1049.06,"; in line 7 strike "and"; and in line 8 after "sections" insert "; and to declare an emergency".

2. On page 15, line 8, strike "Reissue"; and in line 9 strike "of Nebraska, 1943" and insert "Supplement, 1992".

3. On page 19, line 5, strike the first comma and insert "and" and strike "and"; in line 6 strike "79-1049.06,"; and in line 7 after the last comma insert "79-1049.06,".

(Signed) Kurt A. Hohenstein, Chairperson

NOTICE OF COMMITTEE HEARINGS
Executive Board

LB 228	Wednesday, February 10, 1993	12:00 p.m.
LB 229	Wednesday, February 10, 1993	12:00 p.m.
LB 419	Wednesday, February 10, 1993	12:00 p.m.
LB 427	Wednesday, February 10, 1993	12:00 p.m.
LB 540	Wednesday, February 10, 1993	12:00 p.m.
LB 579	Wednesday, February 10, 1993	12:00 p.m.
LB 614	Wednesday, February 10, 1993	12:00 p.m.
LB 666	Wednesday, February 10, 1993	12:00 p.m.

LB 668	Wednesday, February 10, 1993	12:00 p.m.
LB 743	Wednesday, February 10, 1993	12:00 p.m.

(Signed) Timothy J. Hall, Chairperson

Banking, Commerce and Insurance

LB 214	Monday, February 8, 1993	1:30 p.m.
LB 339	Monday, February 8, 1993	1:30 p.m.
LB 583	Monday, February 8, 1993	1:30 p.m.
LB 143	Tuesday, February 9, 1993	1:30 p.m.
LB 465	Tuesday, February 9, 1993	1:30 p.m.
LB 488	Tuesday, February 9, 1993	1:30 p.m.
LB 219	Tuesday, February 16, 1993	1:30 p.m.
LB 256	Tuesday, February 16, 1993	1:30 p.m.
LB 257	Tuesday, February 16, 1993	1:30 p.m.
LB 475	Tuesday, February 16, 1993	1:30 p.m.

(Signed) David Landis, Chairperson

Natural Resources

LB 235	Friday, February 5, 1993	1:30 p.m.
LB 527	Friday, February 5, 1993	1:30 p.m.
LB 752	Friday, February 5, 1993	1:30 p.m.

(Signed) Chris Beutler, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 28, 1993. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Adams Jr., Donald D. - Lincoln	Nebraskans First, Inc.
Anderson, Robert L. - Lincoln	Anderson Management Services
	Nebraska Fertilizer & Ag-Chemical Institute, Inc.
Arfmann, William W. - Lincoln	Nebraska Association of Public Employees, AFSCME Local 61
Boldt, G. Randy - Omaha	Blue Cross & Blue Shield of Nebraska

Bredthauer, Trudy Saunders - Omaha	Nebraska Methodist Health Systems, Inc.
	Omaha Public Schools
Cheloha, John A. - Omaha	R. A. Skochdopole
Crosby, Guenzel, Davis, Kessner & Kuester	
Crosby, Robert B. - Lincoln	MCI Telecommunications Company
	Nebraska School Activities Association
Kuester, William D. - Lincoln	Nebraska School Activities Association
Seglin, Steven G. - Lincoln	MCI Telecommunications Company
Erickson & Sederstrom, P. C.	
Thone, Charles - Lincoln	Nebraska Fertilizer & Ag-Chemical Institute, Inc. - Trust
Guenzel, Robert C. - Lincoln	Red Deer Hunting Club
Howard, Robert N. - Omaha	National Electrical Contractors Association-Nebraska Chapter
Johnson, Dick - Lincoln	Associated Builders & Contractors
Kelley, Michael - Omaha	Big Red Keno Ltd.
	Bruce A. Cutshall
	Metro Area Transit
	Nebraska Criminal Defense Attorneys Association
	Omaha Airport Authority
Lanner, Devorah - Lincoln	Nebraska Center for Legal Services
Licht, Alice L. - Lincoln	Anderson Management Services
	Nebraska Autobody Association, Inc.
	Nebraska Auto & Truck Salvage, Inc.
	Nebraska Fertilizer & Ag-Chemical Institute, Inc.
	Nebraska State Pest Control Association
McGuire, Mark D. - Lincoln	Ferret Exploration Company of Nebraska, Inc.
	Nebraska State Education Association
Monaghan, Thomas J. - Omaha	Scientific Games Inc.
Moors, H. Jack - Lincoln	Nebraska State Irrigation Association
	Nebraska Water Users, Inc.
Mueller, William J.	Knudsen, Berkheimer, et al.
Mueller, William J. - Lincoln	Automated Wagering International, Inc.
	Kellogg Company
Mumgaard, D. Milo - Lincoln	Nebraska Center for Legal Services
O'Hara & Associates, Inc.	
O'Hara, Paul V. - Lincoln	School Districts of Columbus, Grand Island, Norfolk & North Platte
Pappas, James E. - Lincoln	Ray L. Lineweber
Ruth, Larry L.	Knudsen, Berkheimer, et al.
Ruth, Larry L. - Lincoln	Automated Wagering International, Inc.
	Kellogg Company
Sands, David - Lincoln	National Audubon Society
Scarpello, Sam M. - Omaha	SEPTEMBERFEST
Sheffield, Roger D. - Omaha	American Red Cross
Skochdopole, R. A. - Omaha	Association of Independent Colleges & Universities of Nebraska
	GTECH
Strange, Martin D. - Walthill	Center for Rural Affairs

Tipton, Kevin W. - Denver, CO	Distilled Spirits Council of the US, Inc.
Vickers, Tom - Lincoln	American Massage Therapy Association-Nebraska Chapter
Wright, Norman H. - Omaha	Services for Children, Inc.

GENERAL FILE

LEGISLATIVE BILL 35. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 67. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 100. Title read. Considered.

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

Standing Committee amendment, AM0060, found in the Journal on page 394, was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

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

Mr. Lindsay moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 12 nays, and 18 not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Byars moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Byars requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Ashford	Bromm	Hartnett	Preister	Wesely
Avery	Byars	Hohenstein	Rasmussen	Wickersham
Bernard-Stevens	Chambers	Lindsay	Schellpeper	Will
Beutler	Crosby	Moore	Schimek	Witek
Bohlke	Dierks	Pedersen	Warner	Withem

Voting in the negative, 13:

Baack	Fisher	Janssen	Landis	Robinson
Coordsen	Hillman	Jones	McKenzie	Schmitt
Day	Hudkins	Kristensen		

Present and not voting, 4:

Cudaback	Horgan	Lynch	Vrtiska

Excused and not voting, 7:

Abboud	Haberman	Pirsch	Robak	Wehrbein
Elmer	Hall			

Advanced to E & R for review with 25 ayes, 13 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 64. Placed on General File.
LEGISLATIVE BILL 113. Placed on General File.
LEGISLATIVE BILL 163. Placed on General File.
LEGISLATIVE BILL 178. Placed on General File.
LEGISLATIVE BILL 251. Placed on General File.

LEGISLATIVE BILL 244. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

Health and Human Services

LEGISLATIVE BILL 16. Placed on General File as amended.
Standing Committee amendment to LB 16:
AM0066

1. On page 3, line 14, strike the first "the" and insert "a"; strike beginning with "department" in line 19

through "conduct" in line 20 and insert "petitioner or his or her attorney to file a check of the petitioner's criminal history record information maintained by the Identification Division of the Federal Bureau of Investigation through the Nebraska State Patrol and"; in lines 23 and 24 strike "a report of the findings of the department" and insert "such records"; and in line 24 after the underscored period insert "The petitioner shall be subject to fingerprinting for the criminal history information check and shall pay for the cost of fingerprinting, the information check, and the central register check.".

2. On page 4, line 16, after "petitioners" insert "unless such expenses are waived by the department or licensed child placement agency"; in line 24 after "a" insert "check of the petitioner's or petitioners' "; in line 25 strike the first "check" and insert "maintained by the Identification Division of the Federal Bureau of Investigation through the Nebraska State Patrol"; and in line 28 after the underscored period insert "The petitioner or petitioners shall be subject to fingerprinting for the criminal history information check and shall pay for the cost of fingerprinting, the information check, and the check of the central register.".

LEGISLATIVE BILL 103. Placed on General File as amended.
Standing Committee amendment to LB 103:
AM0088

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 2, in lines 18 and 19 strike "When appropriate, the" and insert "The".

LEGISLATIVE BILL 205. Placed on General File as amended.
Standing Committee amendment to LB 205:
AM0055

1. On page 3, lines 1 and 20, strike "supplement existing staff " and insert "defray costs incurred"; and in line 27, strike "Milford Industrial Home" and insert "Nebraska Industrial Home at Milford".

(Signed) Don Wesely, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 417. Placed on General File as amended.
Standing Committee amendment to LB 417:

AM0086

1. Strike original sections 2 and 8.

2. On page 17, line 15, strike "23-2306,"; and in line 17 strike "84-1307,".

3. Renumber remaining sections accordingly.

(Signed) Tom Horgan, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 38. Introduced by Wesely, 26.

WHEREAS, immediate initiation of cardiopulmonary resuscitation, CPR, is a critical element in the survival of a citizen who suffers a cardiac arrest; and

WHEREAS, citizens are most likely to witness a cardiac arrest and, if trained in CPR, could immediately initiate the technique on the victim; and

WHEREAS, Eastern Ambulance Service, with the intent of generating public awareness of and interest in learning CPR, sponsors an annual week-long CPR marathon called CPR Nebraska, which travels to more than fifty communities in our state; and

WHEREAS, with the same intent, nearly one thousand of our fellow citizens and emergency medical system providers in and near those communities volunteer their time and effort to promote and participate in this marathon, thus increasing public interest; and

WHEREAS, media exposure of this event increases public awareness of CPR and encourages our fellow citizens to learn the technique that they may help save someone's life if necessary; and

WHEREAS, the Legislature continues to be concerned for the lives and quality of life of the citizens of the state; and

WHEREAS, Eastern Ambulance Service was the recipient of the American Ambulance Association's Academy Award for a Public Service Program in 1992, recognizing CPR Nebraska as the best public service program in the United States of America.

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

1. That the Legislature declares February 7 through February 14 of each year, CPR Awareness Week in Nebraska.

2. That the Legislature urges all Nebraskans to learn the lifesaving technique of cardiopulmonary resuscitation that they may respond to a victim of cardiac arrest and potentially save his or her life.

3. That the Legislature acknowledges Eastern Ambulance Service as a leader in the nation for its orientation toward community service and public safety.

4. That the Legislature expresses its gratitude to the Nebraskans who volunteer their time and effort to promote the CPR marathon, participate in it, and support its cause, in order to save lives through education, making the world a better and safer place.

Laid over.

LEGISLATIVE RESOLUTION 39. Introduced by Landis, 46.

WHEREAS, Dance Forum Taipei is a renowned professional modern dance company from Taiwan currently on a national tour of the United States; and

WHEREAS, Dance Forum Taipei will perform at the University of Nebraska-Lincoln on February 6, 1993; and

WHEREAS, Dance Forum Taipei has won acclaim throughout Asia, including tours of Taiwan, Hong Kong, Singapore, Malaysia, and Korea; and

WHEREAS, Dance Forum Taipei is an eclectic, open forum for choreographic expression which integrates Chinese cultural tradition with American modern dance techniques, offering a unique cultural opportunity for Nebraskans; and

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

1. That the Legislature welcomes Dance Forum Taipei to Nebraska and expresses gratitude for the opportunity to experience a unique blend of Chinese cultural tradition and Western modern dance style and technique.

2. That the Legislature acknowledges the generous support of the Taiwanese Government in sponsoring this tour by Dance Forum Taipei, a dance company that represents a new generation of multicultural modern dance.

3. That a copy of this resolution be forwarded by the Clerk of the Legislature to Ms. Ping Heng, the renowned General Director of Dance Forum Taipei.

Laid over.

CORRECTED STANDING COMMITTEE REPORT
General Affairs

LEGISLATIVE BILL 138. Corrected Standing Committee amendment:
AM0089

1. Insert the following new sections:

"Section 1. There is hereby created the Division on Compulsive Gambling which shall be a division of the

Department of Revenue. The Division on Compulsive Gambling shall consist of a director appointed by the Tax Commissioner and such other additional employees as may be necessary to provide clerical assistance to the director in carrying out the duties of the division.

Sec. 2. The Nebraska Advisory Commission on Compulsive Gambling is hereby created. The commission shall advise and provide recommendations to the Director of the Division on Compulsive Gambling with regard to matters relating to problem or pathological gambling to assist him or her in the performance of his or her duties. The commission shall evaluate agencies, groups, organizations, and individuals that have applied to the division to receive funds from the Compulsive Gamblers Assistance Fund and shall make recommendations to the director concerning disbursements from the fund.

Sec. 3. (1) The Nebraska Advisory Commission on Compulsive Gambling shall consist of eleven members to be appointed by the Governor with the approval of a majority of the Legislature. Three of the initial appointees shall serve for a four-year term, three of the initial appointees shall serve for a three-year term, three of the initial appointees shall serve for a two-year term, and two of the initial appointees shall serve for a one-year term. As the terms of initial appointees expire, their successors and all future members of the commission shall be appointed to serve four-year terms. Members of the commission shall be selected by the Governor so as to achieve a reasonable balance of representation from all geographic areas of the state. Individuals appointed to the commission shall possess some experience, expertise, or knowledge of the causes, treatment, or prevention of problem or pathological gambling, the providing of services to assist affected individuals and their families, or the education of the public to increase its awareness of the disorders and available gamblers assistance programs.

(2) The members of the commission shall receive no pay for their service on the commission but shall be reimbursed from the Compulsive Gamblers Assistance Fund for the actual and necessary expenses incurred in carrying out their duties as provided in sections 81-1174 to 81-1177.

(3) The members of the commission shall select from their number a chairperson to serve for a one-year term. The chairperson shall serve as the principal liaison between the Director of the Division on Compulsive Gambling and the commission. The Director of the Division on Compulsive Gambling shall call the members of the commission together for

meetings at least four times in each calendar year and shall prepare and distribute to members of the commission all relevant materials necessary to enable the commission to review and evaluate requests for funds and to make recommendations to the Director of the Division on Compulsive Gambling.

(4) Upon receiving the written approval of the Director of the Division on Compulsive Gambling, the chairperson may appoint and utilize a task force of commission members and nonmembers to report to the commission on specific areas relevant to the problem of compulsive gambling.

(5) The commission shall evaluate the requests submitted to it by the Director of the Division on Compulsive Gambling from the various agencies, groups, organizations, and individuals that are seeking funding from such fund to provide education, assistance, and counseling to individuals and families experiencing difficulties as the result of problem or pathological gambling and shall recommend to the Director of the Division on Compulsive Gambling funding for those which have demonstrated their capacity to efficiently and effectively provide the necessary services. The commission may also recommend funding for the purpose of promoting public awareness of the availability of qualified assistance programs.

Sec. 4. The Director of the Division on Compulsive Gambling shall be responsible for:

(1) Establishing standards for the types of agencies, groups, organizations, and individuals that will be eligible to receive funding from the Compulsive Gamblers Assistance Fund;

(2) Establishing standards for the types of activities which will be eligible for funding;

(3) Developing standards for the appropriate documentation of past performance of such agencies, groups, organizations, and individuals and the activities which they have conducted;

(4) Requesting and receiving applications for funding;

(5) Distributing appropriate materials regarding such applications to the Nebraska Advisory Commission on Compulsive Gambling;

(6) Evaluating the recommendations of the commission and certifying to the Department of Administrative Services appropriate vouchers for the disbursement of funds from such fund to those agencies, groups, organizations, and individuals for the providing of services to problem or pathological gamblers and their families in conformity with subsection (5)

of section 3 of this act;

(7) Requesting and receiving from the recipients of such funding, appropriate documentation of the manner in which funds from such fund have been expended, including audits; and

(8) Taking such other and further action as may be necessary and appropriate to carry out the provisions of subsection (5) of section 3 of this act.

Sec. 5. The State Treasurer is hereby designated as the custodian of the Compulsive Gamblers Assistance Fund and is authorized to provide for the proper custody of funds therein. In addition to money transferred to the fund from the State Lottery Operation Trust Fund, the State Treasurer is authorized to accept funds, donations, gifts, devises, or bequests from any federal, state, local, public, or private source to be used by the Division on Compulsive Gambling in the performance of its duties and in carrying out the provisions of the State Lottery Act. The Director of Administrative Services shall draw warrants upon the Compulsive Gamblers Assistance Fund upon the presentation of proper vouchers by the Division on Compulsive Gambling. Money from the Compulsive Gamblers Assistance Fund shall be used exclusively for the purpose of providing assistance to agencies, groups, organizations, and individuals that provide education, assistance, and counseling to individuals and families experiencing difficulty as a result of problem or pathological gambling, to promote the awareness of gamblers assistance programs, and to pay the costs and expenses of the Division on Compulsive Gambling and the commission. Neither the Director of the Division on Compulsive Gambling nor the Division on Compulsive Gambling shall provide any direct services to problem or pathological gamblers or their families.

Sec. 6. No individual, member of his or her immediate family as defined in section 9-816, partnership or partner in a partnership, or corporation or officer, director, or any shareholder owning more than five percent of the capital stock of such corporation, seeking approval to qualify as a lottery vendor or a lottery contractor, shall be connected with or interested in, directly or indirectly, any person, partnership, firm, corporation, or other party licensed as a distributor, manufacturer, or manufacturer-distributor under section 9-233.01, 9-235, 9-330, 9-332, or 9-632, or a contractor or an operator of a keno game under contract with a city, county, or village as authorized under the Nebraska County and City Lottery Act.".

2. On page 28, line 23, after "9-841" insert "and sections 1 to 6 of this act".

3. On page 34, line 18, after "annual" insert "written".

4. On page 37, line 20, before "Gamblers" insert "Compulsive".

5. On page 38, line 8; page 41, line 22; and page 42, line 2, before "Gamblers" insert "Compulsive".

6. On page 38, line 11, strike "1993-94" and insert "1994-95".

7. On page 41, strike beginning with "Social" in line 23 through "programs" in line 27, show the old matter as stricken, and insert "the Division on Compulsive Gambling to carry out the purposes of sections 1 to 5 of this act".

Sec. 8. On page 53, line 5, after "ticket" insert "as referred to in subdivision (5)(a) of section 9-803".

9. On page 57, line 24, after the period insert "No lottery tickets shall be sold through a vending or dispensing device.".

10. On page 58, line 22, after the first "of" insert "or levy a fine against"; in line 23 after the period insert "A fine levied against a lottery game retailer shall not exceed one thousand dollars per violation. In determining whether to impose a fine and the amount of the fine, if any fine is imposed, the director shall take into consideration the seriousness of the violation and the extent to which the lottery game retailer derived financial gain as a result of the violation. All money collected by the division as a fine shall be remitted on a monthly basis to the State Treasurer for credit to the permanent school fund. Any fine imposed by the director and unpaid shall constitute a debt to the State of Nebraska which may be collected by lien foreclosure or sued for and recovered in any proper form of action, in the name of the State of Nebraska, in the district court of the county in which the violator resides or owns property."; and in line 25 after "contract" insert "or levy a fine".

11. On page 59, line 1, after "contract" insert "or levy a fine".

12. On page 87, line 4, strike "65" and insert "71".

13. Renumber the remaining sections accordingly.

(Signed) Stan Schellpeper, Chairperson

NOTICE OF COMMITTEE HEARING
Agriculture

LB 772 Tuesday, February 9, 1993 1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

VISITORS

Visitors to the Chamber were E. J. Gene Russel from Gering; six twelfth grade students and teacher from Bryan Center, Lincoln; and Richard Anderson from Buffalo County.

The Doctor of the Day was Dave Filipi from Omaha.

ADJOURNMENT

At 12:09 p.m., on a motion by Mr. Avery, the Legislature adjourned until 9:00 a.m., Monday, February 1, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTEENTH DAY - FEBRUARY 1, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 1, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Melissa Draper, United Ministries in Higher Education, University of Nebraska, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Bernard-Stevens, Byars, Chambers, Coordsen, Kristensen, Landis, Robinson, Warner, Withem, and Mrs. Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 63. Placed on General File.
LEGISLATIVE BILL 131. Placed on General File.
LEGISLATIVE BILL 182. Placed on General File.
LEGISLATIVE BILL 247. Placed on General File.

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Member Excused

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

RESOLUTION

LEGISLATIVE RESOLUTION 40. Introduced by Withem, 14; Moore, 24; Robinson, 16; Schimek, 27; Dierks, 40; Rasmussen, 20; Landis, 46; McKenzie, 34; Bohlke, 33; Beutler, 28; Bernard-Stevens, 42; Elmer, 38; Lynch, 13; Warner, 25; Baack, 47; Schellpeper, 18.

WHEREAS, Dr. Lawrence "Larry" Vontz was employed in the State Department of Education for twenty-five years; and

WHEREAS, Larry served as Deputy Commissioner of Education for ten years; and

WHEREAS, Larry was a teacher and counselor at Wilcox Public School and an elementary principal at McCook Public Schools; and

WHEREAS, Larry received his bachelors and master's degrees from Kearney State College and his doctorate from the University of Nebraska-Lincoln;and

WHEREAS, Larry spent most of his life as a teacher, even though he left the classroom many years ago; and

WHEREAS, Larry was a great problem solver, to whom people constantly turned for solutions; and

WHEREAS, Larry played a leading role in the development and implementation of LB 1059, the state's school finance law; and

WHEREAS, Larry was known for his knowledge, wit, wisdom, humor, honesty, integrity, and dedication to the cause of public education; and

WHEREAS, Larry serves as a model educator for men and women who now serve as teachers and administrators in Nebraska schools and educational service units; and

WHEREAS, Larry's dedicated service will continue to remind us that education is the most precious gift we offer the children of Nebraska; and

WHEREAS, Larry died Monday, November 23, 1992, in Lincoln, Nebraska; and

WHEREAS, Larry is survived by his wife Kathi and other loving family members and many friends and colleagues.

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

1. That the Legislature honors the achievements and public service that Dr. Larry Vontz gave to the children, teachers, and administrators in the Nebraska schools.

2. That the members of Legislature express their deepest sympathy to the family of Dr. Larry Vontz.

3. That a copy of this resolution be sent to Dr. Larry Vontz's family.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 141. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 157. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nay, 10 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 208. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 209. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 210. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 59. Title read. Considered.

Standing Committee amendment, AM0053, found in the Journal on page 398, was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

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

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 207. Title read. Considered.

Standing Committee amendment, AM0033, found in the Journal on page 398, was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 39. Title read. Considered.

Standing Committee amendment, AM0052, found in the Journal on page 398, was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 49. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 69. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 29. Title read. Considered.

Standing Committee amendment, AM0058, found in the Journal on page 399, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 154. Title read. Considered.

Standing Committee amendment, AM0014, found in the Journal on page 399, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Transportation

LB 80	Tuesday, February 9, 1993	1:30 p.m.
LB 191	Tuesday, February 9, 1993	1:30 p.m.
LB 473	Tuesday, February 9, 1993	1:30 p.m.
LB 564	Tuesday, February 9, 1993	1:30 p.m.
LB 590	Tuesday, February 9, 1993	1:30 p.m.
LB 671	Tuesday, February 9, 1993	1:30 p.m.
LB 698	Tuesday, February 9, 1993	1:30 p.m.
LB 704	Tuesday, February 9, 1993	1:30 p.m.

(Signed) Doug Kristensen, Chairperson

General Affairs

LB 53	Monday, February 8, 1993	1:30 p.m.
LB 77	Monday, February 8, 1993	1:30 p.m.
LB 127	Monday, February 8, 1993	1:30 p.m.
LB 129	Monday, February 8, 1993	1:30 p.m.
LB 206	Monday, February 8, 1993	1:30 p.m.
LB 332	Monday, February 8, 1993	1:30 p.m.
LB 378	Monday, February 8, 1993	1:30 p.m.

(Signed) Stan Schellpeper, Chairperson

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 316. Placed on General File.

LEGISLATIVE BILL 226. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0073.)

(Signed) Don Wesely, Chairperson

GENERAL FILE

LEGISLATIVE BILL 138. Title read. Considered.

Standing Committee amendment, AM0089, found in the Journal on page 421, was considered.

Mr. Hall requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:

FA4

1. Insert the following new sections:

"Section 1. There is hereby created the Division on Compulsive Gambling which shall be a division of the Department of Revenue. The Division on Compulsive Gambling shall consist of a director appointed by the Tax Commissioner and such other additional employees as may be necessary to provide clerical assistance to the director in carrying out the duties of the division.

Sec. 2. The Nebraska Advisory Commission on Compulsive Gambling is hereby created. The commission shall advise and provide recommendations to the Director of the Division on Compulsive Gambling with regard to matters relating to problem or pathological gambling to assist him or her in the performance of his or her duties. The commission shall evaluate agencies, groups, organizations, and individuals that have applied to the division to receive funds from the Compulsive Gamblers Assistance Fund and shall make recommendations to the director concerning disbursements from the fund.

Sec. 3. (1) The Nebraska Advisory Commission on Compulsive Gambling shall consist of eleven members to be appointed by the Governor with the approval of a majority of the Legislature. Three of the initial appointees shall serve for a four-year term, three of the initial appointees shall serve for a three-year term, three of the initial appointees shall serve for a two-year term, and two of the initial appointees shall serve for a one-year term. As the terms of initial appointees expire, their successors and all future members of the commission shall be appointed to serve four-year terms. Members of the commission shall be selected by the Governor so as to achieve a reasonable balance of representation from all geographic areas of the state. Individuals appointed to the commission shall possess some experience, expertise, or knowledge of the causes, treatment, or prevention of problem or pathological gambling, the providing of services to assist affected individuals and their families, or the education of the public to increase its awareness of the disorders and available gamblers assistance programs.

(2) The members of the commission shall receive no pay for their service on the commission but shall be reimbursed from the Compulsive Gamblers Assistance Fund for the actual and necessary expenses incurred in carrying out their duties as provided in sections 81-1174 to 81-1177.

(3) The members of the commission shall select from their number a chairperson to serve for a one-year term. The

chairperson shall serve as the principal liaison between the Director of the Division on Compulsive Gambling and the commission. The Director of the Division on Compulsive Gambling shall call the members of the commission together for meetings at least four times in each calendar year and shall prepare and distribute to members of the commission all relevant materials necessary to enable the commission to review and evaluate requests for funds and to make recommendations to the Director of the Division on Compulsive Gambling.

(4) Upon receiving the written approval of the Director of the Division on Compulsive Gambling, the chairperson may appoint and utilize a task force of commission members and nonmembers to report to the commission on specific areas relevant to the problem of compulsive gambling.

(5) The commission shall evaluate the requests submitted to it by the Director of the Division on Compulsive Gambling from the various agencies, groups, organizations, and individuals that are seeking funding from such fund to provide education, assistance, and counseling to individuals and families experiencing difficulties as the result of problem or pathological gambling and shall recommend to the Director of the Division on Compulsive Gambling funding for those which have demonstrated their capacity to efficiently and effectively provide the necessary services. The commission may also recommend funding for the purpose of promoting public awareness of the availability of qualified assistance programs.

Sec. 4. The Director of the Division on Compulsive Gambling shall be responsible for:

(1) Establishing standards for the types of agencies, groups, organizations, and individuals that will be eligible to receive funding from the Compulsive Gamblers Assistance Fund;

(2) Establishing standards for the types of activities which will be eligible for funding;

(3) Developing standards for the appropriate documentation of past performance of such agencies, groups, organizations, and individuals and the activities which they have conducted;

(4) Requesting and receiving applications for funding;

(5) Distributing appropriate materials regarding such applications to the Nebraska Advisory Commission on Compulsive Gambling;

(6) Evaluating the recommendations of the commission and certifying to the Department of Administrative Services

appropriate vouchers for the disbursement of funds from such fund to those agencies, groups, organizations, and individuals for the providing of services to problem or pathological gamblers and their families in conformity with subsection (5) of section 3 of this act;

(7) Requesting and receiving from the recipients of such funding, appropriate documentation of the manner in which funds from such fund have been expended, including audits; and

(8) Taking such other and further action as may be necessary and appropriate to carry out the provisions of subsection (5) of section 3 of this act.

Sec. 5. The State Treasurer is hereby designated as the custodian of the Compulsive Gamblers Assistance Fund and is authorized to provide for the proper custody of funds therein. In addition to money transferred to the fund from the State Lottery Operation Trust Fund, the State Treasurer is authorized to accept funds, donations, gifts, devises, or bequests from any federal, state, local, public, or private source to be used by the Division on Compulsive Gambling in the performance of its duties and in carrying out the provisions of the State Lottery Act. The Director of Administrative Services shall draw warrants upon the Compulsive Gamblers Assistance Fund upon the presentation of proper vouchers by the Division on Compulsive Gambling. Money from the Compulsive Gamblers Assistance Fund shall be used exclusively for the purpose of providing assistance to agencies, groups, organizations, and individuals that provide education, assistance, and counseling to individuals and families experiencing difficulty as a result of problem or pathological gambling, to promote the awareness of gamblers assistance programs, and to pay the costs and expenses of the Division on Compulsive Gambling and the commission. Neither the Director of the Division on Compulsive Gambling nor the Division on Compulsive Gambling shall provide any direct services to problem or pathological gamblers or their families.

2. On page 28, line 23, after "9-841" insert "and sections 1 to 6 of this act".

3. On page 34, line 18, after "annual" insert "written".

4. On page 37, line 20, before "Gamblers" insert "Compulsive".

5. On page 38, line 8; page 41, line 22; and page 42, line 2, before "Gamblers" insert "Compulsive".

6. On page 38, line 11, strike "1993-94" and insert "1994-95".

7. On page 41, strike beginning with "Social" in

line 23 through "programs" in line 27, show the old matter as stricken, and insert "the Division on Compulsive Gambling to carry out the purposes of sections 1 to 5 of this act".

9. On page 57, line 24, after the period insert "No lottery tickets shall be sold through a vending or dispensing device.".

10. On page 58, line 22, after the first "of" insert "or levy a fine against"; in line 23 after the period insert "A fine levied against a lottery game retailer shall not exceed one thousand dollars per violation. In determining whether to impose a fine and the amount of the fine, if any fine is imposed, the director shall take into consideration the seriousness of the violation and the extent to which the lottery game retailer derived financial gain as a result of the violation. All money collected by the division as a fine shall be remitted on a monthly basis to the State Treasurer for credit to the permanent school fund. Any fine imposed by the director and unpaid shall constitute a debt to the State of Nebraska which may be collected by lien foreclosure or sued for and recovered in any proper form of action, in the name of the State of Nebraska, in the district court of the county in which the violator resides or owns property."; and in line 25 after "contract" insert "or levy a fine".

11. On page 59, line 1, after "contract" insert "or levy a fine".

12. On page 87, line 4, strike "65" and insert "71".

13. Renumber the remaining sections accordingly.

The first Standing Committee amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

The second Standing Committee amendment is as follows:
FA5

Sec. 8. On page 53, line 5, after "ticket" insert "as referred to in subdivision (5)(a) of section 9-803".

MR. LINDSAY PRESIDING

SPEAKER BAACK PRESIDING

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

The second Standing Committee amendment lost with 0 ayes, 33 nays, 12 present and not voting, and 4 excused and not voting.

The third Standing Committee amendment is as follows:
FA6

Sec. 6. No individual, member of his or her immediate family as defined in section 9-816, partnership or partner in a partnership, or corporation or officer, director, or any shareholder owning more than five percent of the capital stock of such corporation, seeking approval to qualify as a lottery vendor or a lottery contractor, shall be connected with or interested in, directly or indirectly, any person, partnership, firm, corporation, or other party licensed as a distributor, manufacturer, or manufacturer-distributor under section 9-233.01, 9-235, 9-330, 9-332, or 9-632, or a contractor or an operator of a keno game under contract with a city, county, or village as authorized under the Nebraska County and City Lottery Act.".

Mr. Schellpeper offered the following amendment to the third Standing Committee amendment:
AM0107

(Amendments to Standing Committee amendments, AM0089)

1. On page 6, line 3, strike "be"; and in line 7 strike "connected with or interested" and insert "have a financial interest".

The Schellpeper amendment was adopted with 18 ayes, 4 nays, 24 present and not voting, and 3 excused and not voting.

The third Standing Committee amendment, as amended, lost with 17 ayes, 24 nays, 7 present and not voting, and 1 excused and not voting.

Messrs. Moore, Bernard-Stevens, Haberman, and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schellpeper offered the following amendment:
AM0082

1. Insert the following new sections:

"Sec. 76. That section 81-15,171, Revised Statutes Supplement, 1992, be amended to read as follows:

81-15,171. The citizen members of the board shall be appointed for terms of six years, except that of the members first appointed, except directors of agencies, the terms of ~~two~~ three shall expire at the end of the second year, ~~two~~ three at the end of the fourth year, and ~~two~~ three at the end of the sixth year, as designated at the time of appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her

predecessor was appointed shall be appointed for the remainder of such term. A vacancy on the board shall exist in the event of the death, disability, or resignation of a member. All members shall be reimbursed for their actual and necessary travel expenses as provided in sections 81-1174 to 81-1177.

Sec. 77. That section 81-15,175, Revised Statutes Supplement, 1992, be amended to read as follows:

81-15,175. (1) The board shall make annual allocations from the fund for projects which conform to the environmental priorities of the board established pursuant to section 81-15,176 and to the extent the board determines those projects to have merit. The board shall establish an annual calendar for receiving and evaluating proposals and awarding grants. To evaluate the economic, financial, and technical feasibility of proposals, the board may establish subcommittees, request or contract for assistance, or establish advisory groups. Private citizens serving on advisory groups shall be reimbursed for their actual and necessary expenses pursuant to sections 81-1174 to 81-1177.

(2) The board shall establish a rating system for ranking proposals which meet the board's environmental priorities and other criteria. The rating system shall include, but not be limited to, the following considerations:

(a) Conformance with priorities established pursuant to section 81-15,176;

(b) Amount of funds committed from other funding sources;

(c) Encouragement of public-private partnerships;

(d) Geographic mix of projects over time;

(e) Cost effectiveness and economic impact;

(f) Direct environmental impact; and

(g) Environmental benefit to the general public and the long-term nature of such public benefit.

(3) The results of the annual rating of proposals shall guide the board's allocation of funds, except that the board may assign a higher rating to any proposal with an affirmative vote of ~~eight~~ eleven members. The motion for such an action shall specify the reasons for such action. The board may commit funds to multiyear projects, subject to available funds and appropriations. No commitment shall exceed three years without formal action by the board to renew the grant or contract. Multiyear commitments may be exempt from the rating process, except for the initial application and requests to renew the commitment.

(4) The board shall adopt and promulgate rules and regulations and publish guidelines governing allocations from the fund. The board shall conduct annual reviews of existing

projects for compliance with project goals and grant requirements.".

2. On page 96, line 2, after the second comma insert "81-15,171, 81-15,175,".

3. Renumber the remaining sections accordingly.

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

The Schellpeper amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mrs. Pirsch requested a record vote on the advancement of the bill.

Voting in the affirmative, 29:

Abboud	Coordsen	Hartnett	McKenzie	Robinson
Avery	Day	Hillman	Pedersen	Schellpeper
Baack	Dierks	Hohenstein	Pirsch	Wickersham
Bohlke	Elmer	Horgan	Preister	Will
Bromm	Fisher	Janssen	Rasmussen	Withem
Byars	Hall	Lindsay	Robak	

Voting in the negative, 12:

Ashford	Hudkins	Landis	Schmitt	Wehrbein
Beutler	Jones	Schimek	Warner	Witek
Crosby	Kristensen			

Present and not voting, 3:

Chambers	Lynch	Wesely

Excused and not voting, 5:

Bernard-Stevens	Cudaback	Haberman	Moore	Vrtiska

Advanced to E & R for review with 29 ayes, 12 nays, 3 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mrs. Hudkins asked unanimous consent to print the following amendment to LB 16 in the Journal. No objections. So ordered.

AM0105

(Amendments to Standing Committee amendment, AM0066)

1. On page 1, line 2, after the semicolon insert "in line 15 after the period insert 'At the time of such study the department or licensed child placement agency shall furnish to the petitioner or petitioners a pamphlet or other literature notifying such persons of programs available for adoptive children both as state wards and otherwise.';".

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 542	Wednesday, February 17, 1993	1:30 p.m.
LB 322	Wednesday, February 17, 1993	1:30 p.m.
LB 544	Wednesday, February 17, 1993	1:30 p.m.
LB 543	Wednesday, February 17, 1993	1:30 p.m.

Thursday, February 18, 1993 1:30 p.m.
Agency 36 - Nebraska Racing Commission
Agency 18 - Dept. of Agriculture (Potato Board)
Agency 18 - Dept. of Agriculture (Poultry/Egg)
Agency 60 - Nebraska Gasohol Committee
Agency 86 - Nebraska Dry Bean Board
Agency 88 - Nebraska Corn Board
Agency 91 - Nebraska Soybean Board
Agency 92 - Nebraska Grain Sorghum Board

Friday, February 19, 1993 1:30 p.m.
Agency 57 - Nebraska Oil & Gas Commission
Agency 52 - State Board of Agriculture
Agency 74 - Power Review Board
Agency 30 - State Electrical Board

(Signed) Scott Moore, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 138A. Introduced by Will, 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 138, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

NOTICE OF COMMITTEE HEARING
Education

LB 659	Tuesday, February 9, 1993 (cancel)	1:30 p.m.
LR 30	Tuesday, February 9, 1993	1:30 p.m.

(Signed) Ron Withem, Chairperson

STANDING COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 57. Placed on General File.
LEGISLATIVE BILL 109. Placed on General File.
LEGISLATIVE BILL 190. Placed on General File.
LEGISLATIVE BILL 261. Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

Natural Resources

LEGISLATIVE BILL 439. Placed on General File as amended.
Standing Committee amendment to LB 439:
AM0080

1. On page 6, lines 18, 20, 21, and 23, reinstate the stricken matter; in line 18 before "reduction" insert "or"; and in lines 20 and 23 strike the new matter.

(Signed) Chris Beutler, Chairperson

Health and Human Services

LEGISLATIVE BILL 48. Placed on General File as amended.
Standing Committee amendment to LB 48:
AM0106

1. On page 5, line 9, after the period insert "A temporary license shall not be issued to any person failing the examination if such person did not hold a valid temporary license prior to his or her failure to pass the examination.".

(Signed) Don Wesely, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 31. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0079.)

(Signed) DiAnna R. Schimek, Chairperson

Judiciary

LEGISLATIVE BILL 25. Placed on General File.
LEGISLATIVE BILL 278. Placed on General File.

LEGISLATIVE BILL 151. Indefinitely postponed.
LEGISLATIVE BILL 225. Indefinitely postponed.
LEGISLATIVE BILL 402. Indefinitely postponed.
LEGISLATIVE BILL 442. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Announcement

Mr. Abboud asked unanimous consent to permit the Business and Labor Committee to conduct its public hearing today, February 1, 1993, in Room 1520 instead of Room 2102. No objections. So ordered.

MESSAGES FROM THE GOVERNOR

January 29, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Board of Trustees of Nebraska State Colleges, requiring legislative approval.

APPOINTEE: Gerald A. Conway, 1115 Lawndale Drive, Wayne, NE 68787

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

January 29, 1993

Madam President, Mr. Speaker
and Members of the Legislature

State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Arts Council, requiring legislative approval.

APPOINTEE: Sheila Hawes, 819 North 157th Circle, Omaha, NE 68118

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

January 29, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Board of Trustees of Nebraska State Colleges, requiring legislative approval.

APPOINTEE: Rick Kolkman, 201 N. Dewey, North Platte, NE 69101

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

UNANIMOUS CONSENT - Add Cointroducer

Mrs. Hillman asked unanimous consent to have her name added as cointroducer to LB 237. No objections. So ordered.

VISITORS

Visitors to the Chamber were 24 kindergarten through twelfth grade students and Pastor Wesely Russell from Evangelical Weslyan Church, Beaver City; and Senator Cudaback's mother, Lena Cudaback, and sister, Jane Rumbeck.

ADJOURNMENT

At 12:05 p.m., on a motion by Mr. Preister, the Legislature adjourned until 9:00 a.m., Tuesday, February 2, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTEENTH DAY - FEBRUARY 2, 1993

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 2, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Stanley Hagen, Northside Seventh-Day Adventist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Schellpeper who was excused; and Messrs. Abboud, Ashford, Avery, Byars, Dierks, Haberman, Hall, Hartnett, Kristensen, Landis, Lindsay, Moore, Warner, and Mrs. Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventeenth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 81. Placed on Select File as amended.
E & R amendment to LB 81:
AM5334

1. In the Standing Committee amendments, AM0009, on page 1, line 22, strike beginning with "strike" through the second "and"; and in line 23 strike the underscored comma.

2, On page 1, line 2, after "8-201" insert "to 8-207, 8-208"; in line 13 after the first semicolon insert "to provide for loan closings at other locations as prescribed by

the department;"; and in line 16 after the semicolon insert "to prohibit certain loans; to provide penalties;".

3. On page 3, line 3, after "8-1,129" insert "and sections 6 and 13 of this act".

4. On page 6, line 12, after "electronic" insert an underscored comma.

5. On page 7, line 24; and page 19, line 11, after "may" insert "adopt and".

6. On page 26, line 20, after "acquiring" insert "financial institution".

7. On page 27, line 24, strike "fund" and insert "funds".

8. On page 29, line 17, strike the comma and show as stricken.

9. On page 31, line 14, after "for" insert an underscored period and strike "and it", show as stricken, and insert paragraphing and "The corporation".

10. On page 33, line 2, strike the comma and show as stricken.

11. On page 34, line 20, strike "effective date of this act" and insert "operative date of this section".

12. On page 37, line 18, strike "fire", show as stricken, and insert "fire-proof".

13. On page 39, line 18, strike the first comma and show as stricken.

14. On page 43, lines 25 and 27, strike the stricken and underscored "trust company".

15. On page 48, line 9, strike "either" and insert "any such".

16. On page 60, line 15, strike "effective date of this act" and insert "operative date of this section".

17. On page 68, lines 9, 10, and 12, strike "29, 36, and 42 to 44" and insert "33, 40, and 46 to 48"; in line 10 strike "8-224" and insert "8-218"; and in line 25 after "to" insert "8-207, 8-208 to".

LEGISLATIVE BILL 93. Placed on Select File as amended.
E & R amendment to LB 93:
AM5331

1. In the Standing Committee amendments, AM0038, on page 1, line 17, after "in" insert "such" and strike "85-1103".

2. On page 1, line 6, after "institutions" insert "of higher education"; and in line 8 strike "define terms" and insert "redefine a term".

3. On page 2, line 19, strike "of" and insert "or".

4. On page 3, line 25, strike "educational" and

after "institution" insert "of higher education"; and in line 28 after "register" insert "with".

5. On page 6, line 27, strike the comma and show as stricken.

LEGISLATIVE BILL 177. Placed on Select File as amended.
E & R amendment to LB 177:
AM5332

1. On page 2, line 13, strike "7" and insert "6".
2. On page 4, line 7, strike the comma.
3. On page 5, line 4, after the first "the" insert "school"; and in line 15 after "decision" insert an underscored comma.

LEGISLATIVE BILL 41. Placed on Select File as amended.
E & R amendment to LB 41:
AM5335

1. On page 1, line 9, after the semicolon insert "to eliminate a temporary certificate provision;".
2. On page 2, line 7, strike "act" and insert "Public Accountancy Act of 1957"; and in line 26 after "(iii)" insert "in".
3. On page 4, line 1, strike "exercise" and insert "take"; in lines 12 and 13 strike the new matter and reinstate the stricken matter; and in line 28 strike "said", show as stricken, and insert "the" and strike the comma and show as stricken.
4. On page 5, line 18, strike the comma and show as stricken.

LEGISLATIVE BILL 66. Placed on Select File.

LEGISLATIVE BILL 116. Placed on Select File as amended.
E & R amendment to LB 116:
AM5333

1. On page 2, line 18, strike "and".
2. On page 4, line 24, strike "which".
3. On page 5, line 4, strike "as".
4. On page 6, line 23, strike "A" and insert "Any"; and in line 24 strike the comma and strike "a" and insert "the".

LEGISLATIVE BILL 183. Placed on Select File.

LEGISLATIVE BILL 54. Placed on Select File as amended.
E & R amendment to LB 54:
AM5336

1. In the Standing Committee amendments, AM0022, on page 1, line 3, strike "(1)" and insert "(i)"; in line 4 strike "(2)" and insert "(ii)"; and in line 5 strike "(3)" and insert "(iii)".

2. On page 1, line 4, strike "and" and after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 35. Placed on Select File.
LEGISLATIVE BILL 67. Placed on Select File.

LEGISLATIVE BILL 100. Placed on Select File as amended.
E & R amendment to LB 100:
AM5338

1. On page 1, line 3, strike "the"; and in line 4 strike "age of", after "education" insert "requirements", and after the second semicolon insert "to provide an operative date;".

2. On page 2, line 11, after the comma insert "has received".

(Signed) Kurt A. Hohenstein, Chairperson

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 194. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

REPORTS

Received quarterly report from the Nebraska Investment Finance Authority (NIFA) on 1991 A-D Single Family Issue pursuant to NEB. REV. STAT. §58-270(4).

Received annual report from the Nebraska Department of Social Services for the Job Support Program in compliance with Neb. Rev. Stat. §43-512.11.

GENERAL FILE

LEGISLATIVE BILL 26. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 140. Mr. Wickersham moved to indefinitely postpone.

Laid over.

LEGISLATIVE BILL 64. Title read. Considered.

Failed to advance to E & R for review with 14 ayes, 10 nays, 13 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 163. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 113. Title read. Considered.

Advanced to E & R for review with 29 ayes, 6 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 178. Title read. Considered.

MR. WARNER PRESIDING

Mr. Hartnett moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Hartnett requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 28:

Abboud	Bohlke	Fisher	Lynch	Schimek
Ashford	Chambers	Hartnett	McKenzie	Wehrbein
Baack	Coordsen	Hillman	Pedersen	Wesely
Bernard-Stevens	Day	Horgan	Preister	Wickersham
Beutler	Dierks	Kristensen	Rasmussen	Withem
	Elmer	Lindsay	Robak	

Voting in the negative, 17:

Avery	Cudaback	Janssen	Pirsch	Vrtiska
Bromm	Haberman	Jones	Robinson	Warner
Byars	Hohenstein	Moore	Schmitt	Witek
Crosby	Hudkins			

Present and not voting, 1:

Will

Excused and not voting, 3:

Hall Landis Schellpeper

Advanced to E & R for review with 28 ayes, 17 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

SPEAKER BAACK PRESIDING

LEGISLATIVE BILL 251. Title read. Considered.

Mr. Lindsay offered the following amendment:
AM0119

1. Insert the following new section:

"Sec. 6. That section 81-505.01, Revised Statutes Supplement, 1992, be amended to read as follows:

81-505.01. (1) The State Fire Marshal shall establish and assess fees not to exceed the actual costs for the performance of services by the State Fire Marshal or by qualified local fire prevention personnel to whom the State Fire Marshal has delegated authority to perform such services. Prior to establishing or altering such fees, the State Fire Marshal shall hold a public hearing on the question of the adoption of or change in fees. Notice of such hearing shall be given at least thirty days prior thereto (a) by publication in a newspaper having general circulation in the state and (b) by notifying in writing the head of any agency or department having jurisdiction over facilities that would be subject to the fees. Fees for services performed by the State Fire Marshal shall be paid to the State Fire Marshal and shall be deposited in the state treasury and credited to the State Fire Marshal Cash Fund. Fees for services performed by local fire prevention personnel shall be paid directly to the office of the local fire prevention personnel.

(2) The fee for inspection for fire safety of any premises or facility pursuant to section 81-502 shall be not less than ~~fifteen~~ twenty-five nor more than one hundred fifty dollars and shall be paid by the licensee or applicant for a license. The fee for inspection for fire safety of the same premises or facility made within twelve months after the last prior inspection shall be not less than ~~fifteen~~ twenty-five nor more than one hundred fifty dollars and shall be paid by the licensee or applicant for a license. The fees for

inspection for fire safety of foster family homes as defined in section 71-1902 may be paid by the Department of Social Services.

(3) The fee for providing investigation reports to insurance companies shall not exceed three dollars for each report provided. The State Fire Marshal may charge an amount not to exceed the actual cost of preparation for any other approved information release.

(4)(a) Except as provided in subdivision (b) of this subsection, the fee for reviewing plans, blueprints, and shop drawings to determine compliance with rules and regulations adopted and promulgated pursuant to section 81-502 shall be assessed according to the following schedule:

TOTAL VALUE OF PROPOSED STRUCTURE OR IMPROVEMENT	FEE
$1 - $5,000	$5.00
$5,001 - $25,000	$5.00 for the first $5,000.00 plus $2.00 for each additional $5,000.00 or fraction thereof.
$25,001 - $50,000	$15.00 for the first $25,000.00 plus $2.00 for each additional $5,000.00 or fraction thereof.
$50,001 - $100,000	$25.00 for the first $50,000.00 plus $1.00 for each additional $5,000.00 or fraction thereof.
$100,001 - $200,000	$35.00 for the first $100,000.00 plus $1.00 for each additional $10,000.00 or fraction thereof.
$200,001 or more	$50.00 for the first $200,000.00 plus $1.00 for each additional $10,000.00 or fraction thereof, except that the total fee shall not exceed ~~$100.00~~ $500.00.

(b) The fees set out in subdivision (a) of this subsection shall not be assessed or collected by any political subdivision to which the State Fire Marshal has delegated the authority to conduct such review and which reviews plans, blueprints, or shop drawings to determine compliance with such political subdivision's own fire safety regulations. Nothing in this subdivision shall be construed to prohibit such political subdivision from assessing or collecting a fee set by its governing board for such review.".

2. On page 10, line 3, after the second comma insert "81-505.01,".

3. Renumber the remaining sections accordingly.

The Lindsay amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Horgan asked unanimous consent to print the following amendment to LB 54 in the Journal. No objections. So ordered.

AM0121

(Amendments to Standing Committee amendments, AM0022)

1. On page 1, line 7, after the underscored period insert "The cost of any telephone call which is subject to this subdivision shall not exceed the cost of postage for a first-class letter for any reason, including (A) whether any communication occurred during the call which was not related to the gift enterprise or (B) the fact that the cost of the call to the operator was greater than the cost allowed under this section.".

NOTICE OF COMMITTEE HEARINGS
Rules

Friday, February 5, 1993 12:00 p.m.
The Robinson et al. Proposed Rule change
Legislative Journal pages 385-386

(Signed) Eric Will, Chairperson

Urban Affairs

LB 501	Tuesday, February 9, 1993	1:30 p.m.
LB 526	Tuesday, February 9, 1993	1:30 p.m.
LB 533	Tuesday, February 9, 1993	1:30 p.m.
LB 726	Tuesday, February 9, 1993	1:30 p.m.
LB 732	Tuesday, February 9, 1993	1:30 p.m.
LB 733	Tuesday, February 9, 1993	1:30 p.m.
LB 695	Tuesday, February 9, 1993	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

Nebraska Retirement Systems

LB 602	Tuesday, February 9, 1993	12:00 p.m.

(Signed) Tom Horgan, Chairperson

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 36. Placed on General File as amended.
Standing Committee amendment to LB 36:
AM0110

1. On page 2, lines 3 and 7, strike "2001" and insert "1997".

(Signed) Chris Beutler, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 271. Placed on General File as amended.
Standing Committee amendment to LB 271:
AM0041

1. On page 7, line 3, after "Lincoln" insert ", to the Legislature,".

(Signed) DiAnna R. Schimek, Chairperson

Business and Labor

LEGISLATIVE BILL 334. Placed on General File.

LEGISLATIVE BILL 286. Placed on General File as amended.
Standing Committee amendment to LB 286:
AM0132

1. Insert the following new section:
"Sec. 2. This act shall become operative on October 1, 1993.".
2. On page 7, strike lines 17 through 24 and insert
"(2) Commencing October 1, 1993, the amount in Column B in subsection (1) of this section for the Column A amount of 3,750.01 and over shall be fifty percent of the state average weekly wage.".
3. Renumber original section 2 as section 3.

LEGISLATIVE BILL 360. Placed on General File as amended.
Standing Committee amendment to LB 360:
AM0099

1. Strike section 9 and insert the following new

sections:

"Sec. 7. That section 48-1103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1103. ~~Sections 48-1101 to 48-1125~~ The Nebraska Fair Employment Practice Act shall not apply to:

(1) A religious corporation, association, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, or society of its religious activities; ~~;~~ or

(2) The ~~the~~ employment of any individual (a) by his or her parent, grandparent, spouse, child, or grandchild~~;~~ or (b) in the domestic service of any person.

Sec. 8. That section 48-1108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1108. Notwithstanding any other provision of ~~sections 48-1101 to 48-1125,~~ the Nebraska Fair Employment Practice Act:

(1) It ~~it~~ shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify~~;~~ or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program~~;~~ on the basis of religion, sex, disability, marital status, or national origin in those certain instances where religion, sex, disability, marital status, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; ~~;~~ and

(2) It ~~it~~ shall not be an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society~~;~~ or if the curriculum of such school, college, university, or other educational institution of learning is directed toward the propagation of a particular religion.

Sec. 9. That section 48-1109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1109. ~~As used in sections 48-1101 to 48-1125~~ For

purposes of the Nebraska Fair Employment Practice Act, the phrase unlawful employment practice shall not be deemed to include any action or measure taken by an employer, labor organization, joint labor-management committee, or employment agency with respect to an individual who is a member of the Communist Party of the United States or of any other organization required to register as a Communist-action or Communist-front organization by final order of the Subversive Activities Control Board pursuant to the Subversive Activities Control Act of 1950.

Sec. 10. That section 48-1110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1110. Notwithstanding any other provision of ~~sections 48-1101 to 48-1125~~ the Nebraska Fair Employment Practice Act, it shall not be an unlawful employment practice for an employer to fail or refuse to hire and employ any individual for any position, for an employer to discharge any individual from any position, ~~or~~ for an employment agency to fail or refuse to refer any individual for employment in any position, or for a labor organization to fail or refuse to refer any individual for employment in any position, if:

(1) The occupancy of such position, or access to the premises in or upon which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute of the United States or any Executive Order of the President; and

(2) Such individual has not fulfilled or has ceased to fulfill that requirement.

Sec. 12. That section 48-1112, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1112. Nothing ~~contained in sections 48-1101 to 48-1125~~ in the Nebraska Fair Employment Practice Act shall apply to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because he or she is an Indian living on or near a reservation.

Sec. 13. That section 48-1113, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1113. Nothing ~~contained in sections 48-1101 to 48-1125~~ in the Nebraska Fair Employment Practice Act shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to ~~sections 48-1101 to 48-1125~~ the act to grant preferential treatment to any individual or to any group because of the

race, color, religion, sex, disability, marital status, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, disability, marital status, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, disability, marital status, or national origin in any community, section, or other area, or in the available work force in any community, section, or other area.

Sec. 14. That section 48-1114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1114. It shall be an unlawful employment practice for an employer to discriminate against any of his or her employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he or she (1) has opposed any practice made an unlawful employment practice by ~~sections 48-1101 to 48-1125~~ the Nebraska Fair Employment Practice Act, (2) has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under ~~sections 48-1101 to 48-1125~~ the act, or (3) has opposed any practice or refused to carry out any action unlawful under federal law or the laws of this state.

Sec. 15. That section 48-1117, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1117. The commission shall have the following powers and duties:

(1) To receive, investigate, and pass upon charges of unlawful employment practices anywhere in the state;

(2) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, and take the testimony of any person under oath and, in connection therewith, to require the production for examination of any books and papers relevant to any allegation of unlawful employment practice pending before the commission. The commission may make rules as to the issuance of subpoenas, subject to the approval by a constitutional majority of the elected members of the Legislature;

(3) To cooperate with the federal government and with local agencies to effectuate the purposes of ~~sections 48-1101 to 48-1125~~ the Nebraska Fair Employment Practice Act,

including the sharing of information possessed by the commission on a case that has also been filed with the federal government or local agencies if both the employer and complainant have been notified of the filing;

(4) To attempt to eliminate unfair employment practices by means of conference, conciliation, and persuasion;

(5) To require that every employer, employment agency, and labor organization subject to ~~sections 48-1101 to 48-1125~~ the act shall (a) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (b) preserve such records for such periods, and (c) make such reports therefrom, as the commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of ~~sections 48-1101 to 48-1125~~ the act or the regulations or orders thereunder. The commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to ~~sections 48-1101 to 48-1125~~ the act which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purposes of ~~sections 48-1101 to 48-1125~~ the act, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applications were received, and to furnish to the commission, upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may either apply to the commission for an exemption from the application of such regulation or order~~;~~ or bring a civil action in the district court for the district where such records are kept. If the commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the commission or the court, as the case may be, may grant appropriate relief;

(6) To report, not less than once each two years, to the Clerk of the Legislature and the Governor, on the hearings it has conducted and the decisions it has rendered, the other work performed by it to carry out the purposes of ~~sections 48-1101 to 48-1125,~~ the act and to make recommendations for such further legislation concerning abuses and discrimination because of race, color, religion, sex, disability, marital

status, or national origin, as may be desirable; and

(7) To adopt and promulgate rules and regulations necessary to carry out the duties prescribed in ~~sections 48-1101 to 48-1125~~ the act.

Each member of the Legislature shall receive a copy of the report required by subdivision (6) of this section by making a request for it to the chairperson of the commission.

Sec. 16. That section 48-1121, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1121. Every employer, employment agency, and labor organization subject to the ~~provisions of sections 48-1101 to 48-1125~~ Nebraska Fair Employment Practice Act shall post in a conspicuous place or places on his, her, or its premises a notice to be prepared or approved by the commission which shall set forth excerpts of ~~sections 48-1101 to 48-1125~~ the act and such other relevant information which the commission deems necessary to explain ~~sections 48-1101 to 48-1125~~ the act.

Sec. 17. That section 48-1123, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1123. Any person, employer, labor organization, or employment agency who or which ~~shall willfully resist, prevent, impede or interfere~~ willfully resists, prevents, impedes, or interferes with the commission or any of its members or representatives in the performance of duty under ~~sections 48-1101 to 48-1125, or shall willfully violate~~ the Nebraska Fair Employment Practice Act or willfully violates an order of the commission shall be guilty of a Class III misdemeanor. Procedure for the review of the order shall not be deemed to be such willful conduct.

Sec. 18. That section 48-1124, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1124. Nothing contained in ~~sections 48-1101 to 48-1125~~ in the Nebraska Fair Employment Practice Act shall be deemed to repeal any of the provisions of the civil rights law, any other law of this state, or any municipal ordinance relating to discrimination because of race, creed, color, religion, sex, disability, or national origin.".

2. On page 5, line 17, after "impairment" insert ". Disability shall not include homosexuality, bisexuality, transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender-identity disorders not resulting in physical impairments, other sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from current illegal use of drugs".

3. On page 14, line 4, strike "1995" and insert "1994"; and in line 5 after the second comma insert "48-1103,

48-1108, 48-1109, 48-1110," and after the third comma insert "48-1112, 48-1113, 48-1114, 48-1117, 48-1121, 48-1123, 48-1124,".

4. Renumber the remaining sections accordingly.

(Signed) Chris Abboud, Chairperson

Revenue

LEGISLATIVE BILL 46. Placed on General File.

LEGISLATIVE BILL 161. Placed on General File as amended.
Standing Committee amendment to LB 161:
AM0069

1. On page 1, line 2, strike "77-27,107, and 77-2710" and insert "77-2710, and 77-27,107".

2. On page 2, line 9, after "debtor" insert "by first-class mail, postage prepaid, at the last-known address of the debtor".

3. On page 5, line 24, after "necessary" insert an underscored comma; and in line 25 strike "and require", show as stricken, and insert "the requirement for".

4. On page 9, strike beginning with "77-27,107" in line 3 through "77-2710" in line 4 and insert "77-2710, and 77-27,107".

5. Renumber section 3 as section 4 and renumber section 4 as section 3.

LEGISLATIVE BILL 440. Placed on General File as amended.
Standing Committee amendment to LB 440:
AM0131

1. Insert the following new section:

"Sec. 15. That section 66-740, Revised Statutes Supplement, 1992, be amended to read as follows:

66-740. The motor fuel tax task force created pursuant to Laws 1989, LB 813, section 30, composed of representatives from the Department of Roads, the Department of Revenue, the Attorney General, the Nebraska State Patrol, the Department of Agriculture, and the State Fire Marshal, shall continue to function until June 30, 1996, to carry out the duties prescribed in this section. The task force shall meet at least quarterly to review the activities of the state agencies that are involved in motor vehicle fuel and special fuel tax collection, prosecution, investigation, and information gathering. The task force shall study and assess the successes and problems associated with the passage of Laws 1991, LB 627, and make recommendations for further

administrative, statutory, or budgetary improvements to the Appropriations Committee and Revenue Committee of the Legislature on December 1 of each year through 1995.

~~The study due December 1, 1992, shall include a review, conducted in conjunction with and with the assistance of the petroleum marketing industry, of the penalties included in the motor fuel laws which would be appropriate to deter violations without being unduly onerous.~~

On June 30, 1996, the task force shall issue a final report to the committees. The report shall summarize for the period from January 1, 1992, until the date of the report: (1) The activities of the task force; (2) the total expenses of state agencies associated with the implementation of Laws 1991, LB 627; and (3) the estimated increases in motor vehicle fuel and special fuel tax collection that are related to Laws 1991, LB 627, or any associated legislation.

The remaining balance of the amount reappropriated pursuant to Laws 1991, LB 627A, section 5, to support the activities of the task force shall be reappropriated for FY1993-94 and FY1994-95. ~~The remaining balance of the amount appropriated in Laws 1989, LB 813, section 30, as amended by Laws 1990, LB 1031, section 10, for the activities of the task force shall be reappropriated to support the activities of the task force for FY1991-92 and FY1992-93.~~

All state agencies shall cooperate, to the extent possible, with all national initiatives intended to enhance motor vehicle fuel and special fuel tax collection at the federal and state levels. State activity in this area should include efforts to have Nebraska designated as a leading state in these initiatives, should the opportunity be made available.".

2. On page 20, line 16, after the second comma insert "66-740,"; and in line 18 strike the first comma.

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 452. Placed on General File as amended.
Standing Committee amendment to LB 452:
AM0083

1. Strike section 3 and insert the following new section:

"Sec. 3. That section 79-2210, Revised Statutes Supplement, 1992, be amended to read as follows:

79-2210. After the adoption of its budget statement, the board for each educational service unit may levy a tax, in the amount which it requires under its adopted budget statement to be received from taxation, of not to

exceed three and five-tenths cents on each one hundred dollars on the taxable valuation of the taxable property within its geographical unit, except that the tax may exceed three and five-tenths cents on each one hundred dollars of such valuation by up to five-tenths cent on each one hundred dollars of such valuation in order to carry out the purposes of section 2 of this act. The amount of such levy shall be certified by the secretary of the educational service unit board to the county board of equalization of each county in which any part of the geographical area of the educational service unit is located on or before September 1 for 1992 and on or before August 25 for all other years. Such tax shall be levied and assessed in the same manner as other property taxes and entered on the books of the county treasurer. The proceeds of such tax, as collected, shall be remitted to the treasurer of the board not less frequently than once each month.".

LEGISLATIVE BILL 347. Indefinitely postponed.
LEGISLATIVE BILL 426. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

Business and Labor

LEGISLATIVE BILL 162. Placed on General File as amended.
Standing Committee amendment to LB 162:
AM0114

1. On page 2, line 2, after "employs" insert "and directly supervises".

(Signed) Chris Abboud, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 141. Placed on Select File as amended.
E & R amendment to LB 141:
AM5337

1. On page 2, line 1, strike "19-313" and insert "19-1313".

LEGISLATIVE BILL 157. Placed on Select File as amended.
E & R amendment to LB 157:
AM5339

1. On page 3, line 18, strike "this" and after "section" insert "16-714"; and in line 19 strike "this" and

after "section" insert "16-715".

LEGISLATIVE BILL 208. Placed on Select File as amended.
E & R amendment to LB 208:
AM5341

1. On page 3, line 19, strike "sections 17-1002 and" and insert "this section and section".
2. On page 3, line 27; and page 4, line 8, strike the comma and show as stricken.
3. On page 4, line 11, strike "both" and show as stricken.
4. On page 5, lines 4 and 5, strike the new matter; and in line 5 after "19-920" insert "and section 2 of this act".

LEGISLATIVE BILL 209. Placed on Select File as amended.
E & R amendment to LB 209:
AM5346

1. On page 1, line 2, strike "provide for" and insert "require an ordinance"; and in line 3 strike "as prescribed for" and insert "for a".
2. On page 2, line 4, after the stricken "to" insert "shall", reinstate the stricken "make", and strike the new matter; and in line 7 reinstate the stricken matter.
3. On page 3, lines 5, 6, and 11 reinstate the stricken matter; and in lines 6 and 11 strike the new matter.

LEGISLATIVE BILL 210. Placed on Select File as amended.
E & R amendment to LB 210:
AM5340

1. On page 1, line 4, after the first semicolon insert "and"; and strike beginning with the second semicolon in line 4 through "prescribed" in line 5.

LEGISLATIVE BILL 59. Placed on Select File as amended.
E & R amendment to LB 59:
AM5342

1. On page 6, line 10, after "county" insert an underscored comma.
2. On page 7, line 12, after "township" insert an underscored comma.

LEGISLATIVE BILL 207. Placed on Select File as amended.
E & R amendment to LB 207:
AM5345

1. In the Standing Committee amendment, AM0033:
   a. On page 1, line 4, strike "whose boundaries" and

insert "which"; and

b. On page 2, line 1, strike the underscored period.

2. On page 2, line 13, after "manager" insert an underscored comma.

3. On page 3, line 6; and page 4, line 3, reinstate the stricken comma.

4. On page 6, line 14, strike "7" and insert "6"; and in line 15 strike "whose boundaries" and insert "which".

LEGISLATIVE BILL 39. Placed on Select File as amended.
E & R amendment to LB 39:
AM5343

1. On page 1, line 4, after the semicolon insert "to authorize appeal procedures;".

LEGISLATIVE BILL 49. Placed on Select File.
LEGISLATIVE BILL 69. Placed on Select File.
LEGISLATIVE BILL 29. Placed on Select File.

LEGISLATIVE BILL 154. Placed on Select File as amended.
E & R amendment to LB 154:
AM5344

1. On page 1, line 3, after "temporary" insert "service and" and strike "and"; and in line 4 after "section" insert "; and to declare an emergency".

(Signed) Kurt A. Hohenstein, Chairperson

GENERAL FILE

LEGISLATIVE BILL 16. Title read. Considered.

Standing Committee amendment, AM0066, found in the Journal on page 418, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 103. Title read. Considered.

Standing Committee amendment, AM0088, found in the Journal on page 419, was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 810	Wednesday, February 10, 1993	1:30 p.m.
LB 811	Wednesday, February 10, 1993	1:30 p.m.
LB 806	Wednesday, February 10, 1993	1:30 p.m.
LB 807	Wednesday, February 10, 1993	1:30 p.m.
LB 814	Thursday, February 11, 1993	1:30 p.m.
LB 812	Thursday, February 11, 1993	1:30 p.m.
LB 813	Thursday, February 11, 1993	1:30 p.m.
LB 815	Thursday, February 11, 1993	1:30 p.m.
LB 23	Wednesday, February 17, 1993	1:30 p.m.
LB 180	Wednesday, February 17, 1993	1:30 p.m.
LB 613	Wednesday, February 17, 1993	1:30 p.m.
LR 21CA	Wednesday, February 17, 1993	1:30 p.m.
LB 399	Wednesday, February 17, 1993	1:30 p.m.
LB 136	Thursday, February 18, 1993	1:30 p.m.
LB 174	Thursday, February 18, 1993	1:30 p.m.
LB 266	Thursday, February 18, 1993	1:30 p.m.
LB 175	Thursday, February 18, 1993	1:30 p.m.
LB 222	Thursday, February 18, 1993	1:30 p.m.
LB 37	Thursday, February 18, 1993	1:30 p.m.

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Fisher asked unanimous consent to have his name added as cointroducer to LB 241. No objections. So ordered.

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 360. No objections. So ordered.

ADJOURNMENT

At 11:59 a.m., on a motion by Mrs. Rasmussen, the Legislature adjourned until 9:00 a.m., Wednesday, February 3, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

NINETEENTH DAY - FEBRUARY 3, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 3, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Chaplain Mark Awdykowz, Nebraska National Guard.

ROLL CALL

The roll was called and all members were present except Mrs. Robak who was excused; and Messrs. Abboud, Ashford, Avery, Bernard-Stevens, Elmer, Fisher, Lindsay, Lynch, Robinson, Wehrbein, Will, Mmes. Bohlke, McKenzie, Pirsch, and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighteenth day was approved.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 217. Placed on General File.

(Signed) David Landis, Chairperson

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 55	Wednesday, February 10, 1993	1:30 p.m.
LB 232	Wednesday, February 10, 1993	1:30 p.m.

LR 11CA	Wednesday, February 10, 1993	1:30 p.m.
LR 14CA	Wednesday, February 10, 1993	1:30 p.m.
LB 389	Thursday, February 11, 1993	1:30 p.m.
LB 407	Thursday, February 11, 1993	1:30 p.m.
LB 408	Thursday, February 11, 1993	1:30 p.m.
LB 472	Thursday, February 11, 1993	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

MESSAGES FROM THE GOVERNOR

January 28, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Arts Council, requiring legislative approval.

APPOINTEE: Michael Harsh, 5645 Emile, Omaha, NE 68106

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

January 28, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Arts Council, requiring legislative approval.

APPOINTEE: Marge Durham, 8401 W. Dodge, Omaha, NE 68114

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

January 28, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Arts Council, requiring legislative approval.

APPOINTEE: Janet Korell, P.O. Box 190, Hayes Center, NE 69032

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

January 28, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Arts Council, requiring legislative approval.

APPOINTEE: Richard Bailey, 900 NBC Center, Lincoln, NE 68508

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

January 28, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Rural Health Advisory Commission, requiring legislative approval.

APPOINTEE: Rebecca A. Petersen, 105 Western Street, Valentine, NE 69201

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

January 28, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Rural Health Advisory Commission, requiring legislative approval.

APPOINTEE: Dr. Michael Myers, 4601 F Street, Lincoln, NE 68510

This appointment is respectfully submitted for your consideration.

Sincerely,

(Signed) E. Benjamin Nelson
Governor

January 28, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Rural Health Advisory Commission, requiring legislative approval.

APPOINTEE: Faye Schellpeper, RR 2, Stanton, NE 68779

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

January 28, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Rural Health Advisory Commission, requiring legislative approval.

APPOINTEE: Michael J. Steckler, 1009 North K Street, Broken Bow, NE 68822

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

ATTORNEY GENERAL'S OPINION

Opinion No. 93004

DATE: February 2, 1993

SUBJECT: Constitutionality of Proposed Change to Nebraska Waste Reduction and Recycling Act

REQUESTED BY: Senator C. N. (Bud) Robinson, Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Steve Grasz, Deputy Attorney General

You have inquired whether a change in state statutes which would allow both public and private entities or organizations to receive grants under the Nebraska Waste Reduction and Recycling Act (the "Act"), Neb. Rev. Stat. §§ 81-15,159 to 81-15,165 (1992 Cum.Supp.), would be constitutional under Article XIII, § 3, of the Constitution of the State of Nebraska. Article XIII, § 3, states in relevant part, "{t}he credit of the state shall never be given or loaned in aid of any individual, association, or corporation, . . ."

The Waste Reduction and Recycling Act provides for the creation of a Waste Reduction and Recycling Incentive Fund (the "Fund") to be administered by the Department of Environmental Quality. The Fund consists of revenue from a fee imposed on each new tire sold in the state and on each tire of each new motor vehicle sold in the state and the annual waste reduction and recycling fee imposed on all businesses in the state with retail sales of tangible personal property. Currently, only political subdivisions are eligible for receipt of these funds. The proposed amendment to the Act, as set out in your letter, would open the field of potential applicants to "other entities or organizations, both public and private."

The Nebraska Supreme Court has held that to establish a bill as unconstitutional under Article XIII, § 3, three elements must be proved: (1) the credit of the state (2) was given or loaned (3) in aid of any individual, association, or corporation. **Haman v. Marsh,** 237 Neb. 699, 719, 467 N.W.2d 836 (1991).

The first determination to be made, then, is whether grants to private entities under the Act would involve the credit of the State. "There is a distinction between the loaning of state funds and the loaning of the state's credit. When a state loans funds it is in the position of creditor, whereas the state is in the position of debtor upon a loan of credit." **Haman v. Marsh,** 237 Neb. at 719-729 (emphasis added). In short, the "credit of the state" provision in article XIII, §3 was "designed to prohibit the state from acting as a surety or guarantor of the debt of another." Id. at 718; id. at 722.

In **Haman,** the Court found that under the legislation in question "the state would be forever liable for the losses of industrial company depositors. . . ." Id. at 720. "The stated purpose of the act is redemption of the guarantees of a private corporation to depositors by obligating present and future taxes from the state's general fund." Id. In contrast, the grants available pursuant to Neb. Rev. Stat. § 81-15,160(h) (Cum.Supp. 1992) are simply one-time expenditures of state funds. See Neb. Rev. Stat. § 81-15,161. The State is not in the position of a debtor nor in the position of a surety or guarantor of the debt of another. Consequently, the credit of the state is not being given or loaned under the Act.

The constitutional analysis does not end here, however. "Closely related to the prohibition against the giving or lending of the state's credit . . . is the principle of law that public funds cannot be expended for private purposes." **Haman v. Marsh,** 237 Neb. 699 at 721-22. This constitutional principal involves the expenditure of state funds in contrast to the extension of credit. Id. at 722.

It is a longstanding principle of constitutional law in Nebraska that public funds cannot be expended for private purposes. **Haman v. Marsh,** 237 Neb. 699, 722 (1991); **State ex rel. Douglas v. Nebraska Mortgage Finance Fund,** 204 Neb. 445 (1979); **State ex rel. Douglas v. Thone,** 204 Neb. 836 (1979); **State ex rel. Beck v. City of York,** 164 Neb. 223 (1957); **Oxnard Beet Sugar Co. v. State,** 73 Neb. 66 (1905). The Constitution of Nebraska contains no express provision against expending funds for essentially private purposes. This principal "is grounded on the 'fundamental concepts of our constitutional system.'" **Douglas v. Thone,** 204 Neb. at 842 (quoting **Beck v. City of York,** 164 Neb. 223). The Nebraska Supreme Court has said this principal "emanates" from Article XIII, §3. **Haman v. Marsh,** 237 Neb. at 722.

What constitutes a public purpose is primarily for the Legislature to determine.

> It is the province of the Legislature to determine matters of policy and appropriate the public funds. If there is reason for doubt or argument as to whether the purpose for which the appropriation is made is public or a private purpose, and reasonable men might differ in regard to it, it is essentially held that the matter is for the Legislature.

Haman, 237 Neb. at 721 (quoting **Thone,** 204 Neb. 843). There is no hard and fast rule for determining whether a proposed expenditure of public funds is for a public purpose. Each case must be decided according to the object sought to be accomplished and the degree and manner in which that object affects public welfare. Id.

In determining whether an expenditure serves a public purpose, "the test is in the end result, not in the means." **Douglas v. Mortgage Finance Fund,** 204 Neb. at 460. "A law may serve the public interest although it benefits certain individuals or classes more than others." Id.

Before a court will declare a statute invalid for lack of a public purpose, "the absence of public purpose must be so clear and plausible as to be immediately perceptible to the reasonable mind." **Douglas v. Thone,** 204 Neb. at 843 (quoting **Chase v. County of Douglas,** 195 Neb. 838 (1976)).

Since the determination of a public purpose is primarily for the Legislature, it is appropriate to look to the legislative findings or statement of purpose in analyzing a particular bill. The Act currently sets out those purposes for which the Fund may be used. The Legislature has expressly limited grants from the Fund to programs and projects which "appear{s} to benefit the general public." Neb. Rev. Stat. § 81-15,161(1). This provision alone, would not likely be dispositive of the issue. However, the Legislature may well conclude the proposed amendment to the Act serves a public purpose. In that event, it is our opinion the amendments to the Act would be found constitutional. Compare Op. Att'y Gen. No. 92061 (April 16, 1992).[1]

[1]Op. Att'y Gen. No. 92061 is hereby edited as follows: Page 7, Paragraph 3, Sentence 4 should read, "Although the state stands as a debtor through the extension of its credit . . . it does not do so with respect to private corporations. . . ."

Sincerely,
DON STENBERG
Attorney General
(Signed) Steve Grasz
Deputy Attorney General

28-01-14.93
cc: Patrick J. O'Donnell
Clerk of the Legislature

REPORTS

Received from the Department of Environmental Quality and the Department of Health, a Public Notice of Intent to Deny License for low-level radio-active waste disposal facility.

Received from the Department of Administrative Services the Comprehensive Annual Financial Report for the fiscal year 1992.

RESOLUTIONS

LEGISLATIVE RESOLUTION 38. Read. Considered.

LR 38 was adopted with 24 ayes, 0 nays, and 25 not voting.

LEGISLATIVE RESOLUTION 39. Read. Considered.

LR 39 was adopted with 27 ayes, 0 nays, and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 62. Advanced to E & R for engrossment.
LEGISLATIVE BILL 15. Advanced to E & R for engrossment.

LEGISLATIVE BILL 108. E & R amendment, AM5328, found in the Journal on page 394, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 45. Advanced to E & R for engrossment.
LEGISLATIVE BILL 47. Advanced to E & R for engrossment.
LEGISLATIVE BILL 118. Advanced to E & R for engrossment.
LEGISLATIVE BILL 14. Advanced to E & R for engrossment.

LEGISLATIVE BILL 87. E & R amendment, AM5329, found in the Journal on page 414, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 107. E & R amendment, AM5330, found in the Journal on page 414, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 81. E & R amendment, AM5334, found in the Journal on page 444, was adopted.

Messrs. Hall and Landis withdrew their pending amendment, AM0076, found in the Journal on page 392.

Mr. Landis offered the following amendment:
FA7

1. On page 4, line 4, and on page 18, line 20, after "An", insert "unattended".

2. On page 5, line 3, strike "establishing", show as stricken, and insert "acquiring".

3. On page 5, line 13, strike "(10) Establishing financial institutions shall mean", and show as stricken; strike all of the new matter in lines 15 through 17; in line 18, strike "(11) User financial institution shall mean any", and show as stricken, and strike all of the new matter in lines 21 through 23.

4. On page 21, lines 18 and 25, after "basis", insert "for use by customers of any financial institution which has a main chartered office

or approved branch office located in the state of Nebraska which becomes a user financial institution"

5. On page 22, line 20, after "any", strike "Nebraska", show as stricken, and after "institution", strike "becoming a", show as stricken, and insert "which as a main chartered office or approved branch office located in the state of Nebraska which becomes".

6. On page 23, line 21, after "basis", insert "for use by customers of any financial institution which has a main chartered office or approved branch office located in the state of Nebraska which becomes a user financial institution".

7. On page 28, after line 13, insert "Establishing financial institution shall mean any financial institution establishing an automatic teller machine which has a main chartered office of approved branch office located in the state of Nebraska"; after line 27, insert "User financial institution shall mean any financial institution which desires to avail itself of and provide its customers which automatic teller machine or point-of-sale terminal services"

The Landis amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 93. E & R amendment, AM5331, found in the Journal on page 445, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 177. E & R amendment, AM5332, found in the Journal on page 446, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 41. E & R amendment, AM5335, found in the Journal on page 446, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 66. Advanced to E & R for engrossment.

LEGISLATIVE BILL 116. E & R amendment, AM5333, found in the Journal on page 446, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 183. Advanced to E & R for engrossment.

LEGISLATIVE BILL 54. E & R amendment, AM5336, found in the Journal on page 446, was adopted.

Mr. Horgan withdrew his pending amendment, AM0121, found in the Journal on page 451.

Mr. Horgan offered the following amendment:
AM0166
(Amendments to Standing Committee amendments, AM0022)

1. On page 1, line 7, after the underscored period insert "When the only method of entry is by telephone, the cost to the entrant of the telephone call shall not exceed the cost of postage for a first-class letter for any reason, including (A) whether any communication occurred during the call which was not related to the gift enterprise or (B) the fact that the cost of the call to the operator was greater than the cost to the entrant allowed under this section.".

The Horgan amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Schellpeper offered the following amendment:
AM0165
(Amendments to Standing Committee amendments, AM0022)

1. On page 1, line 5, after "postage" insert "at a cost no greater than the cost of postage for a first-class letter weighing one ounce or less"; and in line 7 after "letter" insert "weighing one ounce or less".

The Schellpeper amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 35. Advanced to E & R for engrossment.
LEGISLATIVE BILL 67. Advanced to E & R for engrossment.

LEGISLATIVE BILL 100. E & R amendment, AM5338, found in the Journal on page 447, was adopted.

Mrs. Bohlke and Mr. Byars offered the following amendment:
AM0161

1. On page 2, line 14, after the period insert "The administration of any such school may allow any student attending the school to stop attending school prior to eighteen years of age if, after a meeting among the administration or its designee, the student, his or her parent

or legal guardian, and the student's counselor, the administration and the parents or legal guardian of the student deem it is in the best interests of the student. At such meeting the administration shall offer the student such options as alternative classes, alternative scheduling, technical preparatory education, work-study projects, or similar appropriate options.".

Mr. Withem offered the following amendment to the pending Bohlke-Byars amendment:
FA8
Amend the Bohlke Amendment, on line two after the word student insert "over the age of sixteen"

Mr. Withem withdrew his pending amendment.

Mrs. Bohlke and Mr. Byars withdrew their pending amendment.

Mr. Withem moved to indefinitely postpone LB 100.

Laid over.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 38 and LR 39.

SELECT FILE

LEGISLATIVE BILL 141. E & R amendment, AM5337, found in the Journal on page 460, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 157. E & R amendment, AM5339, found in the Journal on page 460, was adopted.

Mr. Beutler offered the following amendment:
FA9
1. On page 2, line 13, strike "which bond shall be approved by the city council", show as stricken, and insert "and such city shall not have on deposit in any bank giving a guaranty bond more than the amount insured by the Federal Deposit Insurance Corporation plus the maximum amount of the bond given by the bank or in any bank giving a personal bond more than the amount insured by the Federal Deposit Insurance Corporation plus one-half of the amount of the bond of the

bank. All bonds of such banks shall be deposited with and held by the city treasurer".

2. On page 3, line 1, after "The", insert "amount insured by the Federal Deposit Insurance Corporation plus the"; in line 3, after "than", insert "the amount insured by the Federal Deposit Insurance Corporation plus"; in line 5 after "exceed", insert "the amount insured by the Federal Deposit Insurance Corporation plus"; in line 7, strike "Ninety", show as stricken, and insert "The amount insured by the Federal Deposit Insurance Corporation plus ninety"; and in line 11, strike "One", show as stricken, and insert "The amount insured by the Federal Deposit Insurance Corporation plus one".

The Beutler amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 208. E & R amendment, AM5341, found in the Journal on page 461, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 209. E & R amendment, AM5346, found in the Journal on page 461, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 59. E & R amendment, AM5342, found in the Journal on page 461, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 207. E & R amendment, AM5345, found in the Journal on page 461, was adopted.

Mr. Hartnett offered the following amendment:
AM0164

1. In the Standing Committee amendments, AM0033, on page 1, line 10, strike "any county" and insert "the county within which such municipality is".

The Hartnett amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 39. E & R amendment, AM5343, found in the Journal on page 462, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 49. Advanced to E & R for engrossment.
LEGISLATIVE BILL 69. Advanced to E & R for engrossment.
LEGISLATIVE BILL 29. Advanced to E & R for engrossment.

LEGISLATIVE BILL 154. E & R amendment, AM5344, found in the Journal on page 462, was adopted.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 138A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 205. Title read. Considered.

Standing Committee amendment, AM0055, found in the Journal on page 419, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

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

Advanced to E & R for review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 277	Wednesday, February 10, 1993	1:30 p.m.
LB 352	Wednesday, February 10, 1993	1:30 p.m.
LB 455	Wednesday, February 10, 1993	1:30 p.m.
LB 461	Wednesday, February 10, 1993	1:30 p.m.
LB 677	Wednesday, February 10, 1993	1:30 p.m.
LB 693	Wednesday, February 10, 1993	1:30 p.m.
LB 783	Wednesday, February 10, 1993	1:30 p.m.

(Signed) John Lindsay, Chairperson

Revenue

LB 89	Wednesday, February 17, 1993	1:30 p.m.
LB 534	Friday, February 19, 1993	1:30 p.m.
LB 822	Friday, February 19, 1993	1:30 p.m.
LB 824	Friday, February 19, 1993	1:30 p.m.
LB 725	Friday, February 19, 1993	1:30 p.m.
LB 159	Wednesday, February 24, 1993	1:30 p.m.
LB 386	Wednesday, February 24, 1993	1:30 p.m.
LR 19CA	Wednesday, February 24, 1993	1:30 p.m.
LB 572	Wednesday, February 24, 1993	1:30 p.m.
LB 189	Thursday, February 25, 1993	1:30 p.m.
LB 243	Thursday, February 25, 1993	1:30 p.m.
LB 646	Thursday, February 25, 1993	1:30 p.m.
LB 763	Thursday, February 25, 1993	1:30 p.m.
LB 734	Thursday, February 25, 1993	1:30 p.m.
LB 555	Thursday, February 25, 1993	1:30 p.m.

(Signed) Jerome Warner, Chairperson

Education

LB 556	Tuesday, February 16, 1993	1:30 p.m.
LB 597	Tuesday, February 16, 1993	1:30 p.m.
LB 643	Tuesday, February 16, 1993	1:30 p.m.
LB 92	Tuesday, February 16, 1993	1:30 p.m.
LB 392	Tuesday, February 16, 1993	1:30 p.m.
LB 265	Monday, February 22, 1993	1:30 p.m.
LB 454	Monday, February 22, 1993	1:30 p.m.
LB 94	Monday, February 22, 1993	1:30 p.m.
LB 97	Monday, February 22, 1993	1:30 p.m.
LB 264	Tuesday, February 23, 1993	2:45 p.m.
LB 324	Tuesday, February 23, 1993	2:45 p.m.
LB 683	Tuesday, February 23, 1993	2:45 p.m.
LB 659	Tuesday, March 2, 1993	1:30 p.m.
LB 456	Tuesday, March 2, 1993	1:30 p.m.
LB 381	Tuesday, March 2, 1993	1:30 p.m.

LB 96	Tuesday, March 2, 1993	1:30 p.m.
LB 99	Tuesday, March 2, 1993	1:30 p.m.
LB 184	Monday, March 8, 1993	1:30 p.m.
LB 20	Monday, March 8, 1993	1:30 p.m.
LB 684	Monday, March 8, 1993	1:30 p.m.
LB 758	Monday, March 8, 1993	1:30 p.m.
LB 633	Monday, March 8, 1993	1:30 p.m.
LB 821	Monday, March 8, 1993	1:30 p.m.
LB 586	Tuesday, March 9, 1993	1:30 p.m.
LB 615	Tuesday, March 9, 1993	1:30 p.m.
LB 679	Tuesday, March 9, 1993	1:30 p.m.
LB 715	Tuesday, March 9, 1993	1:30 p.m.
LB 634	Tuesday, March 9, 1993	1:30 p.m.
LB 755	Tuesday, March 9, 1993	1:30 p.m.

(Signed) Ron Withem, Chairperson

Natural Resources

LB 553	Wednesday, February 10, 1993	1:30 p.m.
LB 622	Wednesday, February 10, 1993	1:30 p.m.
LB 623	Wednesday, February 10, 1993	1:30 p.m.

(Signed) Chris Beutler, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 131A. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 131, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 190A. Introduced by Baack, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 190, Ninety-third Legislature, First Session, 1993.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 311. Placed on General File as amended.

Standing Committee amendment to LB 311:
AM0117

1. On page 7, line 11, strike "chairperson" and insert "dean".

(Signed) DiAnna R. Schimek, Chairperson

Judiciary

LEGISLATIVE BILL 130. Placed on General File as amended.
Standing Committee amendment to LB 130:
AM0112

1. Strike the original sections and insert the following new sections:

"Section 1. That section 27-504, Revised Statutes Supplement, 1992, be amended to read as follows:

27-504. (1) As used in this rule:

(a) A patient is a person who consults or is examined or interviewed by a physician for purposes of diagnosis or treatment of his or her physical, mental, or emotional condition;

(b) A physician is (i) a person authorized to practice medicine in any state or nation or who is reasonably believed by the patient so to be or (ii) a person licensed or certified as a psychologist under the laws of any state or nation who devotes all or a part of his or her time to the practice of clinical psychology; ~~and~~

(c) A client is a person who consults or is interviewed by a professional counselor for professional counseling as defined in section 71-1,266;

(d) A professional counselor is a person certified as a professional counselor pursuant to sections 71-1,265 to 71-1,277; and

(e) A communication is confidential if not intended to be disclosed to third persons other than those present to further the interest of (i) the patient in the consultation, examination, or interview, persons reasonably necessary for the transmission of the communication, or persons who are participating in the diagnosis and treatment under the direction of the physician, including members of the patient's family, or (ii) the client participating in professional counseling by a professional counselor.

(2)(a) A patient has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purposes of diagnosis or treatment of his or her physical, mental, or emotional condition among himself or herself, his or her physician, or

persons who are participating in the diagnosis or treatment under the direction of the physician, including members of the patient's family.

(b) A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made during counseling between himself or herself, his or her professional counselor, or persons who are participating in the counseling under the direction of the professional counselor, including members of the client's family.

(3) The privilege may be claimed by the patient or client, by his or her guardian or conservator, or by the personal representative of a deceased patient or client. The person who was the physician or professional counselor may claim the privilege but only on behalf of the patient or client. His or her authority so to do is presumed in the absence of evidence to the contrary.

(4)(a) There is no privilege under this rule for communications relevant to an issue in proceedings to hospitalize the patient for physical, mental, or emotional illness if the physician, in the course of diagnosis or treatment, has determined that the patient is in need of hospitalization or if a professional counselor deems it necessary to refer a client to determine if there is need for hospitalization.

(b) If the judge orders an examination of the physical, mental, or emotional condition of the patient, communications made in the course thereof are not privileged under this rule with respect to the particular purpose for which the examination is ordered unless the judge orders otherwise.

(c) There is no privilege under this rule as to communications relevant to an issue of the physical, mental, or emotional condition of the patient in any proceeding in which he or she relies upon the condition as an element of his or her claim or defense or, after the patient's death, in any proceeding in which any party relies upon the condition as an element of his or her claim or defense.

(d) There is no privilege under this rule in any judicial proceedings under the Nebraska Juvenile Code regarding injuries to children, incompetents, or disabled persons or in any criminal prosecution involving injury to any such person or the willful failure to report any such injuries.

(e) There is no privilege under this rule in any judicial proceeding regarding unlawfully obtaining or attempting to obtain (i) a controlled substance, (ii) a

written or oral prescription for a controlled substance, or (iii) the administration of a controlled substance from a practitioner. For purposes of this subdivision, the definitions found in section 28-401 shall apply.

Sec. 2. That section 28-382, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-382. (1) No rule of evidence or other provision of law concerning confidential communications shall apply to prevent reports made pursuant to the Adult Protective Services Act unless otherwise specifically mentioned in the act.

(2) Evidence shall not be excluded from any judicial proceeding resulting from a report made pursuant to the Adult Protective Services Act on the ground that it is a confidential communication protected by the privilege granted to husband and wife, ~~or~~ patient and physician, or client and professional counselor.

Sec. 3. That section 28-707, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-707. (1) A person commits child abuse if he or she knowingly, intentionally, or negligently causes or permits a minor child to be:

(a) Placed in a situation that endangers his or her life or health; or

(b) Cruelly confined or cruelly punished; or

(c) Deprived of necessary food, clothing, shelter, or care.

(2) The statutory privilege between patient and physician, between client and professional counselor, and between husband and wife shall not be available for excluding or refusing testimony in any prosecution for a violation of this section.

(3) Child abuse is a Class I misdemeanor if the offense is committed negligently.

(4) Child abuse is a Class IV felony if the offense is committed knowingly and intentionally.

Sec. 4. That section 28-714, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-714. The privileged communication between patient and physician, between client and professional counselor, and between husband and wife, shall not be a ground for excluding evidence in any judicial proceeding resulting from a report pursuant to sections 28-710 to 28-717.

Sec. 5. That section 71-1,204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,204. Any insurer or employee of an insurer making a report as required by section 71-1,199 or 71-1,200 shall be immune from criminal penalty of any kind or from

civil liability or other penalty for slander, libel, defamation, breach of the ~~physician-patient~~ privilege between patient and physician or between client and professional counselor, or violation of the laws of the State of Nebraska relating to the business of insurance that may be incurred or imposed on account of or in connection with the making of such report, except that such immunity shall not apply to the making of malicious or knowingly false statements or to the initiating of a report with reckless disregard for the truth of such report.

Sec. 6. That original sections 28-382, 28-707, 28-714, and 71-1,204, Reissue Revised Statutes of Nebraska, 1943, and section 27-504, Revised Statutes Supplement, 1992, are repealed.".

(Signed) John Lindsay, Chairperson

Revenue

LEGISLATIVE BILL 320. Placed on General File as amended.
Standing Committee amendment to LB 320:
AM0143

1. On page 2, line 28, strike "forty-five-hundredths" and insert "fifty-hundredths".

2. On page 3, line 2, strike "twenty-five-hundredths" and insert "twenty-hundredths"; in line 11 strike "fifteen-hundredths" and insert "twenty-five-hundredths"; and in line 12 strike "eighty-five-hundredths" and insert "seventy-five-hundredths".

(Signed) Jerome Warner, Chairperson

Transportation

LEGISLATIVE BILL 105. Placed on General File.
LEGISLATIVE BILL 198. Placed on General File.
LEGISLATIVE BILL 413. Placed on General File.

LEGISLATIVE BILL 158. Placed on General File as amended.
Standing Committee amendment to LB 158:
AM0021

1. On page 3, strike beginning with "to" in line 22 through "population" in line 23 and insert "two or more communities or areas"; and in line 23 after "proximity" insert "which support public transportation service. At least one terminus of the intercity bus system shall be in an area that makes meaningful connections with intercity service to more

distant points".

LEGISLATIVE BILL 176. Placed on General File as amended.
Standing Committee amendment to LB 176:
AM0025

1. On page 6, line 7, after "days" insert "per year".

LEGISLATIVE BILL 412. Placed on General File as amended.
Standing Committee amendment to LB 412:
AM0094

1. On page 11, line 26, strike "It", show as stricken, and insert "Except for operations pursuant to a contract authorized by sections 4 and 5 of this act, it".

2. On page 13, after line 23, insert the following new subsection:

"(5) This section shall not apply to operations pursuant to a contract authorized by sections 4 and 5 of this act.".

LEGISLATIVE BILL 341. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 417. Title read. Considered.

Standing Committee amendment, AM0086, found in the Journal on page 419, was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 63. Title read. Considered.

Mr. Elmer offered the following amendment:
AM0176

1. Insert the following new section:

"Sec. 6. Administrative costs incurred in implementing the Plastic Container Coding Act shall not exceed five thousand dollars and shall be paid solely from the Integrated Solid Waste Management Cash Fund.".

2. Renumber the remaining sections accordingly.

The Elmer amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 131. Title read. Considered.

SPEAKER BAACK PRESIDING

PRESIDENT MOUL PRESIDING

Advanced to E & R for review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Messrs. Lynch and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 182. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 247. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 316. Title read. Considered.

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

Mr. Wesely offered the following amendment:
FA10
Add the following new section:
Since an emergency exists, this act shall be in full force and take effect from and after its passage and approval, according to law.

The Wesely amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 226. Title read. Considered.

Standing Committee amendment, AM0073, printed separately from the Journal and referred to on page 431, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Kristensen and Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 57. Title read. Considered.

Mr. Moore asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

LB 496	Wednesday, February 10, 1993	1:30 p.m.
LB 375	Wednesday, February 10, 1993	1:30 p.m.
LB 522	Wednesday, February 10, 1993	1:30 p.m.
LB 818	Wednesday, February 10, 1993	1:30 p.m.
LB 528	Wednesday, February 10, 1993	1:30 p.m.
LB 826	Thursday, February 11, 1993	1:30 p.m.
LB 520	Thursday, February 11, 1993	1:30 p.m.
LB 469	Thursday, February 11, 1993	1:30 p.m.
LB 431	Thursday, February 11, 1993	1:30 p.m.
LB 531	Thursday, February 11, 1993	1:30 p.m.
LB 827	Wednesday, February 17, 1993	1:30 p.m.
LB 517	Wednesday, February 17, 1993	1:30 p.m.
LB 387	Wednesday, February 17, 1993	1:30 p.m.
LB 429	Wednesday, February 17, 1993	1:30 p.m.
LB 168	Thursday, February 18, 1993	1:30 p.m.
LB 740	Thursday, February 18, 1993	1:30 p.m.
LB 376	Thursday, February 18, 1993	1:30 p.m.
LB 817	Thursday, February 18, 1993	1:30 p.m.
LB 686	Thursday, February 18, 1993	1:30 p.m.

LB 510	Friday, February 19, 1993	1:30 p.m.
LB 784	Friday, February 19, 1993	1:30 p.m.
LB 152	Friday, February 19, 1993	1:30 p.m.
LB 505	Friday, February 19, 1993	1:30 p.m.
LB 782	Friday, February 19, 1993	1:30 p.m.
LB 761	Friday, February 19, 1993	1:30 p.m.
LB 438	Wednesday, February 24, 1993	1:30 p.m.
LB 787	Wednesday, February 24, 1993	1:30 p.m.
LB 470	Wednesday, February 24, 1993	1:30 p.m.
LB 344	Wednesday, February 24, 1993	1:30 p.m.
LB 167	Thursday, February 25, 1993	1:30 p.m.
LB 648	Thursday, February 25, 1993	1:30 p.m.
LB 656	Thursday, February 25, 1993	1:30 p.m.
LB 792	Wednesday, March 3, 1993	1:30 p.m.
LB 793	Wednesday, March 3, 1993	1:30 p.m.
LB 794	Wednesday, March 3, 1993	1:30 p.m.
LB 796	Wednesday, March 3, 1993	1:30 p.m.
LB 804	Wednesday, March 3, 1993	1:30 p.m.
LB 808	Wednesday, March 3, 1993	1:30 p.m.
LB 816	Thursday, March 4, 1993	1:30 p.m.
LB 797	Thursday, March 4, 1993	1:30 p.m.
LB 798	Thursday, March 4, 1993	1:30 p.m.
LB 799	Thursday, March 4, 1993	1:30 p.m.
LB 800	Thursday, March 4, 1993	1:30 p.m.
LB 801	Thursday, March 4, 1993	1:30 p.m.
LB 805	Friday, March 5, 1993	1:30 p.m.
LB 104	Friday, March 5, 1993	1:30 p.m.
LB 802	Friday, March 5, 1993	1:30 p.m.
LB 803	Friday, March 5, 1993	1:30 p.m.
LB 809	Friday, March 5, 1993	1:30 p.m.
LB 260	Friday, March 5, 1993	1:30 p.m.
LB 795	Friday, March 5, 1993	1:30 p.m.
LB 819	Wednesday, March 10, 1993	1:30 p.m.
LB 18	Wednesday, March 10, 1993	1:30 p.m.
LB 521	Wednesday, March 10, 1993	1:30 p.m.
LB 764	Wednesday, March 10, 1993	1:30 p.m.
LB 373	Thursday, March 11, 1993	1:30 p.m.
LB 636	Thursday, March 11, 1993	1:30 p.m.
LB 506	Thursday, March 11, 1993	1:30 p.m.

LB 669	Thursday, March 11, 1993	1:30 p.m.
LB 828	Thursday, March 11, 1993	1:30 p.m.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 559 in the Journal. No objections. So ordered.

AM0159

1. Strike the original sections and insert the following new sections:

"Section 1. Sales and use taxes shall not be imposed on the gross receipts from annualized dues, membership fees, or other such costs paid to join or belong to an organization which is exempt from the federal taxation of its income pursuant to section 501(c)(3) of the Internal Revenue Code of 1986, as amended, even though membership in the organization also confers the right to gain access to a particular place. This section shall not exempt the taxation of such gross receipts if such dues, fees, or costs confer an annual or seasonal pass or ticket to attend specific entertainment events conducted by the organization.

Sec. 2. That section 77-2701, Revised Statutes Supplement, 1992, as amended by section 22, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, be amended to read as follows:

77-2701. Sections 77-2701 to 77-27,135, ~~and~~ sections 24, 25, and 34 of this act, and section 1 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967.

Sec. 3. That section 77-2702.03, Revised Statutes Supplement, 1992, as amended by section 23, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, be amended to read as follows:

77-2702.03. For purposes of sections 77-2702.03 to 77-2713, ~~and~~ sections 24 and 25 of this act, and section 1 of this act, unless the context otherwise requires, the definitions found in sections 77-2702.04 to 77-2702.23 shall be used.

Sec. 4. This act shall become operative on October 1, 1993.

Sec. 5. That original sections 77-2701 and 77-2702.03, Revised Statutes Supplement, 1992, as amended by sections 22 and 23, respectively, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, are

repealed.".

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 112. Placed on General File as amended.
Standing Committee amendment to LB 112:
AM0173
1. On page 2, strike beginning with the comma in line 1 through the comma in line 2.

LEGISLATIVE BILL 370. Placed on General File.

(Signed) Doug Kristensen, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Hall asked unanimous consent to have his name added as cointroducer to LB 241 and LB 365. No objections. So ordered.

Mr. Bromm asked unanimous consent to have his name added as cointroducer to LB 241. No objections. So ordered.

Mr. Fisher asked unanimous consent to have his name added as cointroducer to LB 354. No objections. So ordered.

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 241 and LB 367. No objections. So ordered.

VISITORS

Visitors to the Chamber were James Bamford from Kearney; and Lloyd Guy, Holly Huddleston, Marta Ferguson, Ben Drickey, and Gordon Tonthat from Creighton University.

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Thursday, February 4, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTIETH DAY - FEBRUARY 4, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 4, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Lauren Ekdahl, Trinity Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Beutler, Chambers, Dierks, Hall, Horgan, Landis, Wesely, and Mrs. Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the nineteenth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 138. Placed on Select File as amended.
E & R amendment to LB 138:
AM5349

1. In the Schellpeper amendment, AM0082, renumber sections 76 and 77 as sections 81 and 82, respectively.

2. In the Standing Committee amendment, FA4:

a. Renumber sections 1 to 5 as sections 29 to 33, respectively;

b. On page 1, lines 7 and 18, strike "director" and insert "Director of the Division on Compulsive Gambling"; and in lines 8 and 16 strike "division" and insert "Division on

Compulsive Gambling";

c. On page 4, lines 20 and 26, strike "3" and insert "31"; and in line 22 strike the comma;

d. On page 5, line 20, strike "commission" and insert "Nebraska Advisory Commission on Compulsive Gambling";

e. On page 6, line 12, strike "1 to 6" and insert "29 to 33"; and in line 24 strike "1 to 5" and insert "29 to 33"; and

f. On page 7, line 7, strike the comma; and in line 23 strike "71" and insert "70".

3. On page 1, line 9, before "and" insert "81-15,171, 81-15,175,".

4. On page 2, line 1, after the semicolon insert "to create a division and a commission; to create and rename funds; to change penalty provisions;"; and in line 3 strike the first "the" and insert "provisions relating to".

5. On page 34, line 4; and page 48, line 7, strike the comma and show as stricken.

LEGISLATIVE BILL 26. Placed on Select File.

LEGISLATIVE BILL 163. Placed on Select File as amended.
E & R amendment to LB 163:
AM5347

1. On page 1, line 7, after "trophies" insert "and other explosive materials".

2. On page 2, line 25, strike "Materials" and insert "Material" and strike "section".

3. On page 6, line 20, strike "such" and reinstate the stricken matter.

4. On page 8, line 25, strike the first comma, show as stricken, and insert "and".

5. On page 10, lines 9 and 12, before "sportsperson" insert "a".

LEGISLATIVE BILL 113. Placed on Select File.
LEGISLATIVE BILL 178. Placed on Select File.

(Signed) Kurt A. Hohenstein, Chairperson

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 102. Placed on General File.
LEGISLATIVE BILL 192. Placed on General File.
LEGISLATIVE BILL 215. Placed on General File.

(Signed) Stan Schellpeper, Chairperson

NOTICE OF COMMITTEE HEARING
Natural Resources

LB 751	Thursday, February 11, 1993	1:30 p.m.
LB 789	Thursday, February 11, 1993	1:30 p.m.
LB 830	Thursday, February 11, 1993	1:30 p.m.

(Signed) Chris Beutler, Chairperson

MESSAGES FROM THE GOVERNOR

February 2, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

APPOINTEE: Lora J. Villarreal, 7302 Pacific Street, Omaha, NE 68114-5400

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

February 2, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

APPOINTEE: Allan J. Eurek, 3531 Merritt Drive, Lincoln, NE 68506

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

UNANIMOUS CONSENT - Print in Journal

Mrs. Witek asked unanimous consent to print the following amendment to LB 210 in the Journal. No objections. So ordered.

AM0183

1. On page 2, line 1, before "Any" insert "(1)"; in line 2 after "the" insert "metropolitan, primary,"; after "first" insert a comma, and after the last comma insert "subject to the requirements in subsection (2) of this section,"; and after line 7 insert the following new subsection:

"(2) Prior to taking the formal vote to petition the city or village for annexation, the board of trustees of the district shall schedule a meeting to discuss the filing of the petition with the residents and property owners of the district. At least thirty days prior to the date of such meeting, the board of trustees shall send notice of the meeting by first-class mail, postage prepaid, to each property owner and residence in the district. Such notice shall set out the date, time, and place of the meeting and shall indicate that the purpose of the meeting is to discuss the filing of a petition for annexation by a city or village and that those attending the meeting will be offered the opportunity to express their opinions. The board of trustees shall take no formal action on the petition for annexation until such meeting has taken place, and no petition shall be valid if such meeting has not occurred.".

UNANIMOUS CONSENT - Member Excused

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 3.

A BILL FOR AN ACT relating to the Department of Environmental Quality; to amend sections 2-1504.02, 2-15,100, 2-3241, 2-4215, 2-4604, 46-2,109, 46-656, 46-663, 46-665, 46-673.03, 46-674.02,

46-674.03, 46-674.04, 46-674.05, 46-674.11, 46-674.13, 46-674.15, 46-674.16, 46-1102, 46-1107, 46-1108, 46-1109, 46-1217, 46-1227, 60-2201, 60-2205, 66-1105, 66-1504, 69-2011, 77-27,150, 77-27,151, 77-27,152, 77-27,154, 81-1533, 81-1537, 81-1538, 81-1540, 81-1561, 81-1584, 81-1586, 81-1587, 81-15,118, 81-15,125, 81-15,126, 81-15,127, 81-15,129, and 88-550, Reissue Revised Statutes of Nebraska, 1943, and sections 46-657, 46-658, 46-673.05, 46-674.06, 46-674.07, 46-674.10, 46-674.12, 46-674.14, 46-674.18, 49-506, 66-1518, 66-1522, 66-1529.02, 81-1504.01, 81-1505.01, 81-15,120, 81-15,123, 81-15,124, 81-15,124.01, 81-15,124.02, 81-15,149, 81-15,151, 81-15,153, 81-15,161, 81-15,166, and 81-2602, Revised Statutes Supplement, 1992; to substitute a phrase related to the renaming of the Department of Environmental Control, the Director of Environmental Control, and the Environmental Control Council; to harmonize provisions; to repeal obsolete provisions relating to duties of the department that were to be completed by December 31, 1987, January 1, 1988, and October 30, 1988; and to repeal the original sections, and also sections 46-1301, 46-1302, 46-1303, 81-15,144, 81-15,145, and 81-15,146, Reissue Revised Statutes of Nebraska, 1943, and section 81-15,180, Revised Statutes Supplement, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud	Crosby	Hohenstein	Pedersen	Vrtiska
Ashford	Cudaback	Hudkins	Pirsch	Warner
Avery	Day	Janssen	Preister	Wehrbein
Baack	Elmer	Jones	Rasmussen	Wesely
Bernard-Stevens	Fisher	Kristensen	Robinson	Wickersham
	Haberman	Lindsay	Schellpeper	Will
Beutler	Hall	Lynch	Schimek	Witek
Byars	Hartnett	Moore	Schmitt	Withem
Coordsen	Hillman			

Voting in the negative, 0.

Present and not voting, 3:

Bohlke	Bromm	McKenzie

Excused and not voting, 5:

Chambers	Dierks	Horgan	Landis	Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Messrs. Withem and Fisher asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 1.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3311 and 54-1382, Reissue Revised Statutes of Nebraska, 1943; to eliminate conflicting language relating to the rules and regulations to be used by the Soybean Development, Utilization, and Marketing Board; to eliminate obsolete language relating to the Nebraska Bovine Brucellosis Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud	Coordsen	Hillman	Moore	Schmitt
Ashford	Crosby	Hohenstein	Pedersen	Vrtiska
Avery	Cudaback	Hudkins	Pirsch	Warner
Baack	Day	Janssen	Preister	Wehrbein
Bernard-Stevens	Elmer	Jones	Rasmussen	Wesely
	Haberman	Kristensen	Robinson	Wickersham
Beutler	Hall	Lindsay	Schellpeper	Will
Byars	Hartnett	Lynch	Schimek	Witek

Voting in the negative, 0.

Present and not voting, 3:

Bohlke	Bromm	McKenzie

Excused and not voting, 7:

Chambers	Fisher	Landis	Robak	Withem
Dierks	Horgan			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 4.

A BILL FOR AN ACT relating to property taxation; to amend section 77-1736.08, Revised Statutes Supplement, 1992; to eliminate a reference to a repealed section; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud	Coordsen	Hillman	Moore	Schmitt
Ashford	Crosby	Hohenstein	Pedersen	Vrtiska
Avery	Cudaback	Hudkins	Pirsch	Warner
Baack	Day	Janssen	Preister	Wehrbein
Bernard-Stevens	Elmer	Jones	Rasmussen	Wesely
Beutler	Haberman	Kristensen	Robinson	Wickersham
Byars	Hall	Lindsay	Schellpeper	Will
	Hartnett	Lynch	Schimek	Witek

Voting in the negative, 0.

Present and not voting, 3:

Bohlke	Bromm	McKenzie

Excused and not voting, 7:

Chambers	Fisher	Landis	Robak	Withem
Dierks	Horgan			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 5.

A BILL FOR AN ACT relating to income taxation; to amend sections 19-4617, 77-2715.07, and 81-1632, Reissue Revised Statutes of Nebraska, 1943, and sections 57-705 and 77-2734.03, Revised Statutes Supplement, 1992; to eliminate renewable energy source tax credits which terminated on December 31, 1989; to eliminate funding provisions; to harmonize provisions; and to repeal the original sections, and also sections 66-1029 to 66-1055, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud	Baack	Beutler	Coordsen	Day
Ashford	Bernard-Stevens	Bromm	Crosby	Elmer
Avery		Byars	Cudaback	Haberman

Hall	Jones	Pedersen	Schimek	Wesely
Hartnett	Kristensen	Pirsch	Schmitt	Wickersham
Hillman	Lindsay	Rasmussen	Vrtiska	Will
Hohenstein	Lynch	Robinson	Warner	Witek
Janssen	Moore	Schellpeper	Wehrbein	

Voting in the negative, 1:

Preister

Present and not voting, 3:

Bohlke	Hudkins	McKenzie

Excused and not voting, 7:

Chambers	Fisher	Landis	Robak	Withem
Dierks	Horgan			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 6.

A BILL FOR AN ACT relating to public power and irrigation districts; to amend section 70-624.02, Reissue Revised Statutes of Nebraska, 1943; to restore certain provisions amended by Laws 1990, LB 730, section 2; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud	Coordsen	Hillman	Lynch	Schmitt
Ashford	Crosby	Hohenstein	Moore	Vrtiska
Avery	Cudaback	Horgan	Pedersen	Warner
Baack	Day	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Elmer	Janssen	Preister	Wesely
	Haberman	Jones	Rasmussen	Wickersham
Beutler	Hall	Kristensen	Schellpeper	Will
Bromm	Hartnett	Lindsay	Schimek	Witek
Byars				

Voting in the negative, 0.

Present and not voting, 3:

Bohlke	McKenzie	Robinson

Excused and not voting, 6:

Chambers	Fisher	Landis	Robak	Withem
Dierks				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 7.

A BILL FOR AN ACT relating to commercial drivers' licenses; to amend sections 60-490, 60-4,132, 60-4,137, and 60-4,141, Revised Statutes Supplement, 1992; to eliminate provisions which terminated on March 31, 1992; to harmonize provisions; and to repeal the original sections, and also sections 60-4,133 to 60-4,135, Revised Statutes Supplement, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud	Coordsen	Hillman	Lynch	Schmitt
Ashford	Crosby	Hohenstein	Moore	Vrtiska
Avery	Cudaback	Horgan	Pedersen	Warner
Baack	Day	Hudkins	Pirsch	Wehrbein
Bernard-	Elmer	Janssen	Preister	Wesely
Stevens	Haberman	Jones	Rasmussen	Wickersham
Beutler	Hall	Kristensen	Schellpeper	Will
Bromm	Hartnett	Lindsay	Schimek	Witek
Byars				

Voting in the negative, 0.

Present and not voting, 3:

Bohlke	McKenzie	Robinson

Excused and not voting, 6:

Chambers	Fisher	Landis	Robak	Withem
Dierks				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702.10 and 77-2702.15, Revised Statutes Supplement, 1992; to redefine terms; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Coordsen	Hohenstein	Moore	Schmitt
Ashford	Crosby	Horgan	Pedersen	Vrtiska
Avery	Cudaback	Hudkins	Pirsch	Warner
Baack	Day	Janssen	Preister	Wehrbein
Bernard-Stevens	Elmer	Jones	Rasmussen	Wesely
	Haberman	Kristensen	Robinson	Wickersham
Beutler	Hall	Lindsay	Schellpeper	Will
Bromm	Hartnett	Lynch	Schimek	Witek
Byars	Hillman			

Voting in the negative, 0.

Present and not voting, 2:

Bohlke McKenzie

Excused and not voting, 6:

Chambers	Fisher	Landis	Robak	Withem
Dierks				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 9.

A BILL FOR AN ACT relating to the Nebraska Health Care Certificate of Need Act; to amend section 71-5849, Reissue Revised Statutes of Nebraska, 1943, and section 71-5801, Revised Statutes Supplement, 1992; to eliminate a reference to a statute repealed in 1980; to eliminate a provision relating to applications received prior to September 1, 1979; to harmonize provisions; and to repeal the original sections, and also section 71-5872, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Coordsen	Hohenstein	Moore	Schmitt
Ashford	Crosby	Horgan	Pedersen	Vrtiska
Avery	Cudaback	Hudkins	Pirsch	Warner
Baack	Day	Janssen	Preister	Wehrbein
Bernard-Stevens	Elmer	Jones	Rasmussen	Wesely
Beutler	Haberman	Kristensen	Robinson	Wickersham
Bromm	Hall	Lindsay	Schellpeper	Will
Byars	Hartnett	Lynch	Schimek	Witek
	Hillman	McKenzie		

Voting in the negative, 0.

Present and not voting, 1:

Bohlke

Excused and not voting, 6:

Chambers	Fisher	Landis	Robak	Withem
Dierks				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 10.

A BILL FOR AN ACT relating to the Comprehensive Health Insurance Pool Act; to amend section 44-4233, Revised Statutes Supplement, 1992; to harmonize provisions enacted by the Ninety-second Legislature; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Beutler	Day	Hohenstein	Lindsay
Ashford	Bromm	Elmer	Horgan	Lynch
Avery	Byars	Haberman	Hudkins	McKenzie
Baack	Coordsen	Hall	Janssen	Pedersen
Bernard-Stevens	Crosby	Hartnett	Jones	Pirsch
	Cudaback	Hillman	Kristensen	Preister

Rasmussen	Schimek	Warner	Wesely	Will
Robinson	Schmitt	Wehrbein	Wickersham	Witek
Schellpeper	Vrtiska			

Voting in the negative, 0.

Present and not voting, 2:

Bohlke Moore

Excused and not voting, 6:

Chambers	Fisher	Landis	Robak	Withem
Dierks				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 2. With Emergency.

A BILL FOR AN ACT relating to veterans; to amend section 80-401.01, Revised Statutes Supplement, 1992; to redefine a term; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud	Coordsen	Hohenstein	Moore	Schmitt
Ashford	Crosby	Horgan	Pedersen	Vrtiska
Avery	Cudaback	Hudkins	Pirsch	Warner
Baack	Day	Janssen	Preister	Wehrbein
Bernard-Stevens	Elmer	Jones	Rasmussen	Wesely
	Haberman	Kristensen	Robinson	Wickersham
Beutler	Hall	Lindsay	Schellpeper	Will
Bromm	Hartnett	Lynch	Schimek	Witek
Byars	Hillman	McKenzie		

Voting in the negative, 0.

Present and not voting, 1:

Bohlke

Excused and not voting, 6:

Chambers	Dierks	Fisher	Landis	Robak

Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 131A. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 122. Placed on General File.
LEGISLATIVE BILL 288. Placed on General File.
LEGISLATIVE BILL 356. Placed on General File.
LEGISLATIVE BILL 423. Placed on General File.

LEGISLATIVE BILL 91. Placed on General File as amended.
Standing Committee amendment to LB 91:
AM0138

1. On page 3, strike beginning with the second comma in line 11 through line 20 and insert ":

(3) The compensation received by a bank or trust company or affiliate of the bank or trust company for providing investment advisor, custodian, transfer agent, registrar, sponsor, distributor, manager, or other such services to the investment company or investment trust may be in addition to the compensation to which the bank or trust company or affiliate of the bank or trust company is otherwise entitled to receive from the trust if the basis on which the compensation from the investment company or investment trust is calculated is expressed by a percentage of the asset value, a percentage of the income earned, or the actual amount charged and is (a) consented to by all persons entitled to receive statements of account activity and (b) disclosed initially by prospectus and at least annually thereafter to such persons by account, statement, or any other written means.".

LEGISLATIVE BILL 111. Placed on General File as amended.
Standing Committee amendment to LB 111:
AM0133

1. On page 7, strike beginning with "on" in line 18 through "Nebraska" in line 19 and insert "and remitted to the State Treasurer. Costs shall be credited to the Securities

Act Cash Fund and fines shall be credited to the permanent school fund".

LEGISLATIVE BILL 216. Placed on General File as amended.
Standing Committee amendment to LB 216:
AM0134

1. On page 24, line 24, after "director" insert an underscored comma, strike "on behalf of the State of Nebraska,", and show as stricken; in line 25 strike "state treasury and", show as stricken, and insert "State Treasurer. Costs shall be"; and in line 26 after "Fund" insert "and fines shall be credited to the permanent school fund".

LEGISLATIVE BILL 218. Placed on General File as amended.
Standing Committee amendment to LB 218:
AM0135

1. On page 13, line 6, strike "for credit" and insert ". Costs shall be credited" and after "Fund" insert "and fines shall be credited to the permanent school fund".

LEGISLATIVE BILL 230. Placed on General File as amended.
Standing Committee amendment to LB 230:
AM0167

1. On page 3, line 5, reinstate the stricken matter beginning with "(5)" in line 5 through "cut" in line 10; in line 8 after the reinstated semicolon insert "or"; and in line 10 after the reinstated "cut" insert an underscored period.

LEGISLATIVE BILL 270. Placed on General File as amended.
Standing Committee amendment to LB 270:
AM0136

1. On page 10, line 27, strike "for credit" and insert ". Costs shall be credited" and after "Fund" insert "and fines shall be credited to the permanent school fund".

LEGISLATIVE BILL 283. Placed on General File as amended.
Standing Committee amendment to LB 283:
AM0137

1. On page 8, line 10, after "Treasurer" insert ". Costs shall be credited", strike "for credit", and after "Fund" insert "and fines shall be credited to the permanent school fund".

(Signed) David Landis, Chairperson

Transportation

LEGISLATIVE BILL 410. Placed on General File as amended.
Standing Committee amendment to LB 410:

AM0175

1. On page 4, line 22, strike "and" and show as stricken; and in line 23 before the period insert "; and (f) Part 180 -- Continuing Qualification and Maintenance of Packaging".

(Signed) Doug Kristensen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 140. Mr. Wickersham withdrew his pending motion, found in the Journal on page 448, to indefinitely postpone.

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

Mr. Ashford offered the following amendment:
FA11
Strike committee amendment and amendments thereto:
original section by adding sunset on July 1, 1996.

Mr. Ashford withdrew his pending amendment.

Mr. Elmer offered the following amendment:
FA12
Amend AM0036 as follows:
On line 8 and line 11 after the word "Railroad" add the following language "maintenance-of-way and train operating"
Add new Sec. 2:
"Sec. 2. Sunset section 74-915 July 1, 1996 - "
Renumber remaining sections

Mr. Elmer moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Elmer requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Abboud	Bohlke	Hillman	Preister	Wesely
Ashford	Chambers	Lindsay	Rasmussen	Wickersham
Avery	Day	Lynch	Robak	Will
Bernard-Stevens	Elmer	McKenzie	Schellpeper	Witek
Beutler	Hall	Moore	Schimek	Withem

Voting in the negative, 19:

Baack	Bromm	Byars	Coordsen	Crosby

Cudaback	Hohenstein	Jones	Robinson	Warner
Dierks	Hudkins	Kristensen	Schmitt	Wehrbein
Haberman	Janssen	Pedersen	Vrtiska	

Present and not voting, 3:

Hartnett	Horgan	Pirsch

Excused and not voting, 2:

Fisher	Landis

The Elmer amendment was adopted with 25 ayes, 19 nays, 3 present and not voting, and 2 excused and not voting.

Pending.

The Chair declared the call raised.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10.

GENERAL FILE

LEGISLATIVE BILL 140. Considered.

MR. HALL PRESIDING

PRESIDENT MOUL PRESIDING

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Bernard-Stevens requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Abboud	Beutler	Day	Lindsay	Preister
Ashford	Bohlke	Elmer	Lynch	Rasmussen
Bernard-Stevens	Byars	Hall	McKenzie	Robak
	Chambers	Hillman	Moore	Schellpeper

Schimek	Wesely	Will	Witek	Withem
Schmitt	Wickersham			

Voting in the negative, 20:

Avery	Crosby	Hohenstein	Jones	Robinson
Baack	Cudaback	Horgan	Kristensen	Vrtiska
Bromm	Dierks	Hudkins	Pedersen	Warner
Coordsen	Haberman	Janssen	Pirsch	Wehrbein

Present and not voting, 2:

Fisher Hartnett

Excused and not voting, 1:

Landis

Advanced to E & R for review with 26 ayes, 20 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Member Excused

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 140A. Title read. Considered.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 6 ayes, 0 nays, and 43 not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 109. Title read. Considered.

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

Ms. Schimek moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 190. Title read. Considered.

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 190A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

MOTION - Withdraw LB 484

Mr. Hartnett moved to withdraw LB 484.

Laid over.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 12	Thursday, February 11, 1993	1:30 p.m.
LB 262	Thursday, February 11, 1993	1:30 p.m.
LB 495	Thursday, February 11, 1993	1:30 p.m.
LB 535	Thursday, February 11, 1993	1:30 p.m.
LB 678	Thursday, February 11, 1993	1:30 p.m.
LB 691	Thursday, February 11, 1993	1:30 p.m.

(Signed) John Lindsay, Chairperson

Agriculture

LB 548	Tuesday, February 16, 1993	1:30 p.m.
LB 268	Tuesday, February 16, 1993	1:30 p.m.
LB 267	Tuesday, February 16, 1993	1:30 p.m.
LB 406	Tuesday, February 16, 1993	1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Hall and Baack asked unanimous consent to print the following amendment to LB 667 in the Journal. No objections. So ordered.

AM0091

1. Strike original section 1 and insert the following new sections:

"Section 1. That section 20-144, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

20-144. The Legislature finds:

(1) That the policy of the State of Nebraska is to insure the free flow of news and other information to and from the public; and that those who gather, write, or edit information for the public, who ~~or~~ disseminate information to the public, or who disseminate or receive legislative information on public policy issues may perform these vital functions only in a free and unfettered atmosphere;

(2) That ~~such persons~~ members of the news media and members of the Legislature shall not be inhibited, directly or indirectly, by governmental restraint or sanction imposed by governmental process, but rather that they shall be encouraged to gather, write, edit, or disseminate news or other information vigorously so that the public may be fully served and informed;

(3) That compelling such persons to disclose a source of information or disclose unpublished or confidential information is contrary to the public interest and inhibits the free flow of information to the public and to and from the policymaking branch of government;

(4) That there is an urgent need to provide effective measures to halt and prevent this inhibition;

(5) That the obstruction of the free flow of information through any medium of communication to and from the public affects interstate commerce; and

(6) That ~~sections 20-144 to 20-147 are~~ the Free Flow of Information Act is necessary to insure the free flow of information and to implement the first and fourteenth amendments ~~and Article I, section 5,~~ of the United States Constitution, and Article I, section 5, Article II, section 1, and Article III, section 11, of the ~~Nebraska~~ Constitution of Nebraska.

Sec. 2. That section 20-145, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

20-145. ~~As used in sections 20-144 to 20-147~~ For purposes of the Free Flow of Information Act, unless the context otherwise requires:

(1) Federal or state proceeding shall include any proceeding, examination, or investigation before or by any federal or state judicial, legislative, executive, or administrative body;

(2) Medium of communication shall include, but ~~is~~ not be limited to, any newspaper, magazine, other periodical, book, pamphlet, news service, wire service, news or feature syndicate, broadcast station or network, or cable television system;

(3) Information shall include any written, audio, oral, or pictorial news or other material;

(4) Published or broadcast information shall mean any information disseminated to the public by the person from whom disclosure is sought;

(5) Unpublished or nonbroadcast information shall include information not disseminated to the public by the person from whom disclosure is sought, whether or not related information has been disseminated and shall include, but not be limited to, all notes, outtakes, photographs, film, tapes, or other data of whatever sort not itself disseminated to the public through a medium of communication, whether or not published or broadcast information based upon or related to such material has been disseminated;

(6) Processing shall include compiling, storing, transferring, handling, and editing of information; ~~and~~

(7) Person shall mean any individual~~,~~ and any partnership, corporation, association, or other legal entity existing under or authorized by the law of the United States, any state or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any foreign country; and

(8) Legislative information shall include any memorandum, correspondence, telephone communication, or record of communication which was prepared for, prepared by, or owned by a member of the Legislature.

Sec. 3. That section 20-146, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

20-146. No person engaged in procuring, gathering, writing, editing, or disseminating news or other information to the public and no member of the Legislature who receives or transmits legislative information on public policy issues shall be required to disclose in any federal or state proceeding:

(1) The source of any published or unpublished, broadcast or nonbroadcast information obtained in the gathering, receiving, or processing of information for any medium of communication to the public; ~~or~~

(2) Any unpublished or nonbroadcast information obtained or prepared in gathering, receiving, or processing of information for any medium of communication to the public; or

(3) The source or content of any legislative information.

Sec. 4. That original sections 20-144, 20-145, and

17 20-146, Reissue Revised Statutes of Nebraska, 1943, are
18 repealed.".

Mr. Warner asked unanimous consent to print the following amendment to LB 440 in the Journal. No objections. So ordered.

AM0194
(Amendments to Standing Committee amendments, AM0131)
1 1. Strike amendment 2 and insert the following new
2 amendment:
3 "2. Strike original section 16 and insert the
4 following new sections:
5 'Sec. 17. Sections 15, 17, 18, and 20 of this act
6 shall become operative on July 1, 1993. The other sections of
7 this act shall become operative on January 1, 1994.
8 Sec. 18. That original section 66-740, Revised
9 Statutes Supplement, 1992, is repealed.
10 Sec. 20. Since an emergency exists, this act shall
11 be in full force and take effect, from and after its passage
12 and approval, according to law.'.".

Mr. Wesely asked unanimous consent to print the following amendment to LB 271 in the Journal. No objections. So ordered.

AM0070
1 1. On page 6, line 21, strike "State Building
2 Advisory Commission" and insert "Department of Administrative
3 Services".

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 4, 1993, at 11:20 a.m., were the following bills: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 251. Placed on Select File as amended.
E & R amendment to LB 251:
AM5350
1 1. In the Lindsay amendment, AM0119, on page 1,
2 line 18, strike "deposited in the state treasury and
3 credited", show as stricken, and insert "remitted to the State
4 Treasurer for credit".
5 2. On page 1, line 3, after the last comma insert
6 "81-505.01,"; in line 7 strike "of the State Fire Marshal" and

insert "; to change fees"; and in line 8 strike "a penalty" and insert "and classify penalties".

3. On page 3, line 22, strike the comma.

4. On page 5, line 3, after "enforce" insert an underscored comma; and in line 4 after "orders" insert an underscored comma.

5. On page 8, line 3, strike "their", show as stricken, and insert "his or her".

6. On page 9, line 1, strike "fire marshal", show as stricken, and insert "State Fire Marshal".

LEGISLATIVE BILL 16. Placed on Select File as amended.
E & R amendment to LB 16:
AM5348

1. In the Standing Committee amendments, AM0066, on page 1, lines 11 and 22, after "history" insert "record".

2. On page 1, strike beginning with "a" in line 3 through "check" in line 5 and insert "adoptive home studies and other investigations as prescribed".

LEGISLATIVE BILL 103. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 15, 45, 62, and 108.

(Signed) Kurt A. Hohenstein, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 190A. No objections. So ordered.

Mr. Baack asked unanimous consent to have his name added as cointroducer to LB 237. No objections. So ordered.

VISITORS

Visitors to the Chamber were Jim Riesinger from Oregon; 15 eighth grade students and sponsor from Helen Hyatt School, Lincoln; Marge, Eric, Mike, and Colby Nelson from Axtell; 65 fourth grade students and sponsors from Belmont Elementary, Lincoln; Tom Berve from Papillion; Jo Vanschuyver, Carol Keller, Kieth Ellis, Janet Steele, Joyce Sprecher, Deb Cottier, and Ken Anderson from Scottsbluff, Alliance, North Platte, and Ogallala, Ron Pie, and Peggy Briggs; Perry and Dolores Jorgensen from Minden; and ten seventh, eighth, and ninth grade students and sponsor from Pound Junior High, Lincoln.

ADJOURNMENT

At 12:03 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Friday, February 5, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-FIRST DAY - FEBRUARY 5, 1993

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 5, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Rowoldt Walter, Lutheran Church Retired.

ROLL CALL

The roll was called and all members were present except Mr. Vrtiska who was excused; and Messrs. Abboud, Ashford, Avery, Bernard-Stevens, Dierks, Hall, Landis, Lindsay, Lynch, Moore, Robinson, Schellpeper, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 14, 47, 87, 107, and 118.

Enrollment and Review Change to LB 14

The following changes, required to be reported for publication in the Journal, have been made:
ER7196
1. On page 2, lines 23 and 25, "by" has been inserted after "covered".

Enrollment and Review Change to LB 47

The following changes, required to be reported for publication in the Journal, have been made:
ER7195

1. On page 2, line 24, "1954" has been struck, shown as stricken, and "1986" inserted.

(Signed) Kurt Hohenstein, Chairperson

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 363. Placed on General File as amended.
Standing Committee amendment to LB 363:
AM0152

1. Insert the following new section:
"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Tom Horgan, Chairperson

General Affairs

LEGISLATIVE BILL 471. Placed on General File as amended.
Standing Committee amendment to LB 471:
AM0168

1. Strike the original sections and insert the following new sections:
"Section 1. That section 2-1228, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
2-1228. Any racetrack issued a license under sections 2-1201 to 2-1223 (1) conducting primarily quarterhorse races in the year immediately preceding the year for which application is made, regardless of the total number of days of live racing conducted in such year, or (2) conducting primarily thoroughbred horseraces in the year immediately preceding the year for which application is made which conducted live racing on at least ~~ninety~~ seventy percent of the days for which it was authorized to conduct live racing in 1988 unless the commission determines that such racetrack was unable to conduct live racing on the required number of days due to factors beyond its control, including, but not limited to, fire, earthquake, tornado, or other natural disaster, may apply to the commission for an interstate simulcast facility license. An application for such license shall be in a form prescribed by the commission and shall contain such information, material, or evidence as the

commission may require. Any racetrack issued an interstate simulcast facility license may conduct the interstate simulcast of any horserace permitted under its license, and parimutuel wagering shall be allowed on such horserace.

Sec. 2. That original section 2-1228, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

(Signed) Stan Schellpeper, Chairperson

MESSAGES FROM THE GOVERNOR

January 28, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Rural Health Advisory Commission, requiring legislative approval.

APPOINTEE: Dr. Margaret Cavanaugh Boyer, Box 4, Mullen, NE 69152

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

February 3, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

APPOINTEE: Bob Mundy, Regency Professional Plaza, 260 Regency Parkway, Omaha, NE 68114

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

February 3, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Motor Vehicle Industry Licensing Board, requiring legislative approval.

APPOINTEE: Kathleen D. Miller, 8402 Maple Street, Omaha, NE 68134

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

February 3, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

APPOINTEE: Richard L. Powell, 820 Manchester Circle, Lincoln, NE 68528

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bills 480 and 754 and the referral of Governor appointments.

LB	Committee
480	Natural Resources
754	Business and Labor

Bailey, Richard - Nebraska Arts Council -- General Affairs

Conway, Gerald A. - Board of Trustees of Nebraska State Colleges -- Education

Eurek, Allan J. - Nebraska State Personnel Board -- Government, Military and Veterans Affairs

Durham, Marge - Nebraska Arts Council -- General Affairs

Harsh, Michael - Nebraska Arts Council -- General Affairs

Hawes, Sheila - Nebraska Arts Council -- General Affairs

Kolkman, Rick -- Board of Trustees of Nebraska State Colleges -- Education

Korell, Janet - Nebraska Arts Council -- General Affairs

Myers, Michael, Dr. - Nebraska Rural Health Advisory Commission -- Health and Human Services

Petersen, Rebecca A. - Nebraska Rural Health Advisory Commission -- Health and Human Services

Schellpeper, Faye - Nebraska Rural Health Advisory Commission -- Health and Human Services

Steckler, Michael J. - Nebraska Rural Health Advisory Commission -- Health and Human Services

Villarreal, Lora J. - Nebraska State Personnel Board -- Government, Military and Veterans Affairs

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

NATURAL RESOURCES DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1992 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lewis & Clark Natural Resources District	
James P. Sheldon	5,000.04
John Thomas	175.80

RESOLUTION

LEGISLATIVE RESOLUTION 40. Read. Considered.

LR 40 was adopted with 33 ayes, 0 nays, and 16 not voting.

MOTION - Withdraw LB 484

Mr. Hartnett renewed his pending motion, found in the Journal on page 508, to withdraw LB 484.

The Hartnett motion to withdraw prevailed with 26 ayes, 1 nay, 12 present and not voting, and 10 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 261. Title read. Considered.

Mr. Haberman moved to indefinitely postpone LB 261.

Mr. Haberman withdrew his motion to indefinitely postpone.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 439. Title read. Considered.

Standing Committee amendment, AM0080, found in the Journal on page 440, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 48. Title read. Considered.

Standing Committee amendment, AM0106, found in the Journal on page 440, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

NOTICE OF COMMITTEE HEARING
Appropriations

Friday, February 19, 1993 1:30 p.m.
Agency 84 - Dept. of Environmental Quality

(Signed) Scott Moore, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 4, 1993. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Cavanaugh, James P. - Omaha	National Confectioners Association/ Chocolate Manufacturers Association
Chizek, Jerry - Omaha	James E. Pappas
Cline, Williams, Wright, Johnson & Oldfather	
Campbell, Mary M. - Lincoln	Nebraska Cable Communications Association
Cooksley, Mary Bell - Berwyn	American Association of Retired Persons
Crosby, Guenzel, Davis, Kessner & Kuester	
Wade, Rick G. - Lincoln	Nebraska Cooperative Council
Cutshall, Bruce A. - Lincoln	Community Lottery System, Inc.
Davis, Jan - LaVista	Ralston Chamber of Commerce
Dutra, John P. - Overland Park, KS	DowElanco
Elrod, Don - Omaha	American Association of Retired Persons
Harding, Mary A. - Firth	American Corn Growers Association
	Nebraska Farmers Union
	Nebraska Occupational Therapists Association
	Nebraska State Grange
	Nebraska Wheat Growers Association
Heaton, Keith D. - Kearney	American Association of Retired Persons
McNeil, Timothy F. - Omaha	Leslie Associates, Inc.
Miller, George P. - Lincoln	Nebraska Press Association
Moody, Randall - Lincoln	Planned Parenthood of Lincoln
Mueller, William J./Knudsen, Berkheimer, et al.	
Mueller, William J. - Lincoln	Platte County Agricultural Society
Olson, Jr., William E. - Lincoln	T. O. Haas Tire Co., Inc.

Orton, Lee - Lincoln	Nebraska Well Drillers Association
Peters, William E. - Lincoln	Golden Rule Insurance Company
Pistillo, Donald J. - Omaha	International Gamco, Inc.
Radcliffe & Associates	
Radcliffe, Walter H. - Lincoln	Nebraska Automatic Merchandising Council
Rasher, Erma "Jene" - Grand Island	American Association of Retired Persons
Rasmussen, Dennis - Lincoln	Nebraska Auctioneers Association
Rolfe, Robert W. - Champion	American Association of Retired Persons
Ruth, Larry L./Knudsen, Berkheimer, et al.	
Ruth, Larry L. - Lincoln	Platte County Agricultural Society
Teachman, John - Omaha	MCI Telecommunications Corporation

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 106. Placed on General File.

LEGISLATIVE BILL 200. Placed on General File as amended.
Standing Committee amendment to LB 200:
AM0174

1. On page 2, line 23, after "vehicles" insert an underscored period; in line 24 strike "for purpose of profit." and show the old matter as stricken; and in line 28 strike "for purpose of profit".

(Signed) Doug Kristensen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 31. Title read. Considered.

Standing Committee amendment, AM0079, printed separately from the Journal and referred to on page 440, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 25. Title read. Considered.

Mr. Chambers offered the following amendment:
FA13
P. 2, lines 6, 7, 11, 14, 17, 21, 24, 26 and P. 3 lines 3, 9
After "microwave", strike:
"or other" and insert ", mechanical or"

The Chambers amendment was adopted with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

Mr. Haberman offered the following amendment:
FA14
Pg 3, line 6 and 7, strike the new language

SPEAKER BAACK PRESIDING

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

The Haberman amendment lost with 1 aye, 20 nays, 18 present and not voting, and 10 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mrs. Bohlke, Messrs. Byars, and Beutler asked unanimous consent to print the following amendment to LB 100 in the Journal. No objections. So ordered.

AM0225

1. On page 2, line 14, after the period insert "The superintendent or his or her designee, with the agreement of a student's parent or legal guardian, may allow any student who is at least sixteen years of age to stop attending school prior to eighteen years of age if the superintendent or his or her designee determines it is in the best interests of the student after a meeting among the superintendent or his or her designee, the student, the student's parent or legal guardian, and the student's school guidance counselor if any. At such meeting, if the superintendent or his or her designee determines that it is not in the best interests of the student to remain in his or her current academic program, the superintendent or his or her designee shall explain all possible options which may be available to the student such as alternative classes, alternative scheduling, technical preparatory education, work-study projects, or similar appropriate options. The superintendent or his or her designee with the agreement of the parent or legal guardian may allow the student to stop attending school only after the appropriate alternatives have been explained.".

NOTICE OF COMMITTEE HEARING
Urban Affairs

LB 388	Tuesday, February 16, 1993	1:30 p.m.
LB 485	Tuesday, February 16, 1993	1:30 p.m.
LB 486	Tuesday, February 16, 1993	1:30 p.m.
LB 487	Tuesday, February 16, 1993	1:30 p.m.
LB 581	Tuesday, February 16, 1993	1:30 p.m.
LB 680	Tuesday, February 16, 1993	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 367. Placed on General File.
LEGISLATIVE BILL 384. Placed on General File.

LEGISLATIVE BILL 119. Placed on General File as amended.
Standing Committee amendment to LB 119:
AM0178

1. Insert the following new section:

"Sec. 2. That section 17-121, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-121. A ~~second-class~~ city of the second class shall have power to make regulations to prevent the introduction and spread of contagious, infectious, or malignant diseases into the city, to make quarantine laws for that purpose, and to enforce the same. In cities with a city manager plan of government as provided in Chapter 19, article 6, a board of health shall be created consisting of five members: The mayor, who shall be chairperson, a physician, who shall be medical adviser, the chief of police, who shall be secretary and quarantine officer, and two other members. In all other cities, ~~There shall be created~~ a board of health shall be created consisting ~~to consist~~ of four members: The mayor, who shall be ~~chairman~~ chairperson, a physician, who shall be medical advisor, the president of the city council, and the marshal of such city, who shall be secretary and quarantine officer. A majority of such board shall constitute a quorum and shall enact rules and regulations, which shall have the force and effect of law, to safeguard the health of the people of such city, may enforce them, and provide fines and punishments for the violation thereof. The board of health shall have power to and shall make all needful rules and regulations relating to matters of sanitation of such city, including the removal of dead animals, the sanitary condition of the streets ~~and~~ alleys, ~~and~~ vacant grounds, ~~and~~ ~~of~~ stockyards, cattle and hog pens, wells, cisterns, privies, waterclosets, cesspools, stables, and all buildings and places not specified where filth, nuisances, or offensive matter is kept or is liable to or does accumulate. It may regulate,

suppress, and prevent the occurrence of nuisances and enforce all laws of the state and ordinances of the city relating to the same or to matters of sanitation of such city. The board shall also have control of hospitals, dispensaries, ~~and~~ places for treatment of sick, and of matters relating to the same under such restrictions and provisions as may be provided by ordinance of such city.".

2. On page 2, line 20, strike "section 16-238" and insert "sections 16-238 and 17-121"; and in line 21 strike "is" and insert "are".

3. Renumber remaining section accordingly.

LEGISLATIVE BILL 390. Placed on General File as amended.
Standing Committee amendment to LB 390:
AM0179

1. On page 2, line 12, after "her" insert "police" and after "process" insert an underscored comma; and in line 13 after the first "cases" insert an underscored comma and after "and" insert "in".

LEGISLATIVE BILL 508. Placed on General File as amended.
Standing Committee amendment to LB 508:
AM0180

1. Insert the following new section:

"Sec. 12. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 4, line 14; and page 12, line 19, strike "1994" and insert "1993".

(Signed) D. Paul Hartnett, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Coordsen asked unanimous consent to print the following amendments to LB 286 in the Journal. No objections. So ordered.

(1)

FA16

Amendment to Committee Amendment AM0132

Strike AM0132 and in the green copy of LB 286, on page 4, lines 21-22, strike new material. Insert "On and after January 1, 1994,". On page 7, line 16, insert the following:

"3,750.01 through 3,800.00 ..... 154.00
3,800.01 and over 156.00

Strike new material in lines 17-27.

Insert "On and after January 1, 1995, an individual's weekly benefit amount shall be in the amount appearing in Column B in the table in this subsection on the line on which, in Column A of such table, there

appears the amount of the total wages paid to such individual for insured work, in that quarter of his or her base period in which such total wages were highest.

Column A Wages Paid in Highest Quarter Of Base Period	Column B Weekly Benefit Amount
$400.01 through $450.00	$20.00
. . .	
3,800.01 through 3,850.00	156.00
3,850.01 and over	158.00

(2)

FA17

Amendment to Committee Amendment AM0132

Strike AM0132 and in the green copy of LB 286, on page 4, lines 21-22, strike new material. Insert "On and after January 1, 1994,". On page 7, line 16, insert the following:

"3,750.01 through 3,800.00	154.00
3,800.01 through 3,850.00	156.00
3,850.01 and over	158.00

Strike new material in lines 17-27.

Insert "On and after January 1, 1995, an individual's weekly benefit amount shall be in the amount appearing in Column B in the table in this subsection on the line on which, in Column A of such table, there appears the amount of the total wages paid to such individual for insured work, in that quarter of his or her base period in which such total wages were highest.

Column A Wages Paid in Highest Quarter Of Base Period	Column B Weekly Benefit Amount
$400.01 through $450.00	$20.00
. . .	
3,850.01 through 3,900.00	158.00
3,900.01 through 3,950.00	160.00
3,950.01 and over	162.00

(3)

FA18

Amendment to Committee Amendment AM0132

Strike AM0132 and in the green copy of LB 286, on page 4, lines 21-22, strike new material. Insert "On and after January 1, 1994,". On page 7, line 16, insert the following:

"3,750.01 through 3,800.00	154.00
3,800.01 through 3,850.00	156.00
3,850.01 through 3,900.00	158.00
3,900.01 and over	160.00"

Strike new material in lines 17-27.

Insert "On and after January 1, 1995, an individual's weekly benefit amount shall be in the amount appearing in Column B in the table in this subsection on the line on which, in Column A of such table, there appears the amount of the total wages paid to such individual for insured work, in that quarter of his or her base period in which such total wages were highest.

Column A Wages Paid in Highest Quarter Of Base Period	Column B Weekly Benefit Amount
$400.01 through $450.00	$20.00
. . .	
3,900.01 through 3,950.00	160.00
3,950.01 through 4,000.00	162.00
4,000.01 through 4,050.00	164.00
4,050.01 through 4,100.00	166.00

(4)
(Amendment on file in the Clerk's Office - Room 2018 - AM0201.)

(5)
(Amendment on file in the Clerk's Office - Room 2018 - AM0239.)

(6)
(Amendment on file in the Clerk's Office - Room 2018 - AM0241.)

(7)
(Amendment on file in the Clerk's Office - Room 2018 - AM0203.)

(8)
(Amendment on file in the Clerk's Office - Room 2018 - AM0202.)

GENERAL FILE

LEGISLATIVE BILL 25. Mr. Haberman offered the following amendment:
FA15
Reinstate the stricken language found on Page 3, lines 16 and 17.

Mr. Haberman withdrew his pending amendment.

Mr. Haberman offered the following amendment:
FA19
Strike lines 6 and 7, Page 3
Reinsert the stricken language on Page 3, lines 16 and 17.

Mr. Haberman moved for a call of the house. The motion lost with 10 ayes, 13 nays, and 26 not voting.

The Haberman amendment lost with 5 ayes, 17 nays, 18 present and not voting, and 9 excused and not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 24:

Abboud	Beutler	Day	McKenzie	Wehrbein
Ashford	Bohlke	Hartnett	Preister	Wesely
Baack	Byars	Hillman	Rasmussen	Wickersham
Bernard-Stevens	Chambers	Horgan	Robak	Will
	Crosby	Kristensen	Schimek	Withem

Voting in the negative, 16:

Bromm	Hohenstein	Jones	Pirsch	Schmitt
Cudaback	Hudkins	Moore	Robinson	Warner
Fisher	Janssen	Pedersen	Schellpeper	Witek
Haberman				

Present and not voting, 3:

Avery	Coordsen	Elmer

Excused and not voting, 6:

Dierks	Landis	Lindsay	Lynch	Vrtiska
Hall				

Failed to advance to E & R for review with 24 ayes, 16 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mmes. Rasmussen and Robak asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 278. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 36. Title read. Considered.

Standing Committee amendment, AM0110, found in the Journal on page 452, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 43. Placed on General File.

LEGISLATIVE BILL 578. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

Health and Human Services

LEGISLATIVE BILL 369. Placed on General File.

LEGISLATIVE BILL 187. Placed on General File as amended.
Standing Committee amendment to LB 187:
AM0236

1. On page 19, line 10, strike "has completed" and insert "is completing"; in line 24 strike the comma; and strike lines 25 and 26 and insert "and shall not include vaults, lawn crypts, mausoleums or other outside receptacles for caskets;".

2. On page 21, strike beginning with the first comma in line 1 through line 2 and insert "for dead human bodies;".

3. On page 34, after line 8, insert the following new subsection:

"(3) Nothing in this section shall be construed to prohibit a licensed funeral director and embalmer from engaging in sales of funeral goods or services under the Burial Pre-Need Sale Act.".

LEGISLATIVE BILL 319. Placed on General File as amended.
Standing Committee amendment to LB 319:
AM0245

1. Strike original section 1 and insert the following new section:

"Section 1. That section 71-6403, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-6403. (1) There is hereby created the state building code. The Legislature hereby adopts by reference:

(a) The Uniform Building Code, ~~1985~~ 1991 edition, Chapters 1, 4 through ~~54~~ 30, 32 through 56, and 60, and the

Uniform Building Code Standards, ~~1985~~ 1991 edition, published by the International Conference of Building Officials; and

(b) The CABO One and Two Family Dwelling Code, ~~1986~~ 1992 edition. ~~, Parts I through V and VIII, published jointly by the International Conference of Building Officials, the Building Officials and Code Administrators International, Inc., and the Southern Building Code Congress International, Inc.~~

(2) The codes adopted by reference in subsection (1) of this section shall constitute the state building code, except as amended pursuant to the Building Construction Act.

(3) Whenever ~~Any state agency or political subdivision may request the Legislature to amend subsection (1) of this section whenever~~ a new edition of either of the codes ~~enumerated in~~ adopted in subsection (1) of this section is published, such new edition shall be considered the state building code.

(4) A political subdivision may continue to administer, enforce, and update the code endorsed by the Building Officials and Code Administrator International, Inc., if such code was adopted by the political subdivision prior to the effective date of this act.".

LEGISLATIVE BILL 443. Placed on General File as amended.
Standing Committee amendment to LB 443:
AM0154

1. Insert the following new section:

"Sec. 5. That section 71-5515, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5515. (1) The certificate of an emergency medical technician-D shall be reissued every two years to those certificate holders completing ongoing educational programs approved or developed by the board with the approval of the department by rule and regulation. Approved ongoing educational programs shall provide an opportunity to remain competent to practice the skills of an emergency medical technician-D. A certificate holder who requests renewal of certification shall hold a current certificate of competency to act as a certified ambulance attendant issued pursuant to section 71-5109 and have satisfactorily completed approved educational programs every two years that shall include a minimum of thirty hours, including six ~~as defined by the following: (a) Six~~ hours of classroom instruction, ; and:

(a) Completed twenty-four ~~(b) Twenty-four~~ hours of clinical experience providing advanced emergency medical care in the field or in a hospital; or

(b) Passed the twenty-four monthly recertification examinations which immediately precede the expiration date of his or her emergency medical technician-D certificate.

(2) The certificate of an emergency medical technician-intermediate or emergency medical technician-paramedic shall be reissued every two years to those certificate holders completing ongoing educational programs approved or developed by the board with the approval of the department by rule or regulation or submitting proof of current national registry certification. Approved ongoing educational programs shall provide an opportunity to remain competent to practice the skills of an emergency medical technician-intermediate or emergency medical technician-paramedic. A certificate holder who requests renewal of certification shall have:

(a) Satisfactorily ~~satisfactorily~~ completed approved educational programs every two years that shall include a minimum of ninety-six hours, including sixteen ~~as defined by the following: (a) Sixteen~~ hours of classroom instruction; and ~~(b) Eighty~~ eighty hours of clinical experience providing advanced emergency medical care in the field or in a hospital; or

(b) Hold a current emergency medical technician-intermediate registration or emergency medical technician-paramedic registration issued by the National Registry of Emergency Medical Technicians, the requirements for which have been reviewed by the board not less than every two years and found to be consistent with the requirements of the Emergency Medical Technician-Paramedic Act.

(3) In instances of extreme hardship or for other valid reasons, as determined by the board, the board may grant extensions of time for the fulfillment of the requirements of subsection (1) or (2) of this section, except that in no instance shall an individual be granted extensions totaling more than one hundred twenty days for any biennium.

(4) The certificate of any emergency medical technician-D, emergency medical technician-intermediate, emergency medical technician-paramedic, or field supervisor shall expire and be subject to renewal on September 1 of each odd-numbered year.

(5) A certificate that is not renewed shall lose its validity. The holder of a certificate as an emergency medical technician-D, emergency medical technician-intermediate, emergency medical technician-paramedic, or field supervisor whose certificate has lapsed, as a result of failure to renew the same, for a period of more than two years may obtain reinstatement of the certificate only upon passage of a practical examination administered by the board or its duly appointed representative. The procedures for renewal and reinstatement of all certificates shall in all other respects be as identified in section 71-110, except that no fees shall be charged.

(6) Any certificate to operate an approved training program and any certificate to operate an approved service program shall expire and be subject to renewal on May 1 of each even-numbered year. In order to obtain renewal of the certificate, the certificate holder shall comply with the ~~Emergency Medical Technician-Paramedic Act~~ act and the rules and regulations adopted and promulgated thereunder. The department or its authorized representatives may at any time inspect the premises, equipment, facilities, or records of~~, or any of the same~~ or used by~~;~~ any approved training program, approved service program, or applicant for certification as an approved training program or approved service program. Information obtained during such an inspection may be utilized by the board and the department to make determinations regarding the certification, renewal, denial, or revocation of any certificate holder or applicant under the ~~Emergency Medical Technician-Paramedic Act~~ act. Inspection may be made a condition of renewal for certification to operate an approved training program or certification to operate an approved service program.".

2. On page 14, line 4, after the first comma insert "71-5515,".

3. Renumber the remaining sections accordingly.

(Signed) Don Wesely, Chairperson

Judiciary

LEGISLATIVE BILL 306. Placed on General File as amended.
Standing Committee amendment to LB 306:
AM0198

1. Strike the original sections and insert the following new sections:

"Section 1. That section 24-503, Revised Statutes Supplement, 1992, be amended to read as follows:

24-503. For the purpose of serving the county courts in each county, ~~the following twenty-one~~ twelve county judge districts are hereby created:

District No. 1 shall contain the counties of Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, and Richardson;

District No. 2 shall contain the counties of Sarpy, Cass, and Otoe;

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

District No. 5 shall contain the counties of Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall contain the counties of Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

District No. 7 shall contain the counties of Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

District No. 8 shall contain the counties of Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard;

District No. 9 shall contain the counties of Buffalo and Hall;

District No. 10 shall contain the counties of Fillmore, Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls;

District No. 11 shall contain the counties of Grant, Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

District No. 12 shall contain the counties of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, and Deuel.

~~(1) District 1 shall contain the counties of Johnson, Pawnee, Nemaha, and Richardson;~~

~~(2) District 2 shall contain the counties of Sarpy, Cass, and Otoe;~~

~~(3) District 3 shall contain the county of Lancaster;~~

~~(4) District 4 shall contain the county of Douglas;~~

~~(5) District 5 shall contain the counties of Hamilton, Polk, York, Butler, Seward, and Saunders;~~

~~(6) District 6 shall contain the counties of Burt, Dodge, and Washington;~~

~~(7) District 7 shall contain the counties of Fillmore, Saline, Thayer, and Nuckolls;~~

~~(8) District 8 shall contain the counties of Dakota, Dixon, Cedar, and Thurston;~~

~~(9) District 9 shall contain the counties of Knox, Antelope, Cuming, Pierce, Madison, Stanton, and Wayne;~~

~~(10) District 10 shall contain the counties of Adams, Clay, Phelps, Kearney, Harlan, Franklin, and Webster;~~

~~(11) District 11 shall contain the counties of Hall and Howard;~~

~~(12) District 12 shall contain the counties of Sherman and Buffalo;~~

~~(13) District 13 shall contain the counties of McPherson, Logan, Lincoln, Dawson, Keith, Arthur, Hooker, and Thomas;~~

~~(14) District 14 shall contain the counties of Chase, Hayes, Frontier, Furnas, Red Willow, Hitchcock, Perkins, Gosper, and Dundy;~~

~~(15) District 15 shall contain the counties of~~

~~Brown, Keya Paha, Boyd, Rock, Holt, and Cherry;~~

~~(16) District 16 shall contain the counties of Sheridan, Grant, Dawes, Box Butte, and Sioux;~~

~~(17) District 17 shall contain the counties of Scotts Bluff, Morrill, and Garden;~~

~~(18) District 18 shall contain the counties of Jefferson and Gage;~~

~~(19) District 19 shall contain the counties of Banner, Kimball, Cheyenne, and Deuel;~~

~~(20) District 20 shall contain the counties of Blaine, Loup, Garfield, Greeley, Wheeler, Valley, and Custer; and~~

~~(21) District 21 shall contain the counties of Boone, Platte, Colfax, Nance, and Merrick.~~

District 4 shall have eleven county judges. ~~District~~ Districts 3, 5, and 12 shall have six county judges. District 11 shall have five county judges. Districts 6 and 9 shall have four county judges. Districts 1, 2, ~~5, 9, 13, and 21~~ 7, 8, and 10 shall have three county judges. ~~Districts 6, 7, 8, 10, 11, 12, 14, 15, 16, 17, and 19 shall have two county judges. Districts 1, 18, and 20 shall have one county judge.~~

Judge of the county court shall include any person appointed to the office of county judge or municipal judge prior to July 1, 1985, pursuant to Article V, section 21, of the Constitution of Nebraska.

Any person serving as a municipal judge in district 3 or 4 immediately prior to July 1, 1985, shall be a judge of the county court and shall be empowered to hear only those cases as provided in section 24-517 which the presiding judge of the county court for such district, with the concurrence of the Supreme Court, shall direct.

For districts 5 and 12, in the event of the death, retirement, resignation, or removal of a judge of the county court or the failure of a judge of the county court to be retained in office, such judgeship shall not be filled and such districts shall have five judges of the county court. This change in judgeships for districts 5 and 12 shall not be subject to a determination by the judicial resources commission pursuant to section 24-810.

Sec. 2. That section 24-810, Revised Statutes Supplement, 1992, be amended to read as follows:

24-810. (1) Prior to the time for the first meeting of the judicial nominating commission prescribed in subsection (5) of this section, the Supreme Court shall, after consultations with attorneys of the district as it deems appropriate, determine and announce to the judicial nominating commission the county where the primary office for the appointed judge shall be located. In designating a primary office, the Supreme Court shall locate judges so as to provide

maximum service to all areas of the judicial district. If more than one county is acceptable as a primary office, the Supreme Court may so state and may leave the final choice of the location of the primary office to the appointed judge. The State Court Administrator, with advice from the district and county judges associations, shall develop a uniform and accurate system of measuring judicial workloads which shall be the principal criterion used by the Supreme Court when designating a primary office.

(2) Except as provided in section 24-503, in ~~In~~ the event of the death, retirement, resignation, or removal of any district or county judge, the failure of a district or county judge to be retained in office, or a need for a change in boundaries or the number of district or county court judicial districts or in the number of district or county judgeships authorized by law, the Judicial Resources Commission, after holding a public hearing in the affected district or districts, shall determine:

(a) Whether a judicial vacancy exists and the location of that vacancy;

(b) Whether the judicial district boundaries or the number of districts should be changed for county or district courts;

(c) Whether the number of district or county judges should be increased, decreased, or remain the same; or

(d) Any combination of subdivisions (a), (b), and (c) of this subsection.

The commission's determination shall be based upon the analysis of caseloads weighted by category, adequate access to the courts by litigants, population, other judicial duties, travel time, and other factors determined by the commission to be necessary to assure efficiency and service. After making a determination, the commission shall make a recommendation to the Legislature. If no changes in existing law are recommended by the commission, no legislative action shall be necessary to fill any vacancy resulting from the death, retirement, resignation, or removal of a judge.

(3) The Judicial Resources Commission shall adopt and promulgate rules and regulations on the procedures to be followed in making the determinations pursuant to subsection (2) of this section. The State Court Administrator shall provide adequate administrative support and information as is requested by the commission.

(4) For purposes of subsection (5) of this section, the date of a final determination shall be (a) the date the Governor approves legislation or the Legislature overrides a veto of legislation creating or moving a judicial vacancy, (b) ten days after the date of adjournment sine die by the Legislature in cases of a recommendation on which action is

required but no action is taken by the Legislature in its regular legislative session commenced following the recommendation, (c) the date of a designation of a principal office location by the Supreme Court, or (d) the date of the determination by the commission that there be no change.

(5) When a final determination of the location of a district or county court judicial vacancy has been made or in the event of a judicial vacancy in any other court, the Clerk of the Supreme Court shall contact the chairperson of the judicial nominating commission relating to such vacancy and shall ascertain from him or her a time and place for the first meeting of such judicial nominating commission, at which time a public hearing will be held. He or she shall thereupon notify each commission member in writing of the time and place of the meeting and shall also cause appropriate notice to be published by various news media of the time and place of the public hearing of the judicial nominating commission and of the interest of the commission in receiving information relating to qualified candidates for the judicial vacancy. Any lawyer meeting the statutory requirements to serve as a judge who is interested in being nominated and appointed to such judgeship shall signify his or her interest by filing the appropriate application with the proper entity at least twenty-one days prior to the public hearing. At least ten days prior to the public hearing, the chairperson shall release to the public the names of all lawyers who have applied for such judgeship. Any member of the public shall be entitled to attend the public hearing to express, either orally or in writing, his or her views concerning candidates for the judicial vacancy.

(6) After the public hearing, the judicial nominating commission shall hold such additional private or confidential meetings as it determines to be necessary. Additional information may be submitted in writing to the commission at any time prior to its selection of qualified candidates to fill the vacancy. The commission shall make such independent investigation and inquiry as it considers necessary or expedient to determine the qualifications of candidates for the judicial vacancy and shall take such action as it deems necessary or expedient to encourage qualified candidates to accept judicial office or nomination for judicial office.

(7) The judicial nominating commission may, before or after the hearing provided for in subsection (5) of this section, institute a search for additional candidates. If additional candidates are obtained, the commission shall hold further public hearings in the same manner as provided in such subsection.

(8) The names of candidates shall be submitted to

the Governor within ninety days after the date a final determination has been made pursuant to subsection (4) of this section of the location of a district or county court judicial vacancy or, in the event of a judicial vacancy in any other court, after a judicial vacancy occurred if one public hearing is held and within one hundred twenty days if more than one public hearing is held.

(9) The first public hearing provided for in this section shall be held within sixty days after final determination of the vacancy occurs.

Sec. 3. That original sections 24-503 and 24-810, Revised Statutes Supplement, 1992, are repealed.".

(Signed) John Lindsay, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 41. Introduced by Kristensen, 37.

WHEREAS, KrisAnn Sullivan, an art teacher and art therapist at West Kearney High School-Youth Development Center, has won the Christa McAuliffe Prize for 1993; and

WHEREAS, the Christa McAuliffe Prize in honor of Sharon Christa McAuliffe, who was selected as the primary candidate for the NASA Teacher in Space Project in July 1985 and died in the explosion of the space shuttle Challenger on January 28, 1986, was established through a series of gifts to the University of Nebraska Foundation and is awarded annually on the anniversary of the space shuttle tragedy to a teacher who exemplifies the character of Ms. McAuliffe -- a teacher who holds high standards of excellence and who demonstrates courage, commitment, creativity, and ability to inspire; and

WHEREAS, Ms. Sullivan holds a Bachelor of Arts degree from Hastings College in art and education and a Master of Arts degree in Secondary Education from the University of Nebraska-Lincoln and is currently two hours away from a Masters of Professional Studies degree in Art Therapy, a specialist program, through the Pratt Institute in Brooklyn, New York. She has been employed at West Kearney High School-Youth Development Center since 1981 and has taught in Hampton, Hastings, and Pleasanton schools. Ms. Sullivan has been the recipient of several awards during her teaching career, including being named the Employee of the Year for the Youth Development Center and Nebraska Department of Correctional Services in 1990; and

WHEREAS, Ms. Sullivan's commitment to excellence has enabled her to develop an award-winning art program that is a continually strong component of the West Kearney High School-Youth Development Center's academic and treatment program, and she is recognized in the midwest as an expert by her fellow art therapists; and

WHEREAS, her students write that, through solving problems in art, Ms. Sullivan shows people ways of dealing with their personal

problems, and leave her classroom with enhanced self-esteem and self-awareness, and her fellow educators at West Kearney High School-Youth Development Center consider her an inspiration; and

WHEREAS, Ms. Sullivan believes each of her "students is a miracle. They have suffered physical, sexual, and mental abuse, learning, emotional, and physical disabilities, poverty, neglect, and dependencies. Yet they had the courage to choose survival and the creative skills to make it happen. Otherwise they would not be in my classroom. Seeing them as the daily miracles they are keeps me coming back to witness and learn more. My best teachers have always been my students."

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

1. That the Legislature recognizes and honors the accomplishments, dedication, and devotion to teaching of KrisAnn Sullivan that have enabled her to receive the Christa McAuliffe Prize for 1993.

2. That the Legislature congratulate KrisAnn Sullivan on her receipt of this prestigious award.

3. That a copy of this resolution be sent to KrisAnn Sullivan.

Laid over.

LEGISLATIVE RESOLUTION 42. Introduced by Witek, 31; Abboud, 12.

WHEREAS, there are many Nebraska citizens who enjoy the hobby of collecting, preserving, restoring, and maintaining historical motor vehicles; and

WHEREAS, the hobbyists and their families participate in vehicle-related activities and share their interest with other persons who are not collectors but who enjoy an interest in historical vehicles; and

WHEREAS, some of the activities include car shows, swap meets, interclub meets, concours, and tours featuring such historical vehicles.

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

1. That June 13 through 19, 1993, be designated as Nebraska Old Vehicle Hobby Interest Recognition Week.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 452 in the Journal. No objections. So ordered.

AM0193

(Amendments to Standing Committee amendment, AM0083)

1. Insert the following new amendment:

"2. On page 3, line 8, after the period insert 'The purchase of and planning for equipment and software for the educational service units shall be coordinated by the department and shall be compatible with a statewide plan for telecomputing agreed upon by the Department of Administrative Services and the State Department of Education. Educational service units may enter into agreements pursuant to the Interlocal Cooperation Act to carry out this section.'.".

Mrs. Rasmussen asked unanimous consent to print the following amendment to LB 360 in the Journal. No objections. So ordered.

AM0224

1. On page 8, line 8, strike "or", insert paragraphing, and insert:

"(3) Require employees to comply with any federal regulations concerning the use of alcohol or the illegal use of drugs which are applicable to the position of the employee or to the industry involved; or"; and in line 9 strike "(3)" and insert "(4)".

2. On page 10, line 15, after the semicolon insert paragraphing and insert:

"(b) A test to determine the illegal use of drugs shall not be considered a medical examination;"; and in line 16 strike "(b)" and insert "(c)".

3. On page 11, line 14, after the period insert "A test to determine the illegal use of drugs shall not be considered a medical examination.".

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 138 in the Journal. No objections. So ordered.

AM0200

1. Strike original section 68.

2. On page 36, lines 4, 8 and 9, and 11, strike "child support"; and in line 4 after "debt" insert "as defined in section 77-27,161".

3. On page 41, line 28, after the comma insert "the State Lottery Operation Revolving Fund,".

4. On page 51, line 23, strike "thousand", show as stricken, and insert "hundred".

5. On page 90, line 9, after "77-27,165" insert "or 77-27,166".

6. On page 95, line 27, strike "77-27,165" and insert "77-27,166".

7. Renumber the remaining sections and correct internal references accordingly.

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 290	Wednesday, March 3, 1993	1:30 p.m.
LB 300	Wednesday, March 3, 1993	1:30 p.m.
LB 742	Thursday, March 4, 1993	1:30 p.m.
LB 775	Thursday, March 4, 1993	1:30 p.m.
LB 741	Thursday, March 4, 1993	1:30 p.m.
LB 778	Thursday, March 4, 1993	1:30 p.m.
LB 650	Thursday, March 4, 1993	1:30 p.m.
LB 576	Thursday, March 4, 1993	1:30 p.m.
LB 786	Friday, March 5, 1993	1:30 p.m.
LB 40	Friday, March 5, 1993	1:30 p.m.
LB 645	Friday, March 5, 1993	1:30 p.m.
LB 606	Friday, March 5, 1993	1:30 p.m.
LB 71	Friday, March 5, 1993	1:30 p.m.
LB 33	Wednesday, March 10, 1993	1:30 p.m.
LB 34	Wednesday, March 10, 1993	1:30 p.m.
LB 88	Wednesday, March 10, 1993	1:30 p.m.
LB 712	Wednesday, March 10, 1993	1:30 p.m.
LB 21	Thursday, March 11, 1993	1:30 p.m.
LB 595	Thursday, March 11, 1993	1:30 p.m.
LB 573	Thursday, March 11, 1993	1:30 p.m.
LB 829	Thursday, March 11, 1993	1:30 p.m.

(Signed) Jerome Warner, Chairperson

MOTION - Withdraw LB 437

Mr. Wesely moved to withdraw LB 437.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Abboud asked unanimous consent to permit the Business and Labor Committee to conduct its hearing on Monday, February 8, 1993, in Room 1520 instead of Room 2102. No objections. So ordered.

VISITORS

Visitors to the Chamber were David Christensen, Cliff Welsh, Tim Holtzfaster, Ken Anderson, and George Haines from Ogallala; and Steve and Dudley Nelson from Axtell.

The Doctor of the Day was William Bailey from Lincoln.

ADJOURNMENT

At 12:01 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Monday, February 8, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-SECOND DAY - FEBRUARY 8, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 8, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Jim Cooke, Fourth Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Elmer and Withem who were excused; and Messrs. Abboud, Ashford, Avery, Bernard-Stevens, Byars, Kristensen, Landis, Lindsay, Moore, Warner, Wehrbein, Mmes. Bohlke, Crosby, Hudkins, McKenzie, Pirsch, Rasmussen, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-first day was approved.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 27. Placed on General File as amended.
Standing Committee amendment to LB 27:
AM0226

1. Strike the original sections and insert the following new sections:

"Section 1. That section 79-4,230, Revised Statutes Supplement, 1992, be amended to read as follows:

79-4,230. (1) Each school district, in consultation with the State Department of Education, shall develop for incorporation into all phases of the curriculum of grades

kindergarten through twelve a multicultural education program.

(2) The department shall create and distribute recommended multicultural education curriculum guidelines to all school districts. Each district shall create its own multicultural education program based on such recommended guidelines. Each program shall be reviewed and, if within the guidelines, approved by the department, and a copy of each such program shall be on file with the department.

(3) ~~The multicultural education program shall be a part of the curriculum of each district beginning in school year 1993-94 and each school year thereafter~~ The process of implementation of the multicultural education program shall begin in school year 1993-94, and such process shall be completed in school year 1994-95. The multicultural education program shall be integrated into the curriculum of each district each school year thereafter.

(4) The incorporation of the multicultural education program into the curriculum of each district shall not change (a) the number of instructional hours prescribed for elementary and high school students or (b) the number of instructional hours dedicated to the existing curriculum of each district.

Sec. 2. That section 79-4,232, Revised Statutes Supplement, 1992, be amended to read as follows:

79-4,232. In conjunction with the multicultural education program prescribed in section 79-4,230, the State Department of Education shall design ~~an authentic assessment system to assess student cultural awareness and sensitivity. The baseline assessment shall be conducted during the first quarter of the 1993-94 school year. A second assessment shall be administered to the same districts during the first quarter of the 1997-98 school year to measure the effectiveness of the multicultural education programs~~ a process for evaluating the implementation and effectiveness of each multicultural education program, including the collection of baseline data. An evaluation of the implementation and effectiveness of each multicultural education program shall be conducted during the first quarter of the 1997-98 school year and each five school years thereafter. The department shall ~~publish~~ report the results of each ~~assessment~~ evaluation to the Legislature, the State Board of Education, and each school district. ~~Beginning with school year 2002-03 and each five school years thereafter, the department shall conduct assessments in the manner prescribed in this section to monitor student cultural awareness and sensitivity.~~

Sec. 3. That original sections 79-4,230 and 79-4,232, Revised Statutes Supplement, 1992, are repealed.".

LEGISLATIVE BILL 52. Indefinitely postponed.

LEGISLATIVE BILL 179. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 182 in the Journal. No objections. So ordered.

AM0233

1. On page 2, line 9, strike "shall" and insert "may"; and in line 10 strike "value" and insert "dollar amount".

ATTORNEY GENERAL'S OPINION

Opinion No. 93005

DATE: February 5, 1993

SUBJECT: Condemnation of Land for Regional Landfills

REQUESTED BY: Senator Stan Schellpeper, Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Linda L. Willard, Assistant Attorney General

You have inquired whether counties and municipalities have the power to act together to condemn land for the development of a regional landfill in any county in which any municipality which is a party to the agreement to develop the landfill is located or in any county which is a party to the agreement. Your question concerns the language of LB 1257 passed during the 1992 legislative session and now codified primarily at Neb. Rev. Stat. §§ 13-2001 through 13-2043 (1992 Cum.Supp.).

Section 13-2021 provides in significant part, "{a} county, municipality, or agency . . . may lease or acquire land in fee by gift, grant, purchase, or condemnation as necessary for the construction and operation of a facility or system." "Agency" is defined at § 13-2004 as "any combination of two or more municipalities or counties acting together under the Interlocal Cooperation Act {Neb. Rev. Stat. §§ 13-801 through 13-827 (1991)}, a natural resources district acting alone or together with one or more counties and municipalities under the act, or any joint entity as defined in section 13-803." Therefore, a municipality and a county may act together under the Interlocal Cooperation Act to form an agency as defined by § 13-2021.

When the statutory language is plain and unambiguous, no judicial interpretation is needed to ascertain the statute's meaning, so that,

absent statutory indication to the contrary, words in a statute will be given their ordinary meaning. Nebraska State Board of Agriculture v. Nebraska State Racing Commission, 239 Neb. 762, 767, 478 N.W.2d 270, 273 (1992); See also Hickenbottom v. Hickenbottom, 239 Neb. 579, 477 N.W.2d 8 (1991); State v. Schuh, 237 Neb. 667, 467 N.W.2d 409 (1991). The plain language of § 13-2021 states that counties, cities, or a combination of the two formed under the Interlocal Cooperation Act may condemn land as necessary for construction and operation of a facility for the collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste to include a solid waste landfill. Therefore, it is our determination that under the current legislation municipalities and counties have the power to act together to condemn land for the development of a regional landfill in any county in which any municipality which is a party to the agreement to develop the landfill is located or in any county which is a party to the agreement. However, if you feel that there may be any misinterpretation of the statutes involved or if this is not the result which you desire, additional legislation could be introduced to further clarify the issue.

Sincerely,
DON STENBERG
Attorney General
(Signed) Linda L. Willard
Assistant Attorney General

28-02-14.93
cc: Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 42. Read. Considered.

LR 42 was adopted with 21 ayes, 0 nays, and 28 not voting.

MOTION - Withdraw LB 437

Mr. Wesely renewed his pending motion, found in the Journal on page 539, to indefinitely postpone LB 437.

The Wesely motion to withdraw prevailed with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 210. E & R amendment, AM5340, found in the Journal on page 461, was adopted.

Mr. Hohenstein offered the following amendment:

AM0151

1. On page 2, line 17, strike "on or before March 1 of each year".

The Hohenstein amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mrs. Witek renewed her pending amendment, AM0183, found in the Journal on page 494.

The Witek amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 138. E & R amendment, AM5349, found in the Journal on page 491, was adopted.

Mr. Schellpeper renewed his pending amendment, AM0200, found in the Journal on page 538.

The Schellpeper amendment was adopted with 25 ayes, 5 nays, 9 present and not voting, and 10 excused and not voting.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 40.

SELECT FILE

LEGISLATIVE BILL 138. Mr. Will offered the following amendment:

AM0240

1. On page 38, line 21, strike "educational foundations", show as stricken, and insert "nonprofit educational organizations".

2. On page 40, line 26, after the underscored period insert "The State Department of Education shall provide staff support for the council."; and in line 28 strike "Develop", show as stricken, and insert "In consultation with the State Department of Education, develop".

The Will amendment lost with 10 ayes, 14 nays, 19 present and not voting, and 6 excused and not voting.

Mr. Will moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Vrtiska requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 26 ayes, 18 nays, and 5 excused and not voting.

The Chair declared the call raised.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 26. Advanced to E & R for engrossment.

LEGISLATIVE BILL 163. E & R amendment, AM5347, found in the Journal on page 492, was adopted.

Mr. Coordsen asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 178. Advanced to E & R for engrossment.

LEGISLATIVE BILL 251. E & R amendment, AM5350, found in the Journal on page 511, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 103. Advanced to E & R for engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 41. Read. Considered.

LR 41 was adopted with 26 ayes, 0 nays, and 23 not voting.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 377. Placed on General File as amended.
Standing Committee amendment to LB 377:
AM0238

1. On page 6, line 10, strike beginning with the first comma through the second comma.

2. On page 7, line 27, strike "nine" and insert "ten".

3. On page 8, line 8, strike "and"; in line 11 after "more" insert ", and (f) one person experienced in real property management"; and in lines 14, 16, and 17 strike "a term" and insert "terms".

LEGISLATIVE BILL 536. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0237.)

(Signed) Don Wesely, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 236. Placed on General File.

LEGISLATIVE BILL 44. Placed on General File as amended.
Standing Committee amendment to LB 44:
AM0249

1. On page 5, line 5, strike "and Training"; and in line 8 strike "and employee training programs".

LEGISLATIVE BILL 90. Placed on General File as amended.
Standing Committee amendment to LB 90:
AM0140

1. On page 4, lines 12 through 19 strike the new matter and insert "(3)".
2. On page 4, lines 19 through 28; and page 5, lines 1 through 19, reinstate the stricken matter.
3. On page 5, after line 19, insert the following new subsection:

"(4) In lieu of the payment of election expenses pursuant to subsection (3) of this section, a district shall pay for the election expenses of nominating and electing its board of directors pursuant to this subsection upon request of a county. The election expenses shall be due and payable by the district within thirty days after receipt from the county of an itemized statement of election expenses owed by the district. For purposes of this subsection, election expenses shall mean the actual costs incurred by each county in which elections are held for the purpose of nominating and electing members of the board of directors. This subsection shall not be construed to authorize reimbursement for expenses not directly attributable to nominating and electing members of the board of directors.".

(Signed) DiAnna R. Schimek, Chairperson

Judiciary

LEGISLATIVE BILL 462. Placed on General File.
LEGISLATIVE BILL 593. Placed on General File.

LEGISLATIVE BILL 110. Placed on General File as amended.

Standing Committee amendment to LB 110:
AM0223

1. Insert the following new section:

"Sec. 3. (1) The Department of Health shall cause to be published, within sixty days after the effective date of this act, the following easily comprehensible printed materials:

(a) Geographically indexed materials designed to inform the woman of public and private agencies and services available to assist a woman through pregnancy, upon childbirth, and while the child is dependent, including adoption agencies, which materials shall include a comprehensive list of the agencies available, a description of the services offered, and a description of the manner, including telephone numbers and addresses in which such agencies may be contacted or, at the option of the department, printed materials including a toll-free, twenty-four-hour-a-day telephone number which may be called to orally obtain such a list and description of agencies in the locality of the caller, and of the services offered; and

(b) Materials designed to inform the woman of the probable anatomical and physiological characteristics of the unborn child at two-week gestational increments from the time when a woman can be known to be pregnant to full term, including pictures or drawings representing the development of unborn children at the two-week and one-week gestational increments, except that any such pictures or drawings shall contain the dimensions of the fetus and shall be realistic and appropriate for the stage of pregnancy depicted, and any relevant information on the possibility of the unborn child's survival. The materials shall be objective, nonjudgmental, and designed to convey only accurate scientific information about the unborn child at the various gestational ages. The material shall also contain objective information describing the methods of abortion procedures commonly employed, the medical risks commonly associated with each such procedure, the possible detrimental psychological effects of abortion, the medical risks commonly associated with each such procedure, and the medical risks commonly associated with carrying a child to term.

(2) The materials shall be printed in a typeface large enough to be clearly legible.

(3) The materials required under this section shall be available at no cost from the department upon request and in appropriate number to any person, facility, or hospital.".

2. On page 2, lines 4 and 13, after "28-345" insert "and section 3 of this act"; and strike beginning with "a" in line 26 through line 28, show as stricken, and insert "that condition which, on the basis of the physician's good faith

clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function.".

3. On page 3, strike line 1 and show as stricken; in line 12 reinstate the stricken "and"; and strike beginning with "of" in line 12 through "(e)" in line 15; and in line 16 after the period insert "The person upon whom the abortion is to be performed shall also be provided with the printed materials described in section 3 of this act, and the written statement shall affirmatively state that she has received such materials.".

4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 430. Placed on General File as amended.
Standing Committee amendment to LB 430:
AM0190

1. Strike section 1 and insert the following new sections:

"Section 1. That section 28-319, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-319. (1) Any person who subjects another person to sexual penetration and (a) overcomes the victim by force, threat of force, express or implied, coercion, or deception, (b) knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his or her conduct, or (c) the actor is nineteen years of age or older and the victim is less than sixteen years of age is guilty of sexual assault in the first degree.

(2) Sexual assault in the first degree is a Class II felony. The sentencing judge shall consider whether the actor ~~shall have~~ caused serious personal injury to the victim in reaching ~~his~~ a decision on the sentence.

(3) Any person who ~~shall be~~ is found guilty of sexual assault in the first degree for a second time when the first conviction was pursuant to this section or any other state or federal law with essentially the same elements as this section shall be sentenced to not less than twenty-five years and shall not be eligible for parole.

Sec. 2. That section 28-516, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-516. (1) A person commits the offense of unauthorized operation of a propelled vehicle if he intentionally exerts unauthorized control over another's propelled vehicle by operating the same without the owner's consent.

(2) Propelled vehicle shall mean an automobile, airplane, motorcycle, motorboat, or other motor-propelled

vehicle.

(3) It shall be an affirmative defense to a prosecution under this section that the defendant reasonably believed that the owner would have authorized the use had he known of it.

(4) Unauthorized use of a propelled vehicle is a Class III misdemeanor for the first offense, a Class I misdemeanor for the second offense, and a Class IV felony for the third and any subsequent offenses.

Sec. 4. No evidence offered by a defendant for the purpose of establishing an alibi to an offense shall be admitted in the trial of the case unless notice of intention to rely upon an alibi is given to the county attorney and filed with the court at least thirty days before trial.".

2. On page 3, line 2, strike "28-305" and insert "28-319, 28-516,".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 598. Placed on General File as amended.
Standing Committee amendment to LB 598:
AM0192

1. On page 2, strike beginning with "In" in line 24 through line 27.

LEGISLATIVE BILL 592. Indefinitely postponed.

LEGISLATIVE RESOLUTION 7CA. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

GENERAL FILE

LEGISLATIVE BILL 25. Considered.

Mr. Hohenstein offered the following amendment:
FA20
1. On page 2, Line 5, after peace officer, insert "while being competent evidence for all other purposes,".

The Hohenstein amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 271. Title read. Considered.

Standing Committee amendment, AM0041, found in the Journal on page 452, was considered.

Mr. Wesely renewed his pending amendment, AM0070, found in the Journal on page 511, to the Standing Committee amendment.

The Wesely amendment was adopted with 21 ayes, 0 nays, 24 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 334. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 286. Title read. Considered.

Standing Committee amendment, AM0132, found in the Journal on page 452, was considered.

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

Mr. Hall offered the following amendment to the Standing Committee amendment:
AM0243
(Amendments to Standing Committee amendments, AM0132)
1. Insert the following new amendment:
"2. On page 4, line 22, strike 'October 1, 1993' and insert 'January 1, 1994'.".
2. On page 1, lines 2 and 3, strike "October 1, 1993" and insert "January 1, 1994"; and in line 5 strike "October 1, 1993" and insert "January 1, 1994".
3. Renumber the remaining amendments accordingly.

SPEAKER BAACK PRESIDING

The Hall amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Coordsen renewed his pending amendment, FA16, found in the Journal on page 524, to the Standing Committee amendment.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Coordsen withdrew his pending amendment.

Mr. Coordsen renewed his pending amendment, FA17, found in the Journal on page 525, to the Standing Committee amendment.

Mr. Coordsen withdrew his pending amendment.

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

Mr. Coordsen renewed his pending amendment, FA18, found in the Journal on page 525, to the Standing Committee amendment.

Pending.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 79. Placed on General File as amended.
Standing Committee amendment to LB 79:
AM0242

1. Strike original section 1 and insert the following new sections:

"Section 1. That section 46-677, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-677. After August 30, 1981, any person who desires to withdraw ~~a total of three thousand or more acre-feet of~~ ground water~~, per year,~~ from aquifers located within the State of Nebraska for industrial purposes shall, prior to commencing construction of any wells, obtain from the director a permit to authorize the withdrawal and any transfer of such ground water. ~~As used in~~ For purposes of this section, industrial purposes shall include manufacturing, commercial, and power generation uses of water and commercial use shall include, but not be limited to, maintenance of the turf of a golf course.

Sec. 2. That section 46-678, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-678. (1) Applications for permits required by section 46-677 shall be on forms provided by the director and shall contain:

(a) A statement of the amount of ground water which the applicant proposes to use;

(b) A statement of the proposed use and whether the ground water will be transferred for use at a location other than the well site;

(c) A hydrologic evaluation of the impact of the proposed use on the surrounding area and on existing users;

(d) The date when the applicant expects to first use the ground water; and

(e) Such other relevant information as the director may deem necessary or desirable.

(2) Such applications shall be accompanied by an exhibit of maps showing the location, depth, and capacity of the proposed wells.".

2. On page 2, line 12, strike "section 46-677" and insert "sections 46-677 and 46-678"; and in line 13 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

(Signed) Chris Beutler, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 121. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0199.)

(Signed) David Landis, Chairperson

Revenue

LEGISLATIVE BILL 58. Placed on General File.
LEGISLATIVE BILL 128. Placed on General File.

LEGISLATIVE BILL 346. Placed on General File as amended.
Standing Committee amendment to LB 346:
AM0211

1. On page 6, line 9, after the period insert "There shall be a rebuttable presumption that any vehicle stored and kept more than thirty days in the state is being operated on the highways of this state and shall be registered in accordance with Chapter 60, article 3.".

2. On page 9, line 9, after "vehicles" insert "except for vehicles exempt under subdivisions (1)(a) through (c) and subsections (4) and (5) of section 77-202"; and in line 19 after "school" insert ". If it cannot be determined where such motor vehicle is stored and kept for the greater portion of the calendar year, the last known post office address of the owner of the vehicle or the place such owner is registered to vote are other factors that may be used to determine tax situs".

3. On page 13, line 27, after "registered" insert ", except for vehicles exempt under subdivisions (1)(a) through (c) and subsections (4) and (5) of section 77-202,".

4. On page 15, lines 2, 6, and 19, after "or" insert ", if no transfer in the ownership of the motor vehicle

has occurred,"; in line 19 strike "(b)"; and in line 20 strike ", from" and insert "or (b)".

5. On page 16, line 1, after the period insert "The personal property return will be deemed to be timely filed if the motor vehicle is listed within thirty days of the expiration of the registration period.".

LEGISLATIVE BILL 658. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0177.)

LEGISLATIVE BILL 171. Indefinitely postponed.
LEGISLATIVE BILL 418. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 158A. Introduced by Hillman, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 158, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 16A. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 16, Ninety-third Legislature, First Session, 1993.

MESSAGE FROM THE GOVERNOR

February 6, 1993

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 were received in my office on February 4, 1993.

These bills were signed by me on February 6, 1993, and delivered to the Secretary of State.

Sincerely,

(Signed) E. Benjamin Nelson
Governor

NOTICE OF COMMITTEE HEARING
Transportation

LB 123	Tuesday, February 16, 1993	1:30 p.m.
LB 173	Tuesday, February 16, 1993	1:30 p.m.
LB 305	Tuesday, February 16, 1993	1:30 p.m.
LB 317	Tuesday, February 16, 1993	1:30 p.m.
LB 453	Tuesday, February 16, 1993	1:30 p.m.
LB 662	Tuesday, February 16, 1993	1:30 p.m.
LB 86	Tuesday, February 16, 1993	1:30 p.m.

(Signed) Doug Kristensen, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hartnett asked unanimous consent to print the following amendment to LB 112 in the Journal. No objections. So ordered.

AM0269
(Amendments to Standing Committee amendment, AM0173)
1. On page 1, line 2, after "2" insert "and insert 'of a county in which a city of the metropolitan class is located' ".

Mr. Landis asked unanimous consent to print the following amendment to LB 216 in the Journal. No objections. So ordered.

AM0257
1. On page 25, line 4, after "Treasurer" insert an underscored period, strike "for credit", show as stricken, insert "Costs shall be credited", and after "Fund" insert "and fines shall be credited to the permanent school fund".

SELECT COMMITTEE REPORTS
Rules

Your Committee on Rules whose Chairperson is Senator Eric Will to whom was referred the Proposed Rules Change found on page 385 of the Journal instructs me to report the same back to the Legislature with the recommendation that it be considered for adoption by the Legislature.

(Signed) Eric Will, Chairperson

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 29, 35, 39, 41, 49, 54, 59, 66, 67, 69, 81, 93, 116, 141, 154, 157, 177, 183, 207, 208, and 209.

Enrollment and Review Change to LB 54

The following changes, required to be reported for publication in the Journal, have been made:
ER7198

1. In the Horgan amendment, AM0166, on page 1, line 4, "weighing one ounce or less" has been inserted after "letter".

Enrollment and Review Change to LB 59

The following changes, required to be reported for publication in the Journal, have been made:
ER7199

1. On page 1, line 1, "cities and villages" has been struck and "public property" inserted; and the matter beginning with "or" in line 5 through "building" in line 7 has been struck and ", conveyance, purchase, or construction of property as prescribed" inserted.

Enrollment and Review Change to LB 81

The following changes, required to be reported for publication in the Journal, have been made:
ER7200

1. In the E & R amendments, AM5334, on page 2, line 17, the comma has been struck and "and" inserted.
2. On page 4, line 4, "fund" has been struck and "funds" inserted.
3. On page 11, line 10, an underscored comma has been inserted after "section"; and in line 11 the first "and" has been struck and "and" has been inserted after the second comma.
4. On page 21, line 18, an underscored comma has been inserted after "basis" and an underscored comma has been inserted before "through".

Enrollment and Review Change to LB 177

The following changes, required to be reported for publication in the Journal, have been made:
ER7197

1. In the Standing Committee amendments, AM0037, on page 1, line 6, the comma has been struck and "and" inserted; and the matter beginning with "and" in line 6 through "comma" in line 7 has been struck.

(Signed) Kurt Hohenstein, Chairperson

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 134. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

Agriculture

LEGISLATIVE BILL 147. Placed on General File as amended.
Standing Committee amendment to LB 147:
AM0129

1. Insert the following new sections:

"Sec. 19. Sections 1 to 16 of this act shall become operative on July 1, 1994. The other sections of this act shall become operative on their effective date.

Sec. 21. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 3, line 8, strike "less than" and after "three" insert "or less"; in line 9 after "breeder" insert ".

A person who sells, exchanges, or leases thirty or less dogs or cats in a twelve-month period shall not be a commercial breeder if all such dogs or cats are sold, exchanged, or leased to a final owner rather than for later retail sale or brokered trading. A person knowingly selling, exchanging, or leasing any dogs or cats for later retail sale or for brokered trading shall be classified as a commercial breeder"; in line 10 after "is" insert "not a commercial breeder but is"; in line 12 after "engaged" insert ".

A person who purchases, sells, exchanges, or leases thirty or less dogs or cats in a twelve-month period shall not be a dealer"; and strike beginning with "Hobby" in line 18 through "(12)" in line 27.

3. On page 4, line 1, strike "(13)" and insert "(12)"; in line 4 strike "(14)" and insert "(13)"; in line 6 strike "(15)" and insert "(14)"; in line 12 strike "(16)" and insert "(15)"; in line 15 strike "(17)" and insert "(16)"; in line 17 strike "(18)" and insert "(17)"; in line 20 strike "A" and insert "On or after January 1, 1995, a"; in lines 20, 21, and 22 strike "dealer or"; in line 25 after "dollars" insert "plus one dollar for each unaltered dog or cat"; strike beginning with "annually" in line 25 through "cats" in line 28; and in line 28 after "older" insert "to be paid annually".

4. On page 5, line 4, after the first "and" insert "initial license"; in lines 6 and 7 strike "dealer or"; after line 8 insert

"A person shall not operate as a dealer unless the person obtains a license as a dealer. An applicant for such license shall submit an application to the department, on a form prescribed by the department, together with a nonreturnable license fee. Such fee shall be one hundred dollars plus twenty-five cents for each dog or cat of any age to be sold, exchanged, or leased. The fee shall be applied annually. The department shall conduct an inspection of the housing facilities, primary enclosures, and other practices of the applicant pursuant to the act. Upon receipt of the application and initial license fee and an inspection by the department demonstrating compliance with such act and the rules and regulations adopted pursuant thereto, a license as a dealer shall be issued by the department. Such license shall not be transferable to another person or location."; in lines 15 and 27 strike "A" and insert "On or after January 1, 1995, a"; in line 15 strike "hobby breeder or"; in line 21 after the first "required" insert "annually"; and in line 23 strike "hobby breeder operation or".

5. On page 6, lines 14 and 22, strike "A" and insert "On or after January 1, 1995, a"; in line 25 after the second "department" insert "together with a nonreturnable initial license fee. The initial license fee and the annual license fee shall be twenty dollars"; and in line 28 after "application" insert "and initial license fee".

6. On page 7, line 3, strike beginning with "A" through the second period; and in line 6 after "application" insert "and the annual license fee".

7. On page 8, line 8, strike "the appropriate" and insert "a"; and in line 9 after "dogs" insert "or cats" and strike the second "section" and insert "sections 28-1011 and".

8. On page 14, line 8, after the first "a" insert "valid" and after "suspended" insert "if a license is required by the Commercial Dog and Cat Operator Inspection Act"; and in line 10 strike "Commercial Dog and Cat Operator Inspection Act" and insert "act".

9. On page 16, line 4, after "of" insert "not less than"; in line 5 after "ton" insert "and not more than two dollars and ninety cents per ton, as determined by the director on July 1 of each year,"; and in line 6 strike "January 1, 1994" and insert "July 1, 1993".

10. Renumber the remaining section accordingly.

(Signed) Merton L. Dierks, Chairperson

Revenue

LEGISLATIVE BILL 11. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Withdraw Cointroducers

Mr. Fisher asked unanimous consent to have his name withdrawn as cointroducer to LB 419. No objections. So ordered.

Mr. Pedersen asked unanimous consent to have his name withdrawn as cointroducer to LB 495. No objections. So ordered.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Horgan asked unanimous consent to have his name added as cointroducer to LB 241. No objections. So ordered.

VISITORS

Visitors to the Chamber were Dr. Al Holst, Dr. Bill Agnew, Matt Fisher, Lew Gellett, Judy Zuver, Merrell Nelson, and Bill Tuma from Chadron State College; Clayton and Joyce Lana from Gering; Thomas, Mary Beth, and Anne Marie Bosshardt from Kearney; and 25 fourth and fifth grade students and sponsor from Crestridge Elementary, Omaha.

The Doctor of the Day was Jess Susman from Elkhorn.

ADJOURNMENT

At 11:57 a.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Tuesday, February 9, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-THIRD DAY - FEBRUARY 9, 1993

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 9, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Nancy Kaye Skinner, Southminster United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Elmer and Withem who were excused; and Messrs. Abboud, Bernard-Stevens, Chambers, Hall, Hartnett, Lindsay, Robinson, Schellpeper, Warner, Wesely, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-second day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 138A. Placed on Select File.
LEGISLATIVE BILL 205. Placed on Select File.

LEGISLATIVE BILL 417. Placed on Select File as amended.
E & R amendment to LB 417:
AM5351

1. On page 1, line 2, strike "23-2306,"; in line 4 strike "84-1307,"; and in line 6 strike ", enrollment requirements,".

2. On page 12, line 4, strike "and" and show as stricken and strike "to", show as stricken, and insert "

and".

LEGISLATIVE BILL 63. Placed on Select File as amended.
E & R amendment to LB 63:
AM5352

1. On page 2, line 1, strike "6" and insert "7".
2. On page 4, line 6, after "rigid" insert "plastic".

(Signed) Kurt A. Hohenstein, Chairperson

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 479. Placed on General File.
LEGISLATIVE BILL 626. Placed on General File.

LEGISLATIVE BILL 144. Placed on General File as amended.
Standing Committee amendment to LB 144:
AM0209

1. On page 1, line 3, strike "Control" and insert "Quality".
2. On page 2, lines 5, 7, 12, 15, and 18; and page 3, line 7, strike "Control", show as stricken and insert "Quality".
3. On page 2, strike beginning with "issue" in line 19 through "approval" in line 20 and insert "inform the owner or operator of its approval or disapproval".

LEGISLATIVE BILL 234. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 333. Placed on General File.

LEGISLATIVE RESOLUTION 8CA. Placed on General File as amended.
Standing Committee amendment to LR 8CA:
AM0266

1. On page 2, line 16, after "plans" insert ", except retirement programs or plans,".

(Signed) DiAnna R. Schimek, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 155	Wednesday, February 17, 1993	1:30 p.m.
LB 537	Wednesday, February 17, 1993	1:30 p.m.
LB 736	Wednesday, February 17, 1993	1:30 p.m.
LB 481	Thursday, February 18, 1993	1:30 p.m.
LB 720	Thursday, February 18, 1993	1:30 p.m.
LB 739	Thursday, February 18, 1993	1:30 p.m.
LB 364	Friday, February 19, 1993	1:30 p.m.
LB 444	Friday, February 19, 1993	1:30 p.m.
LB 624	Friday, February 19, 1993	1:30 p.m.

(Signed) Chris Beutler, Chairperson

MESSAGE FROM THE GOVERNOR

February 3, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Railway Council, requiring legislative approval.

APPOINTEE: Allan L. Abbott, P.O. Box 94759, Lincoln, NE 68509

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

REPORT

Received quarterly report from the Nebraska Investment Finance Authority (NIFA) on the use of the proceeds of the 1992 Series A and Series B Community Development Loan Notes (City of Lincoln - 1992) Program pursuant to NEB. REV. STAT. § 58-270(4).

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 41 and LR 42.

UNANIMOUS CONSENT - Member Excused

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

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 15.

A BILL FOR AN ACT relating to highways; to amend sections 39-891, 39-893, 39-1301, 39-1302, and 39-1309, Reissue Revised Statutes of Nebraska, 1943, and section 39-1320, Revised Statutes Supplement, 1992; to authorize certain road projects as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Ashford	Byars	Haberman	Landis	Schellpeper
Avery	Coordsen	Hillman	McKenzie	Schimek
Baack	Crosby	Hohenstein	Moore	Schmitt
Bernard-Stevens	Cudaback	Hudkins	Pedersen	Vrtiska
Beutler	Day	Janssen	Preister	Wehrbein
Bohlke	Dierks	Jones	Rasmussen	Will
Bromm	Fisher	Kristensen	Robak	Witek

Voting in the negative, 0.

Present and not voting, 2:

Horgan Lynch

Excused and not voting, 12:

Abboud	Hall	Pirsch	Warner	Wickersham
Chambers	Hartnett	Robinson	Wesely	Withem
Elmer	Lindsay			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 45.

A BILL FOR AN ACT relating to elevators; to amend section 48-418.14, Reissue Revised Statutes of Nebraska, 1943; to eliminate provisions relating to photoelectric tube devices; to harmonize provisions; and to repeal the original section, and also section 48-418.13, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Ashford	Byars	Hillman	Lynch	Schellpeper
Avery	Coordsen	Hohenstein	McKenzie	Schimek
Baack	Crosby	Hudkins	Moore	Schmitt
Bernard-Stevens	Cudaback	Janssen	Pedersen	Vrtiska
Beutler	Day	Jones	Preister	Wehrbein
Bohlke	Dierks	Kristensen	Rasmussen	Will
Bromm	Fisher	Landis	Robak	Witek
	Haberman			

Voting in the negative, 0.

Present and not voting, 1:

Horgan

Excused and not voting, 12:

Abboud	Hall	Pirsch	Warner	Wickersham
Chambers	Hartnett	Robinson	Wesely	Withem
Elmer	Lindsay			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 62.

A BILL FOR AN ACT relating to highways and roads; to amend section 39-1315.01, Reissue Revised Statutes of Nebraska, 1943; to provide for removal of certain roads from the state highway system; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Ashford	Coordsen	Hillman	Lynch	Schellpeper
Avery	Crosby	Hohenstein	McKenzie	Schimek
Baack	Cudaback	Hudkins	Moore	Schmitt
Bernard-Stevens	Day	Janssen	Pedersen	Vrtiska
Bohlke	Dierks	Jones	Preister	Wehrbein
Bromm	Fisher	Kristensen	Rasmussen	Will
Byars	Haberman	Landis	Robak	Witek

Voting in the negative, 0.

Present and not voting, 2:

Beutler	Horgan

Excused and not voting, 12:

Abboud	Hall	Pirsch	Warner	Wickersham
Chambers	Hartnett	Robinson	Wesely	Withem
Elmer	Lindsay			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 108.

A BILL FOR AN ACT relating to highways; to provide for tourist-oriented directional sign panels; to provide for fees; and to provide powers and duties for the Department of Roads.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Ashford	Bromm	Fisher	Jones	Preister
Avery	Byars	Haberman	Kristensen	Rasmussen
Baack	Coordsen	Hillman	Landis	Robak
Bernard-Stevens	Crosby	Hohenstein	Lynch	Schellpeper
Beutler	Cudaback	Horgan	McKenzie	Schimek
Bohlke	Day	Hudkins	Moore	Schmitt
	Dierks	Janssen	Pedersen	Vrtiska

Wehrbein Wickersham Will Witek

Voting in the negative, 0.

Excused and not voting, 11:

Abboud	Hall	Lindsay	Robinson	Wesely
Chambers	Hartnett	Pirsch	Warner	Withem
Elmer				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 360. Title read. Considered.

Standing Committee amendment, AM0099, found in the Journal on page 452, was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Mrs. Rasmussen renewed her pending amendment, AM0224, found in the Journal on page 538.

The Rasmussen amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 46. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 161. Title read. Considered.

Standing Committee amendment, AM0069, found in the Journal on page 458, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 42. Placed on General File.
LEGISLATIVE BILL 145. Placed on General File.
LEGISLATIVE BILL 201. Placed on General File.
LEGISLATIVE BILL 340. Placed on General File.
LEGISLATIVE BILL 477. Placed on General File.

LEGISLATIVE BILL 274. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

Revenue

LEGISLATIVE BILL 345. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0210.)

(Signed) Jerome Warner, Chairperson

Health and Human Services

LEGISLATIVE BILL 498. Placed on General File.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Will asked unanimous consent to print the following amendment to LB 138A in the Journal. No objections. So ordered.

AM0251

1. Insert the following new section:

"Sec. 3. It is the intent of the Legislature that the initial funds appropriated from the General Fund in sections 1 and 2 of this act, for Program 160, to aid in carrying out the provisions of Legislative Bill 138, Ninety-third Legislature, First Session, 1993, be repaid from the State Lottery Operation Trust Fund to the General Fund with interest as provided in section 9-812.".

2. Renumber remaining sections accordingly.

NOTICE OF COMMITTEE HEARINGS
Agriculture

LB 139	Tuesday, February 23, 1993	1:30 p.m
LB 246	Tuesday, February 23, 1993	1:30 p.m
LB 770	Tuesday, February 23, 1993	1:30 p.m

(Signed) Merton L. Dierks, Chairperson

Appropriations

LB 95	Monday, February 22, 1993	1:30 p.m.

Monday, February 22, 1993, Room 1520 1:30 p.m.
Agency 34 - Nebraska Library Commission
Agency 82 - Commission on Hearing Impaired
Agency 13 - Department of Education
Education Block Grant (Dept. of Education)

Tuesday, February 23, 1993, Room 1520 1:30 p.m.
Agency 10 - State Auditor
Agency 65 - Department of Administrative Services
(includes Personnel, Claims Board)

LB 657	Tuesday, February 23, 1993	1:30 p.m.
LB 314	Wednesday, February 24, 1993	1:30 p.m.

Wednesday, February 24, 1993, Room 1003 1:30 p.m.
Agency 35 - Liquor Control Commission
Agency 39 - Nebraska Brand Commission
Agency 43 - State Athletic Commissioner
Agency 21 - State Fire Marshal
Agency 20 - Department of Health
Health Prevention Services Block Grant (Dept. of Health)
Maternal & Child Health Block Grant (Dept. of Health)
Primary Care Block Grant (Dept. of Health)

Thursday, February 25, 1993, Room 1003 1:30 p.m.
Agency 19 - Department of Banking
Agency 22 - Department of Insurance
Agency 69 - Nebraska Arts Council
Agency 38 - Commission on Status of Women
Agency 68 - Mexican-American Commission
Agency 76 - Nebraska Indian Commission
Agency 71 - Department on Aging

Friday, February 26, 1993, Room 1003 1:30 p.m.
Agency 40 - Motor Vehicle Dealers Licensing Board
Agency 45 - Board of Barber Examiners
Agency 41 - Real Estate Commission
Agency 53 - Real Estate Appraisers Board
Agency 63 - Board of Public Accountancy
Agency 58 - Board of Engineers & Architects
Agency 66 - Board of Examiners Abstracters
Agency 73 - Board of Landscape Architects

Monday, March 1, 1993, Room 1520 9:00 a.m.
Agency 32 - Educational Lands & Funds
Agency 62 - Board of Examiners Land Surveyors
Agency 14 - Public Service Commission
Agency 87 - Accountability & Disclosure Commission
Agency 16 - Department of Revenue

Monday, March 1, 1993, Room 1520 1:30 p.m.
Agency 28 - Department of Veterans Affairs
Agency 25 - Department of Public Institutions
Alcohol, Drug Abuse, Mental Services Block Grant (Dept. of Public Institutions)

Tuesday, March 2, 1993, Room 1520 1:30 p.m.
Agency 26 - Department of Social Services
Social Services Block Grant (Dept. of Social Services)
Low Income Energy Assistance Block Grant (Dept. of Social Services)
Community Services Block Grant (Dept. of Social Services)

Wednesday, March 3, 1993, Room 1003 1:30 p.m.
Agency 18 - Department of Agriculture
Agency 56 - Nebraska Wheat Board
Agency 29 - Department of Water Resources
Agency 55 - Natural Resources Commission

Thursday, March 4, 1993, Room 1003 1:30 p.m.
Agency 37 - Worker's Compensation Commission
Agency 67 - Equal Employment Opportunity Commission
Agency 77 - Commission on Industrial Relations
Agency 23 - Department of Labor
Agency 75 - Nebraska Investment Council
Agency 85 - Employees Retirement Board

LB 325 Thursday, March 4, 1993 5:00 p.m.
LB 326 Thursday, March 4, 1993 5:00 p.m.

Friday, March 5, 1993, Room 1003 1:30 p.m.
Agency 48 - Coordinating Commission for Postsecondary Education
Agency 83 - Technical Community Colleges

Monday, March 8, 1993, Room 1520 1:30 p.m.
Agency 47 - Educational Telecommunications Commission - NEB*SAT
Agency 49 - Board of Trustees - State Colleges
Agency 50 - Nebraska State Colleges

Tuesday, March 9, 1993, Room 1520 1:30 p.m.
Agency 51 - University of Nebraska

LB 323	Tuesday, March 9, 1993	1:30 p.m
LB 788	Tuesday, March 9, 1993	1:30 p.m
LB 649	Tuesday, March 9, 1993	1:30 p.m

LB 507	Wednesday, March 10, 1993	1:30 p.m.

Wednesday, March 10, 1993, Room 1003 1:30 p.m.
Agency 64 - Nebraska State Patrol
Agency 15 - Board of Pardons & Parole
Agency 46 - Department of Correctional Services

LB 502	Thursday, March 11, 1993	1:30 p.m.

Thursday, March 11, 1993, Room 1003 1:30 p.m.
Agency 78 - Commission on Law Enforcement & Criminal Justice
Agency 11 - Attorney General
Agency 05 - Supreme Court
Agency 70 - Foster Care Review Board

(Signed) Scott Moore, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 15, 45, 62, and 108.

GENERAL FILE

LEGISLATIVE BILL 162. Title read. Considered.

Standing Committee amendment, AM0114, found in the Journal on page 460, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Beutler offered the following amendment:
FA21
Amend LB 162 as follows:
On page 2, line 1 after "48-312" add the phrase ", except 48-310,"

Mrs. Hillman, Messrs. Fisher, Cudaback, and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Beutler amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 217. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 130. Title read. Considered.

Standing Committee amendment, AM0112, found in the Journal on page 481, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 105A. Introduced by Robinson, 16.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 105, Ninety-third Legislature, First Session, 1993.

STANDING COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 378. Placed on General File.

(Signed) Stan Schellpeper, Chairperson

Business and Labor

LEGISLATIVE BILL 604. Placed on General File.
LEGISLATIVE BILL 717. Placed on General File.

(Signed) Chris Abboud, Chairperson

General Affairs

LEGISLATIVE BILL 332. Placed on General File as amended.
Standing Committee amendment to LB 332:

AM0265

1. On page 2, strike beginning with "six" in line 15 through "seventy-hundredths" in line 16 and insert "five or more gallons or eighteen and ninety-two hundredths".

(Signed) Stan Schellpeper, Chairperson

Judiciary

LEGISLATIVE BILL 137. Placed on General File.
LEGISLATIVE BILL 299. Placed on General File.

LEGISLATIVE BILL 600. Placed on General File as amended.
Standing Committee amendment to LB 600:
AM0275

1. On page 2, line 6, after "agent" insert "and an agent to cause cardiac arrest"; and strike beginning with "barbiturates" in line 17 through "agents" in line 18 and insert "drugs".

LEGISLATIVE BILL 663. Placed on General File as amended.
Standing Committee amendment to LB 663:
AM0181

1. Strike the original section and insert the following new section:

"Section 1. (1) For purposes of this section:

(a) McGruff House shall mean a house that has been designated as a temporary haven for school-age children by a McGruff House program; and

(b) McGruff House program shall mean a program organized by local law enforcement agencies and civic organizations to provide a temporary haven and sense of security to school-age children in emergency or threatening situations.

(2) A local law enforcement agency involved in establishing a McGruff House program may obtain criminal history information maintained by the Nebraska State Patrol or any other law enforcement agency to investigate each person eighteen years of age or older residing in a house for which an application for designation as a McGruff House has been made.".

LEGISLATIVE BILL 760. Placed on General File as amended.
Standing Committee amendment to LB 760:
AM0196

1. On page 2, line 18, strike "deceased's" and insert "deceased".

(Signed) John Lindsay, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 93006

DATE: February 8, 1993

SUBJECT: Constitutionality of LB 601 - Restricting Former Senators from Lobbying Activity

REQUESTED BY: Senator Curt Bromm, Nebraska Legislature

WRITTEN BY: Don Stenberg, Attorney General
Steve Grasz, Deputy Attorney General

You have requested an Attorney General's Opinion concerning the constitutionality of LB 601, your bill which prohibits past state senators and certain past staff members from engaging in lobbyist activities for a period of time.

Under the terms of LB 601, as introduced,

> No state senator shall engage in lobbying activities as a registered lobbyist for four years from the date he or she ceases to be a state senator, except that any person who was a state senator within such time and was registered with the Clerk of the Legislature as a lobbyist on January 11, 1993, shall be exempt from this subsection.
>
> No permanent staff member of the Legislature or of a state senator shall engage in lobbying activities as a registered lobbyist for two years from the termination of the most recent employment with the Legislature or state senator. . . .

The bill also exempts those staff members who were registered lobbyists on January 11, 1993.

In Eastern R.R. Presidents Conference v. Nocra Motor Freight, 365 U.S. 127, 138 (1961), the Supreme Court recognized lobbying as a part of the right to petition. Lobbying therefore falls under the umbrella of protection provided by the First Amendment.[1] If LB 601 is subjected to a strict scrutiny test, it must be narrowly drawn and further a compelling governmental interest to pass constitutional muster.

Over twenty states have enacted legislation similar to LB 601. See Schmitz, A Survey of State Post-Employment Restrictions, in "The Revolving Door:" Ethics In Government Service 30, 58-63 (1980). The United States Congress has also restricted lobbying activities of its past members and certain members of their staff. See 18 U.S.C.A. § 207 (Supp. 1990). The compelling governmental interest usually identified to support lobbying restrictions on former legislators is the avoidance of the appearance of, and actual impropriety. Specifically, conflicts of interest are avoided by restricting for a time the use of any special influence or knowledge that a former legislator or staff member may have acquired while still in governmental service.

LB 601 is not drafted as narrowly as many similar statutes restricting lobbying activities of former legislators. LB 601 is broader in some respects, the first being that LB 601's restrictions are longer and appear to encompass a greater range of activity.

The length of time other states restrict past legislators lobbying activity range from "the months following voluntary termination" in Montana, Mo.Ann.Stat. §2-2-105(3) (Vernon Supp. 1989) to three years in Alabama, Ala.Code §36-25-13 (1990). LB 601's proposed four year restriction on former state senators is the longest such restriction of which we are aware. However, on the federal level, 18 U.S.C.A. §207 (the Ethics Act) provides for different degrees of restriction on executive branch employees depending on their level of involvement in particular matters while employed with the government. These restrictions begin with high-ranking former executive branch employees being banned for life from representing any person before an agency or department on a matter in which the employees substantially and materially participated, 18 U.S.C.A. §207(A). In contrast, the Ethics Act restricts the legislative branch from post-employment lobbying for only one year. This disparity may be due to the fact that Congress, as a bicameral system becomes more cumbersome and dilutes the influence of former members more quickly than the executive branch. For similar reasons that the Ethics Act poses greater restrictions on the executive branch than on the bicameral legislative branch, it is arguable that Nebraska's unicameral system demands the longer restriction of four years in order to achieve the same results that bicameral states can in two years.

LB 601 also appears to encompass a greater range of activity than similar laws in other states. Many other states restrict lobbying activity only in regard to matters in which the lobbyist was directly concerned and personally participated during his/her time as a legislator. See e.g., Iowa Code Ann. §68B.7. However, it is again arguable that Nebraska's unique unicameral system may require LB 601's broader scope in order to effectuate its purpose. In a unicameral system, senators are directly concerned with and personally participate in nearly all matters. Therefore, read in the context of Nebraska's unique unicameral system, LB 601 may not actually restrict any more activity than similar statutes in other states.

The final respect in which LB 601 is broader than many other post-employment restriction statutes is that LB 601 is in no way linked to the pecuniary interests of the former legislators. As a result of this, former legislators may be in violation of this bill for attempting to further a purely personal interest. This application of the bill could be found overbroad and thus a violation of the constitutional right to petition granted by the First Amendment. To remedy this problem, it is suggested that paragraph five be amended to read:

> No state senator shall engage in lobbying activities as a registered lobbyist for compensation for four years from the date he or she ceases to be a state senator. . . .

In conclusion, LB 601 promotes the compelling state interest of avoiding the appearance of, and actual, impropriety in lobbying activity. Although LB 601 is broader in its restrictions than many similar state and federal statutes, Nebraska's unique unicameral system may require broader restrictions to achieve the same ends. Therefore, if amended as suggested, we believe that LB 601 is sufficiently narrow in its scope to pass constitutional muster.

[1]Likewise, restrictions on lobbying implicate Article I, section 5 of the Constitution of the State of Nebraska which states, "Every person may freely speak, write and publish on all subjects. . . ." For purposes of this opinion, the constitutional analysis of the state and federal provisions is the same.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Steve Grasz
Deputy Attorney General

3-1064-3

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 9, 1993, at 11:05 a.m., were the following bills: 15, 45, 62, and 108.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

EXPLANATION OF VOTE

Had I been present, I would have voted yes on on the final passage of LBs 15, 45, 62, and 108.

(Signed) C. N. "Bud" Robinson

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

LB 366	Tuesday, February 16, 1993	12:00 p.m.
LB 296	Thursday, February 18, 1993	12:00 p.m.

(Signed) Tom Horgan, Chairperson

GENERAL FILE

LEGISLATIVE BILL 105. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 198. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 413. Title read. Considered.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BAACK PRESIDING

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Landis asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 176. Title read. Considered.

Ms. Day asked unanimous consent to be excused. No objections. So ordered.

Standing Committee amendment, AM0025, found in the Journal on page 485, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 26 ayes, 2 nays, 12 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Vrtiska asked unanimous consent to have his name added as cointroducer to LB 241. No objections. So ordered.

VISITOR

The Doctor of the Day was Richard Hanisch from St. Paul.

ADJOURNMENT

At 11:55 a.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Wednesday, February 10, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-FOURTH DAY - FEBRUARY 10, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 10, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Vernon Jacobs, First Lutheran Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Elmer, Fisher, Lynch, and Withem who were excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Dierks, Hall, Hartnett, Kristensen, Landis, Moore, Robinson, Wehrbein, Mmes. Bohlke, Robak, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

UNANIMOUS CONSENT - Member Excused

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

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 291. Placed on General File as amended.
Standing Committee amendment to LB 291:
AM0273

1. On page 4, line 3, after "appropriate" insert ".
The council shall report its findings and recommendations to

the Governor and the Legislature by October 1 of each year" and strike "and" ; in line 5 before the underscored period insert "; and

(g) Examine and make recommendations in regard to policies and practices for meaningful consumer participation in the treatment planning process"; in line 16 strike "twenty-four" and insert "not more than thirty-four"; in line 20 strike "Twelve" and insert "Not less than fourteen"; and in line 21 after "region" insert ". The consumer representatives and the family representatives shall be as nearly as possible equal in number".

2. On page 5, line 3, strike "and"; and in line 5 after "Justice" insert ";

(i) One representative from the Housing Office of the Community and Rural Development Division of the Department of Economic Development;

(j) One representative from the State Department of Education other than the member appointed under subdivision (2)(e) of this section; and

(k) Other members as appointed by the Governor"; in line 10 strike "and"; in line 11 after "commission" insert ", and the Director of Economic Development"; and in line 13 strike "(h)" and insert "(j)".

LEGISLATIVE BILL 337. Placed on General File as amended.
Standing Committee amendment to LB 337:
AM0232

1. On page 2, strike beginning with "for" in line 9 through "days" in line 10, show as stricken, and insert an underscored period; strike beginning with "during" in line 10 through the period in line 11 and show the old matter as stricken; and strike beginning with "Failure" in line 14 through the underscored period in line 16.

LEGISLATIVE BILL 513. Placed on General File as amended.
Standing Committee amendment to LB 513:
AM0272

1. On page 6, line 14, after "region" insert ", to service providers, and to the Department of Public Institutions".

(Signed) Don Wesely, Chairperson

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 223	Monday, February 22, 1993	1:30 p.m.
LB 415	Monday, February 22, 1993	1:30 p.m.

LB 30	Monday, February 22, 1993	1:30 p.m.
LB 504	Monday, February 22, 1993	1:30 p.m.
LB 404	Tuesday, February 23, 1993	1:30 p.m.
LB 478	Tuesday, February 23, 1993	1:30 p.m.
LB 547	Tuesday, February 23, 1993	1:30 p.m.
LB 609	Tuesday, February 23, 1993	1:30 p.m.
LB 599	Tuesday, March 2, 1993	1:30 p.m.
LB 603	Tuesday, March 2, 1993	1:30 p.m.
LB 611	Tuesday, March 2, 1993	1:30 p.m.
LB 641	Tuesday, March 2, 1993	1:30 p.m.
LB 382	Monday, March 8, 1993	1:30 p.m.
LB 557	Monday, March 8, 1993	1:30 p.m.
LB 738	Monday, March 8, 1993	1:30 p.m.
LB 701	Monday, March 8, 1993	1:30 p.m.
LB 675	Tuesday, March 9, 1993	1:30 p.m.
LB 705	Tuesday, March 9, 1993	1:30 p.m.
LB 756	Tuesday, March 9, 1993	1:30 p.m.
LB 688	Tuesday, March 16, 1993	1:30 p.m.
LB 718	Tuesday, March 16, 1993	1:30 p.m.
LB 744	Tuesday, March 16, 1993	1:30 p.m.
LB 823	Tuesday, March 16, 1993	1:30 p.m.

(Signed) David Landis, Chairperson

STANDING COMMITTEE REPORT
Education

The Committee on Education desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Nebraska Safety Center Advisory Council
- Carol Cope
- Jodi Filipi
- Tom Gorman
- Ralph Hild
- John J. Siefkes
- Fred Zwonechek

VOTE: Aye: Senators Bohlke, Beutler, McKenzie, Janssen, and Wickersham. Nay: None. Absent: Senators Withem, Rasmussen, and Warner.

(Signed) Ardyce Bohlke, Vice Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Witek asked unanimous consent to print the following amendment to LB 27 in the Journal. No objections. So ordered.

AM0228

(Amendments to Standing Committee amendments, AM0226)

1. Insert the following new sections:

"Section 1. That section 79-4,140.16, Revised Statutes Supplement, 1992, be amended to read as follows:

79-4,140.16. (1) To ensure both equality of opportunity and quality of programs offered, all public schools in the state shall be required to meet quality and performance-based approval or accreditation standards as prescribed by the State Board of Education. The board shall establish a core curriculum standard, which shall include ~~multicultural education and~~ vocational education courses, for all public schools in the state. Accreditation and approval standards shall be designed to assure effective schooling and quality of instructional programs regardless of school size, wealth, or geographic location. The board shall recognize and encourage the maximum use of cooperative programs and may provide for approval or accreditation of programs on a cooperative basis, including the sharing of administrative and instructional staff, between school districts for the purpose of meeting the approval and accreditation requirements established pursuant to this section and section 79-328.

(2) The Commissioner of Education shall appoint an accreditation committee which shall be representative of the educational institutions and agencies of the state and shall include as a member the director of admissions of the University of Nebraska.

(3) The accreditation committee shall be responsible for: (a) Recommending appropriate standards and policies with respect to the accreditation and classification of schools; and (b) making recommendations annually to the commissioner relative to the accreditation and classification of individual schools. No school shall be considered for accreditation status which has not first fulfilled all requirements for an approved school.

(4) By school year 1993-94 all public schools in the state shall be accredited.

(5) It is the intent of the Legislature that all public school students shall have access to all educational services required of accredited schools. Such services may be provided through cooperative programs or alternative methods of delivery.

Sec. 3. That section 79-4,231, Revised Statutes

Supplement, 1992, be amended to read as follows:

79-4,231. ~~(1)~~ Each school district shall present evidence annually, in a form prescribed by the State Department of Education, to the department that multicultural education is being taught to students pursuant to section 79-4,230. The department shall evaluate the effectiveness of the multicultural education program and establish reasonable timelines for the submission of such evidence.

~~(2) A school district which fails to provide or fails to provide evidence annually of multicultural education pursuant to section 79-4,230 shall lose its accreditation status.~~".

2. On page 3, line 2, strike "79-4,230 and" and insert "79-4,140.16 and 79-4,230 to".

3. Renumber the remaining sections accordingly.

Mrs. Witek asked unanimous consent to print the following amendment to LB 27 in the Journal. No objections. So ordered.

AM0227

(Amendments to Standing Committee amendments, AM0226)

1. On page 2, line 18, strike beginning with the comma through "data" and insert "which shall not include the testing, assessment, or evaluation of a student's cultural awareness or sensitivity to such issues without the prior written consent of the parent or guardian of the student".

SELECT FILE

LEGISLATIVE BILL 113. Advanced to E & R for engrossment.

LEGISLATIVE BILL 138A. Mr. Will renewed his pending amendment, AM0251, found in the Journal on page 567.

Mr. Will offered the following amendment to his pending amendment: FA22

Amend LB 138A, AM0251 as follows:

1. In line 2, strike "3" and insert "4", in line 4, strike "and" and insert a comma, and after "2" insert "and 3".

The Will amendment was adopted with 26 ayes, 1 nay, 4 present and not voting, and 18 excused and not voting.

The Will amendment, as amended, was adopted with 25 ayes, 1 nay, 6 present and not voting, and 17 excused and not voting.

Mr. Chambers moved to indefinitely postpone.

Mr. Chambers requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 5:

Chambers	Crosby	Preister	Schimek	Vrtiska

Voting in the negative, 16:

Abboud	Hillman	Lindsay	Rasmussen	Wickersham
Bohlke	Hohenstein	McKenzie	Robak	Will
Day	Janssen	Pirsch	Robinson	Witek
Hall				

Present and not voting, 20:

Ashford	Beutler	Cudaback	Hudkins	Pedersen
Avery	Bromm	Dierks	Jones	Schellpeper
Baack	Byars	Haberman	Kristensen	Schmitt
Bernard-Stevens	Coordsen	Horgan	Moore	Warner

Excused and not voting, 8:

Elmer	Hartnett	Lynch	Wesely	Withem
Fisher	Landis	Wehrbein		

The Chambers motion to indefinitely postpone lost with 5 ayes, 16 nays, 20 present and not voting, and 8 excused and not voting.

Mr. Chambers requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 26 ayes, 9 nays, 6 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 205. Mrs. Rasmussen offered the following amendment:
AM0299

1. Insert the following new section:

"Sec. 4. That section 43-146.11, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-146.11. After being contacted by an adopted person as provided in section 43-146.10, the department or agency, as the case may be, shall verify with the bureau that no unrevoked nonconsent form is on file. If an unrevoked nonconsent form is not on file, the department or agency, as the case may be, shall apply to the clerk of the county court which issued the adoption decree or the bureau for any

information in the court or bureau records regarding the adopted person or his or her relatives, including names, ~~and~~ locations, and any birth, marriage, or death certificates or divorce decrees. ~~of the relatives of the adopted person.~~ Any information which is available shall be given by the court or bureau only to the department or agency. The department or agency shall keep such information confidential.".

2. On page 2, strike beginning with "names" in line 8 through "person" in line 9, show as stricken, and insert "adopted person or his or her relatives, including names, locations, and any birth, marriage, or death certificates or divorce decrees".

3. On page 4, line 6, after the last comma insert "43-146.11,".

4. Renumber the remaining sections accordingly.

The Rasmussen amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 417. E & R amendment, AM5351, found in the Journal on page 560, was adopted.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 16A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 105A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 440. Title read. Considered.

Standing Committee amendment, AM0131, found in the Journal on page 458, was considered.

Mr. Warner renewed his pending amendment, AM0194, found in the Journal on page 511, to the Standing Committee amendment.

The Warner amendment was adopted with 23 ayes, 0 nays, 18 present and not voting, and 8 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 311. Title read. Considered.

Standing Committee amendment, AM0117, found in the Journal on page 480, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 320. Title read. Considered.

Standing Committee amendment, AM0143, found in the Journal on page 484, was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

SPEAKER BAACK PRESIDING

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hall requested a record vote on the advancement of the bill.

Voting in the affirmative, 30:

Abboud	Coordsen	Horgan	Moore	Schmitt
Avery	Crosby	Hudkins	Pedersen	Vrtiska
Bernard-Stevens	Cudaback	Janssen	Pirsch	Warner
Bohlke	Day	Jones	Robak	Wehrbein
Bromm	Dierks	Kristensen	Robinson	Will
Byars	Hohenstein	McKenzie	Schellpeper	Witek

Voting in the negative, 5:

Baack	Hall	Lindsay	Preister	Wesely

Present and not voting, 10:

Ashford	Chambers	Hartnett	Landis	Schimek
Beutler	Haberman	Hillman	Rasmussen	Wickersham

Excused and not voting, 4:

Elmer Fisher Lynch Withem

Advanced to E & R for review with 30 ayes, 5 nays, 10 present and not voting, and 4 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 131. Placed on Select File as amended.
E & R amendment to LB 131:
AM5356

1. On page 2, line 1, strike "and redefine" and insert ", redefine, and eliminate"; and in line 2 strike "and a definition".
2. On page 4, line 16, before "static" insert "the".
3. On page 8, line 9, after "contractor" insert "as defined in section 46-1213".
4. On page 9, line 11, after "irrigation" insert "water".
5. On page 26, line 14, strike "it", show as stricken, and insert "the act".
6. On page 31, line 20, strike "50" and insert "51".
7. On page 40, line 10; and page 44, line 7, strike "director" and insert "Director of Health".
8. On page 41, line 28, strike the colon and strike "Investigate" and insert "investigate".
9. On page 42, line 7, strike the semicolons and insert underscored commas.
10. On page 43, line 18, strike "or" and show as stricken and after "revocation" insert an underscored comma.
11. On page 44, line 2, strike the first comma and show as stricken; in line 22 after "for" insert "a period"; and in line 23 after "period" insert an underscored comma.
12. On page 45, line 27, after "director" insert an underscored comma.
13. On page 48, line 8, strike the first comma; and in line 9 strike "devise" and insert "device".
14. On page 51, line 22, strike "and".

LEGISLATIVE BILL 182. Placed on Select File.
LEGISLATIVE BILL 247. Placed on Select File.
LEGISLATIVE BILL 316. Placed on Select File.

(Signed) Kurt A. Hohenstein, Chairperson

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 660. Placed on General File.

(Signed) John Lindsay, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 339. Placed on General File.
LEGISLATIVE BILL 465. Placed on General File.

LEGISLATIVE BILL 488. Placed on General File as amended.
Standing Committee amendment to LB 488:
AM0281

1. Strike original section 3 and insert the following new sections:

"Sec. 3. That section 21-2219, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

21-2219. A professional corporation organized under the provisions of ~~sections 21-2201 to 21-2222~~ the Nebraska Professional Corporation Act may consolidate or merge ~~only~~ with another domestic professional corporation organized under ~~sections 21-2201 to 21-2222~~ the act to render the same professional service or a foreign professional corporation admitted or which would qualify to be admitted under the act to render the same professional service in this state. ~~A merger or consolidation with any foreign corporation is prohibited.~~

Sec. 4. That original sections 21-2201 and 21-2219, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. On page 2, line 9, after the period insert "Notwithstanding any other provision of the Nebraska Professional Corporation Act, no shareholder, director, officer, employee, or agent of a professional corporation shall be required to be licensed to render professional services in this state or to reside in this state if such shareholder, director, officer, employee, or agent does not render professional services in this state and is licensed in one or more states, territories of the United States, or the District of Columbia to render a professional service described in the professional corporation's articles of incorporation."; and strike beginning with "Except" in line 10 through "Act" in line 14 and insert "A foreign professional corporation shall not transact business in this state unless it renders one of the professional services specified in subdivision (1) of section 21-2202 and complies with the provisions of the act, including, without limitation, registration with the appropriate regulating board in this state".

LEGISLATIVE BILL 583. Placed on General File as amended.
Standing Committee amendment to LB 583:
AM0292

1. Strike original section 115.

2. On page 18, lines 15 and 16, strike "comprehensive financial" and insert "risk-based capital".

3. On page 39, line 3, after "if" insert "(1) the name includes a word or words that identify the new stock insurer as a stock insurer and (2)" and strike "such use" and insert "the continued use of the word mutual in its name"; and in line 26 strike "and" and after "agents" insert ", and persons acting as trustees of employee stock ownership plans or other employee benefit plans".

4. On page 41, after line 3 insert the following new paragraph:

"If the director determines that the mutual insurer is insolvent as defined in section 44-4803, he or she shall grant the request to waive the requirements imposing notice to policyholders and policyowner approval for the plan of conversion.".

5. On page 72, lines 5, 22, and 24, strike "twenty-four", show as stricken, and insert "thirty"; in lines 5, 13, and 24 after "hours" insert ", of which at least six hours shall be on insurance industry ethics,"; in line 7 strike "twelve", show as stricken, and insert "eighteen"; in line 8 after "hours" insert ", of which at least three hours shall be on insurance industry ethics,"; and in line 13 strike "six", show as stricken, and insert "twelve".

6. On page 73, line 3, strike "ten" and insert "five".

7. On page 76, line 7, strike "license to sell" and after "insurance" insert "license"; and in line 22 strike "to be set" and insert "as established"; strike "which shall", after "not" insert "to", and strike "fifteen" and insert "ten".

8. On page 77, line 6, strike "set" and insert "as established"; and in line 14 strike "set" and insert "as established" and strike "ten" and insert "twenty".

9. On page 79, line 20, strike "fifty" and insert "forty"; in line 22 strike "one hundred" and insert "eighty"; in line 23 strike the new matter and reinstate the stricken matter; and in line 24 strike "seventy-five".

10. On page 91, line 17; and page 96, line 8, after "heard" insert "in accordance with the Administrative Procedure Act".

11. On page 102, line 8, after the first comma insert "and" and strike "and 48-144.03,".

12. Renumber the remaining sections accordingly.

(Signed) David Landis, Chairperson

General Affairs

LEGISLATIVE BILL 77. Placed on General File as amended.
Standing Committee amendment to LB 77:
AM0160

1. Strike the original sections and insert the following new sections:

"Section 1. That section 53-186, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-186. ~~It~~ (1) Except as provided in subsection (2) of this section, it shall be unlawful for any person to consume alcoholic ~~liquors~~ liquor (a) in the public streets, alleys, parking areas, roads, or highways, ~~or~~ (b) inside vehicles while upon the public streets, alleys, parking areas, roads, or highways, ~~;~~ or (c) upon property owned or controlled by the state or any governmental subdivision thereof, unless authorized by the governing bodies having jurisdiction over such property. ~~properties; PROVIDED, that the~~

(2) The commission may issue licenses for the sale of alcoholic liquor at retail (a) on lands owned by public power districts, public power and irrigation districts, the Bureau of Reclamation, or the Corps of Army Engineers, or (b) for locations within or on structures on land owned by the state, cities, or villages or on lands controlled by airport authorities. The issuance of a license under this subsection shall be subject to the consent of the local governing body having jurisdiction over the site for which the license is requested as provided in the Nebraska Liquor Control Act. ~~with the consent of the governing body thereof.~~

Sec. 2. That original section 53-186, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

(Signed) Stan Schellpeper, Chairperson

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 76	Wednesday, February 17, 1993	1:30 p.m.
LB 428	Wednesday, February 17, 1993	1:30 p.m.
LB 398	Thursday, February 18, 1993	1:30 p.m.
LB 776	Thursday, February 18, 1993	1:30 p.m.
LB 213	Thursday, February 18, 1993	1:30 p.m.
LB 706	Thursday, February 18, 1993	1:30 p.m.

LB 185	Friday, February 19, 1993	1:30 p.m.
LB 446	Friday, February 19, 1993	1:30 p.m.
LB 635	Friday, February 19, 1993	1:30 p.m.
LB 697	Friday, February 19, 1993	1:30 p.m.
LB 401	Friday, February 19, 1993	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

PROPOSED RULE CHANGE

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

Amend the proposed rules change found on page 385, by adding the following sentence. "The Senate Lounge (Room 2026) shall be a designated smoking area."

BILL ON FIRST READING

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

LEGISLATIVE BILL 360A. Introduced by Rasmussen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 360, Ninety-third Legislature, First Session, 1993.

NOTICE OF COMMITTEE HEARING
General Affairs

LB 672	Monday, February 22, 1993	1:30 p.m.
LB 791	Monday, February 22, 1993	1:30 p.m.
LB 700	Monday, February 22, 1993	1:30 p.m.
LB 769	Monday, February 22, 1993	1:30 p.m.
LB 231	Monday, February 22, 1993	1:30 p.m.
LB 563	Monday, February 22, 1993	1:30 p.m.
LB 561	Monday, February 22, 1993	1:30 p.m.

(Signed) Stan Schellpeper, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Beutler asked unanimous consent to have his name added as cointroducer to LB 241. No objections. So ordered.

Mr. Wickersham asked unanimous consent to have his name added as cointroducer to LB 254. No objections. So ordered.

VISITORS

Visitors to the Chamber were a group from the N.E. Federation of Democratic Women; 24 students and sponsor from Dodge, and 25 students and sponsor from Howells; 18 juniors, seniors, and teacher from Bancroft-Rosalie High School; and former Senator George Fenger and his wife from Omaha, and granddaughters, Erin and Ellyn Demaree, from Louisiana.

The Doctor of the Day was Ron Klutman from Columbus.

ADJOURNMENT

At 11:53 a.m., on a motion by Mr. Jones, the Legislature adjourned until 9:00 a.m., Thursday, February 11, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-FIFTH DAY - FEBRUARY 11, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 11, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Dr. Norman Leach, Lincoln Interfaith Council, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Elmer, Withem, and Ms. Day who were excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Byars, Chambers, Landis, Lindsay, Lynch, Moore, and Warner who were excused until they arrive.

PRESIDENT MOUL PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 226. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5357.)

LEGISLATIVE BILL 57. Placed on Select File as amended.
E & R amendment to LB 57:
AM5354

1. On page 3, line 7, after "81-1177" insert an underscored period; and in lines 7 and 8 strike "for state

employees." and show as stricken.

LEGISLATIVE BILL 131A. Placed on Select File.

LEGISLATIVE BILL 140. Placed on Select File as amended.
E & R amendment to LB 140:
AM5353

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 74-915, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

74-915. The Department of Labor is hereby authorized to adopt, promulgate, and enforce reasonable rules and regulations after due notice and hearing for the safety, sanitation, shelter, and health of railroad maintenance-of-way and train operating employees. ~~, as far as shelter and drinking water for human consumption pertain to the railroad maintenance-of-way employees.~~ This section shall terminate on July 1, 1996.

Sec. 2. That original section 74-915, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 1, line 3, after the semicolon insert "to provide a termination date;".

LEGISLATIVE BILL 140A. Placed on Select File.
LEGISLATIVE BILL 109. Placed on Select File.
LEGISLATIVE BILL 190. Placed on Select File.
LEGISLATIVE BILL 190A. Placed on Select File.

LEGISLATIVE BILL 261. Placed on Select File as amended.
E & R amendment to LB 261:
AM5355

1. On page 1, line 2, strike "45-618,"; in line 5 after the second semicolon insert "to define a term;"; and in line 6 after the semicolon insert "to change provisions relating to the licensing of collection agencies;".

2. On page 12, line 8, reinstate the stricken comma.

3. Strike original section 17.

4. On page 19, line 3, strike "45-618,".

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 439. Placed on Select File as amended.
E & R amendment to LB 439:
AM5359

1. On page 4, lines 20, 21, and 27, strike "Control", show as stricken, and insert "Quality".

2. On page 7, line 3, strike "reduction" and insert "reductions".

LEGISLATIVE BILL 48. Placed on Select File as amended.
E & R amendment to LB 48:
AM5358

1. In the Standing Committee amendments, AM0106, on page 1, line 1, after "the" insert "second".

2. On page 4, line 24, after "71-1,283" insert "and section 3 of this act".

(Signed) Kurt A. Hohenstein, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 176 in the Journal. No objections. So ordered.

AM0319

1. On page 2, line 28; and page 3, lines 1 through 11, strike the new matter.

2. On page 3, line 12, strike "(c)" and insert "(b)".

3. On page 5, line 18; and page 6, lines 1 and 2 and 4, strike "subdivisions (1)(a)(iii) and (1)(b)" and insert "subdivision (1)(a)(iii)".

4. On page 6, lines 11 and 12, strike the new matter.

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 203	Friday, February 19, 1993	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Transportation

LB 558	Monday, February 22, 1993	1:30 p.m.
LB 342	Monday, February 22, 1993	1:30 p.m.
LB 164	Monday, February 22, 1993	1:30 p.m.
LB 434	Monday, February 22, 1993	1:30 p.m.
LB 582	Monday, February 22, 1993	1:30 p.m.
LB 354	Monday, February 22, 1993	1:30 p.m.
LB 474	Monday, February 22, 1993	1:30 p.m.
LB 282	Monday, February 22, 1993	1:30 p.m.
LB 394	Tuesday, February 23, 1993	1:30 p.m.
LB 28	Tuesday, February 23, 1993	1:30 p.m.
LB 358	Tuesday, February 23, 1993	1:30 p.m.
LB 238	Tuesday, February 23, 1993	1:30 p.m.

LB 297	Tuesday, February 23, 1993	1:30 p.m.
LB 539	Tuesday, February 23, 1993	1:30 p.m.
LB 101	Tuesday, February 23, 1993	1:30 p.m.
LB 153	Tuesday, February 23, 1993	1:30 p.m.
LB 259	Tuesday, February 23, 1993	1:30 p.m.
LB 227	Tuesday, February 23, 1993	1:30 p.m.
LB 56	Tuesday, March 2, 1993	1:30 p.m.
LB 60	Tuesday, March 2, 1993	1:30 p.m.
LB 491	Tuesday, March 2, 1993	1:30 p.m.
LB 196	Tuesday, March 2, 1993	1:30 p.m.
LB 126	Monday, March 8, 1993	1:30 p.m.
LB 165	Monday, March 8, 1993	1:30 p.m.
LB 197	Monday, March 8, 1993	1:30 p.m.
LB 420	Monday, March 8, 1993	1:30 p.m.
LB 584	Monday, March 8, 1993	1:30 p.m.
LB 777	Monday, March 8, 1993	1:30 p.m.
LB 221	Tuesday, March 9, 1993	1:30 p.m.
LB 371	Tuesday, March 9, 1993	1:30 p.m.
LB 492	Tuesday, March 9, 1993	1:30 p.m.
LB 655	Tuesday, March 9, 1993	1:30 p.m.
LB 309	Tuesday, March 16, 1993	1:30 p.m.
LB 749	Tuesday, March 16, 1993	1:30 p.m.
LB 424	Tuesday, March 16, 1993	1:30 p.m.
LB 664	Tuesday, March 16, 1993	1:30 p.m.
LB 673	Tuesday, March 16, 1993	1:30 p.m.
LB 689	Tuesday, March 16, 1993	1:30 p.m.

(Signed) Doug Kristensen, Chairperson

Business and Labor

LB 754	Monday, February 22, 1993	1:30 p.m.
LB 525	Monday, February 22, 1993	1:30 p.m.
LB 594	Monday, February 22, 1993	1:30 p.m.
LB 608	Monday, February 22, 1993	1:30 p.m.
LB 753	Monday, February 22, 1993	1:30 p.m.
LB 255	Monday, February 22, 1993	1:30 p.m.
LB 676	Monday, March 8, 1993	1:30 p.m.
LB 757	Monday, March 8, 1993	1:30 p.m.
LB 771	Monday, March 8, 1993	1:30 p.m.
LB 785	Monday, March 8, 1993	1:30 p.m.

LB 612	Monday, March 22, 1993	1:30 p.m.
LB 242	Monday, March 22, 1993	1:30 p.m.
LB 395	Monday, March 22, 1993	1:30 p.m.

(Signed) Chris Abboud, Chairperson

PROPOSED RULE CHANGE

Mr. Will, Chairperson of the Rules Committee, renewed the Select Committee Report on the proposed rule change, found in the Journal on page 555.

Mr. Hall renewed his pending amendment, found in the Journal on page 589, to the proposed rule change.

The Hall amendment was adopted with 32 ayes, 0 nays, 6 present and not voting, and 11 excused and not voting.

Mr. Robinson moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Robinson requested a record vote on the proposed rule change, as amended.

Voting in the affirmative, 40:

Ashford	Chambers	Hillman	McKenzie	Schimek
Avery	Coordsen	Hohenstein	Pedersen	Schmitt
Baack	Crosby	Horgan	Pirsch	Vrtiska
Bernard-Stevens	Cudaback	Hudkins	Preister	Wehrbein
Beutler	Dierks	Janssen	Rasmussen	Wesely
Bohlke	Fisher	Jones	Robak	Wickersham
Bromm	Haberman	Kristensen	Robinson	Will
Byars	Hartnett	Lynch	Schellpeper	Witek

Voting in the negative, 1:

Hall

Excused and not voting, 8:

Abboud	Elmer	Lindsay	Warner	Withem
Day	Landis	Moore		

The proposed rule change, as amended, was adopted with 40 ayes, 1 nay, and 8 excused and not voting.

The Chair declared the call raised.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 14. With Emergency.

A BILL FOR AN ACT relating to security interests; to amend section 76-276, Reissue Revised Statutes of Nebraska, 1943; to authorize creation of security interests in rents; to define terms; to provide for recording, priorities, and enforcement of such security interests; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Ashford	Chambers	Hillman	McKenzie	Schimek
Avery	Coordsen	Hohenstein	Pedersen	Schmitt
Baack	Crosby	Horgan	Pirsch	Vrtiska
Bernard-Stevens	Cudaback	Hudkins	Preister	Wehrbein
	Dierks	Janssen	Rasmussen	Wesely
Beutler	Fisher	Jones	Robak	Wickersham
Bohlke	Haberman	Kristensen	Robinson	Will
Bromm	Hall	Lynch	Schellpeper	Witek
Byars	Hartnett			

Voting in the negative, 0.

Excused and not voting, 8:

Abboud	Elmer	Lindsay	Warner	Withem
Day	Landis	Moore		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 47. With Emergency.

A BILL FOR AN ACT relating to employment security; to amend section 48-628.03, Reissue Revised Statutes of Nebraska, 1943; to suspend provisions relating to extended benefits as provided; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Ashford	Chambers	Hartnett	McKenzie	Schimek
Avery	Coordsen	Hohenstein	Pedersen	Schmitt
Baack	Crosby	Horgan	Pirsch	Vrtiska
Bernard-Stevens	Cudaback	Hudkins	Preister	Wehrbein
Beutler	Dierks	Janssen	Rasmussen	Wesely
Bohlke	Fisher	Jones	Robak	Wickersham
Bromm	Haberman	Kristensen	Robinson	Will
Byars	Hall	Lynch	Schellpeper	Witek

Voting in the negative, 0.

Present and not voting, 1:

Hillman

Excused and not voting, 8:

Abboud	Elmer	Lindsay	Warner	Withem
Day	Landis	Moore		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

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

LEGISLATIVE BILL 87. With Emergency.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to adopt uniform provisions governing a lost, destroyed, or stolen cashier's check, teller's check, or certified check; to provide duties for the Revisor of Statutes; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Ashford	Baack	Bernard-Stevens	Beutler	Bromm
Avery			Bohlke	Byars

Chambers	Hartnett	Kristensen	Rasmussen	Vrtiska
Coordsen	Hillman	Lynch	Robak	Wehrbein
Crosby	Hohenstein	McKenzie	Robinson	Wesely
Cudaback	Horgan	Pedersen	Schellpeper	Wickersham
Dierks	Hudkins	Pirsch	Schimek	Will
Fisher	Janssen	Preister	Schmitt	Witek
Hall	Jones			

Voting in the negative, 0.

Excused and not voting, 9:

Abboud	Elmer	Landis	Moore	Withem
Day	Haberman	Lindsay	Warner	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 107. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend sections 79-1034 and 79-1036, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1032, 79-1043, 79-1045, 79-1046, 79-1047 to 79-1049, 79-1049.06, and 79-1056.06, Revised Statutes Supplement, 1992; to change provisions relating to school employee retirement systems for Class V school districts; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud	Chambers	Hillman	McKenzie	Schimek
Ashford	Coordsen	Hohenstein	Pedersen	Schmitt
Avery	Crosby	Horgan	Pirsch	Vrtiska
Baack	Cudaback	Hudkins	Preister	Wehrbein
Bernard-Stevens	Dierks	Janssen	Rasmussen	Wesely
	Fisher	Jones	Robak	Wickersham
Bohlke	Hall	Kristensen	Robinson	Will
Bromm	Hartnett	Lynch	Schellpeper	Witek
Byars				

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 8:

Day	Haberman	Lindsay	Warner	Withem
Elmer	Landis	Moore		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 118. With Emergency.

A BILL FOR AN ACT relating to the executions of judgments; to amend sections 25-1563.02 and 48-149, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to exemption from executions of certain settlements, compensation, and benefits as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud	Byars	Hillman	McKenzie	Schimek
Ashford	Chambers	Hohenstein	Pedersen	Schmitt
Avery	Coordsen	Horgan	Pirsch	Vrtiska
Baack	Crosby	Hudkins	Preister	Wehrbein
Bernard-Stevens	Cudaback	Janssen	Rasmussen	Wesely
Beutler	Dierks	Jones	Robak	Wickersham
Bohlke	Fisher	Kristensen	Robinson	Will
Bromm	Hall	Lynch	Schellpeper	Witek
	Hartnett			

Voting in the negative, 0.

Excused and not voting, 8:

Day	Haberman	Lindsay	Warner	Withem
Elmer	Landis	Moore		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 29.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-852, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to amendments of pleadings; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Byars	Hillman	Lynch	Schellpeper
Ashford	Chambers	Hohenstein	McKenzie	Schimek
Avery	Coordsen	Horgan	Pedersen	Schmitt
Baack	Crosby	Hudkins	Pirsch	Vrtiska
Bernard-Stevens	Cudaback	Janssen	Preister	Wesely
Beutler	Dierks	Jones	Rasmussen	Wickersham
Bohlke	Fisher	Kristensen	Robak	Will
Bromm	Hall	Landis	Robinson	Witek
	Hartnett			

Voting in the negative, 0.

Present and not voting, 1:

Wehrbein

Excused and not voting, 7:

Day	Haberman	Moore	Warner	Withem
Elmer	Lindsay			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 35.

A BILL FOR AN ACT relating to counties; to amend section 23-172, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the adoption of standard codes; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud	Ashford	Avery	Baack

Bernard-Stevens	Crosby	Hudkins	Pedersen	Schmitt
Beutler	Cudaback	Janssen	Pirsch	Vrtiska
Bohlke	Dierks	Jones	Preister	Wehrbein
Bromm	Hall	Kristensen	Rasmussen	Wesely
Byars	Hartnett	Landis	Robak	Wickersham
Chambers	Hillman	Lynch	Schellpeper	Will
Coordsen	Hohenstein	McKenzie	Schimek	Witek
	Horgan			

Voting in the negative, 0.

Present and not voting, 2:

Fisher	Robinson

Excused and not voting, 7:

Day	Haberman	Moore	Warner	Withem
Elmer	Lindsay			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 39. With Emergency.

A BILL FOR AN ACT relating to cities of the primary class; to amend sections 15-106, 15-106.01, and 15-901, Reissue Revised Statutes of Nebraska, 1943; to provide for approval of additions and plats by the city planning commission; to authorize appeal procedures; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud	Byars	Hillman	McKenzie	Schimek
Ashford	Chambers	Hohenstein	Pedersen	Schmitt
Avery	Coordsen	Horgan	Pirsch	Vrtiska
Baack	Crosby	Hudkins	Preister	Wehrbein
Bernard-Stevens	Cudaback	Janssen	Rasmussen	Wesely
Beutler	Dierks	Jones	Robak	Wickersham
Bohlke	Fisher	Kristensen	Robinson	Will
Bromm	Hall	Landis	Schellpeper	Witek
	Hartnett	Lynch		

Voting in the negative, 0.

Excused and not voting, 7:

Day	Haberman	Moore	Warner	Withem
Elmer	Lindsay			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 41.

A BILL FOR AN ACT relating to the Nebraska State Board of Public Accountancy; to amend sections 1-112, 1-136.02, 1-137, 1-138, 1-139, and 1-148, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the issuance of rules and regulations; to provide for the issuance of a permit to practice to a holder of a reciprocal certificate as prescribed; to change provisions relating to disciplinary actions as prescribed; to provide powers and duties; to eliminate a temporary certificate provision; and to repeal the original sections, and also section 1-127, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud	Byars	Hillman	McKenzie	Schimek
Ashford	Chambers	Hohenstein	Pedersen	Schmitt
Avery	Coordsen	Horgan	Pirsch	Vrtiska
Baack	Crosby	Hudkins	Preister	Wehrbein
Bernard-Stevens	Cudaback	Janssen	Rasmussen	Wesely
	Dierks	Jones	Robak	Wickersham
Beutler	Fisher	Kristensen	Robinson	Will
Bohlke	Hall	Landis	Schellpeper	Witek
Bromm	Hartnett	Lynch		

Voting in the negative, 0.

Excused and not voting, 7:

Day	Haberman	Moore	Warner	Withem
Elmer	Lindsay			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 49.

A BILL FOR AN ACT relating to the Nebraska Natural Gas Pipeline Safety Act of 1969; to amend section 81-546, Reissue Revised Statutes of Nebraska, 1943; to increase the maximum civil penalty; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud	Byars	Hillman	Lynch	Schimek
Ashford	Chambers	Hohenstein	McKenzie	Schmitt
Avery	Coordsen	Horgan	Pedersen	Vrtiska
Baack	Crosby	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Cudaback	Janssen	Preister	Wesely
Beutler	Dierks	Jones	Rasmussen	Wickersham
Bohlke	Fisher	Kristensen	Robinson	Will
Bromm	Hall	Landis	Schellpeper	Witek
	Hartnett			

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 7:

Day	Haberman	Moore	Warner	Withem
Elmer	Lindsay			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 54. With Emergency.

A BILL FOR AN ACT relating to gift enterprises; to amend section 9-701, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to prohibited acts by an operator of a gift enterprise; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Abboud	Byars	Hillman	McKenzie	Schimek
Ashford	Chambers	Hohenstein	Pedersen	Schmitt
Avery	Coordsen	Horgan	Pirsch	Vrtiska
Baack	Crosby	Hudkins	Preister	Wehrbein
Bernard-Stevens	Cudaback	Janssen	Rasmussen	Wesely
Beutler	Dierks	Jones	Robak	Wickersham
Bohlke	Fisher	Kristensen	Robinson	Will
Bromm	Hall	Landis	Schellpeper	Witek
	Hartnett	Lynch		

Voting in the negative, 0.

Excused and not voting, 7:

Day	Haberman	Moore	Warner	Withem
Elmer	Lindsay			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 59.

A BILL FOR AN ACT relating to public property; to amend sections 16-202, 17-503, 17-953.01, 51-216, and 51-511, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the collection of signatures for and filing of a remonstrance against the sale, conveyance, purchase, or construction of property as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Byars	Hillman	Lynch	Schellpeper
Ashford	Chambers	Hohenstein	McKenzie	Schimek
Avery	Coordsen	Horgan	Pedersen	Schmitt
Baack	Crosby	Hudkins	Pirsch	Vrtiska
Bernard-Stevens	Cudaback	Janssen	Preister	Wehrbein
Beutler	Dierks	Jones	Rasmussen	Wesely
Bohlke	Fisher	Kristensen	Robak	Wickersham
Bromm	Hall	Landis	Robinson	Will
	Hartnett			

Voting in the negative, 0.

Present and not voting, 1:

Witek

Excused and not voting, 7:

Day	Haberman	Moore	Warner	Withem
Elmer	Lindsay			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 66.

A BILL FOR AN ACT relating to counties; to amend section 23-175, Reissue Revised Statutes of Nebraska, 1943; to exempt members of risk management pools from certain insurance requirements; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud	Chambers	Hohenstein	McKenzie	Schimek
Ashford	Coordsen	Horgan	Pedersen	Schmitt
Avery	Crosby	Hudkins	Pirsch	Vrtiska
Baack	Cudaback	Janssen	Preister	Wehrbein
Beutler	Dierks	Jones	Rasmussen	Wesely
Bohlke	Fisher	Kristensen	Robak	Wickersham
Bromm	Hartnett	Landis	Robinson	Will
Byars	Hillman	Lynch	Schellpeper	Witek

Voting in the negative, 0.

Present and not voting, 2:

Bernard-Stevens	Hall

Excused and not voting, 7:

Day	Haberman	Moore	Warner	Withem
Elmer	Lindsay			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 67.

A BILL FOR AN ACT relating to fire clothing and equipment; to amend section 35-801, Revised Statutes Supplement, 1992; to define a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Byars	Hillman	Lynch	Schimek
Ashford	Chambers	Hohenstein	McKenzie	Schmitt
Avery	Coordsen	Horgan	Pedersen	Vrtiska
Baack	Crosby	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Cudaback	Janssen	Preister	Wesely
Beutler	Dierks	Jones	Rasmussen	Wickersham
Bohlke	Fisher	Kristensen	Robak	Will
Bromm	Hall	Landis	Robinson	Witek
	Hartnett	Lindsay	Schellpeper	

Voting in the negative, 0.

Excused and not voting, 6:

Day	Haberman	Moore	Warner	Withem
Elmer				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 69.

A BILL FOR AN ACT relating to county courts; to amend section 25-2706, Revised Statutes Supplement, 1992; to change provisions relating to county court jurisdiction; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Beutler	Crosby	Hillman	Kristensen
Ashford	Bohlke	Cudaback	Hohenstein	Landis
Avery	Bromm	Dierks	Horgan	Lindsay
Baack	Byars	Fisher	Hudkins	Lynch
Bernard-Stevens	Chambers	Hall	Janssen	McKenzie
	Coordsen	Hartnett	Jones	Pedersen

Pirsch	Robak	Schimek	Wehrbein	Will
Preister	Robinson	Schmitt	Wesely	Witek
Rasmussen	Schellpeper	Vrtiska	Wickersham	

Voting in the negative, 0.

Excused and not voting, 6:

Day	Haberman	Moore	Warner	Withem
Elmer				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 93.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-1101 and 85-1104, Reissue Revised Statutes of Nebraska, 1943, and section 85-1103, 85-1107, 85-1108, and 85-1412, Revised Statutes Supplement, 1992; to change provisions relating to establishment of programs by out-of-state institutions of higher education as prescribed; to change and provide powers and duties for the Coordinating Commission for Postsecondary Education; to redefine a term; to change a penalty; to change provisions relating to notice and approval of certain petitions by private colleges as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud	Byars	Hudkins	Pedersen	Schmitt
Ashford	Coordsen	Janssen	Pirsch	Vrtiska
Avery	Crosby	Jones	Preister	Warner
Baack	Cudaback	Kristensen	Rasmussen	Wehrbein
Bernard-Stevens	Dierks	Landis	Robak	Wesely
	Hall	Lindsay	Robinson	Wickersham
Beutler	Hartnett	Lynch	Schellpeper	Will
Bohlke	Hohenstein	McKenzie	Schimek	Witek
Bromm	Horgan			

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Fisher	Hillman

Excused and not voting, 5:

Day	Elmer	Haberman	Moore	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 116. With Emergency.

A BILL FOR AN ACT relating to corporations; to amend sections 21-2027, 21-2029, 21-2030, 21-2036, and 21-2052, Reissue Revised Statutes of Nebraska, 1943; to provide for an investment company to eliminate annual meetings of shareholders as prescribed; to change provisions relating to articles of incorporation, annual meetings, and elections of directors; to change when notice of a special meeting is to be sent and the record date for a determination of shareholders; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Chambers	Hohenstein	McKenzie	Schmitt
Ashford	Coordsen	Horgan	Moore	Vrtiska
Avery	Crosby	Hudkins	Pedersen	Warner
Baack	Cudaback	Janssen	Pirsch	Wehrbein
Bernard-Stevens	Dierks	Jones	Preister	Wesely
	Fisher	Kristensen	Rasmussen	Wickersham
Bohlke	Hall	Landis	Robak	Will
Bromm	Hartnett	Lindsay	Schellpeper	Witek
Byars	Hillman	Lynch	Schimek	

Voting in the negative, 0.

Present and not voting, 2:

Beutler	Robinson

Excused and not voting, 4:

Day	Elmer	Haberman	Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 141.

A BILL FOR AN ACT relating to cities and villages; to eliminate a provision authorizing use of municipal employees and equipment for street improvement and repair; and to repeal section 19-1313, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Chambers	Hohenstein	McKenzie	Schimek
Ashford	Coordsen	Horgan	Moore	Schmitt
Avery	Crosby	Hudkins	Pedersen	Vrtiska
Baack	Cudaback	Janssen	Pirsch	Warner
Bernard-Stevens	Dierks	Jones	Preister	Wehrbein
Beutler	Fisher	Kristensen	Rasmussen	Wesely
Bohlke	Hall	Landis	Robak	Wickersham
Bromm	Hartnett	Lindsay	Robinson	Will
Byars	Hillman	Lynch	Schellpeper	Witek

Voting in the negative, 0.

Excused and not voting, 4:

Day	Elmer	Haberman	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 154. With Emergency.

A BILL FOR AN ACT relating to juvenile courts; to amend section 43-2,125, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to temporary service and appointment of judges; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Bernard-Stevens	Bromm	Cudaback	Hartnett
Ashford	Beutler	Byars	Dierks	Hillman
Avery	Bohlke	Coordsen	Fisher	Hohenstein
Baack		Crosby	Hall	Horgan

Hudkins	Lindsay	Pirsch	Schellpeper	Wesely
Janssen	Lynch	Preister	Schimek	Wickersham
Jones	McKenzie	Rasmussen	Schmitt	Will
Kristensen	Moore	Robak	Warner	Witek
Landis	Pedersen	Robinson	Wehrbein	

Voting in the negative, 0.

Present and not voting, 2:

Chambers Vrtiska

Excused and not voting, 4:

Day Elmer Haberman Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 157.

A BILL FOR AN ACT relating to cities and villages; to amend sections 14-556, 16-716, and 17-720, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to deposits in certain financial institutions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Byars	Hillman	McKenzie	Schimek
Ashford	Chambers	Horgan	Moore	Schmitt
Avery	Coordsen	Hudkins	Pedersen	Vrtiska
Baack	Crosby	Janssen	Pirsch	Warner
Bernard-Stevens	Cudaback	Jones	Preister	Wehrbein
	Dierks	Kristensen	Rasmussen	Wesely
Beutler	Fisher	Landis	Robak	Wickersham
Bohlke	Hall	Lindsay	Robinson	Will
Bromm	Hartnett	Lynch	Schellpeper	Witek

Voting in the negative, 0.

Present and not voting, 1:

Hohenstein

Excused and not voting, 4:

Day	Elmer	Haberman	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

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

LEGISLATIVE BILL 177.

A BILL FOR AN ACT relating to schools; to amend sections 79-12,114, 79-12,116, and 79-12,117, Reissue Revised Statutes of Nebraska, 1943; to authorize the appointment of a hearing officer; to provide duties for the State Department of Education; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Byars	Hohenstein	Moore	Schmitt
Ashford	Chambers	Horgan	Pedersen	Vrtiska
Avery	Coordsen	Hudkins	Pirsch	Warner
Baack	Crosby	Janssen	Preister	Wehrbein
Bernard-Stevens	Cudaback	Jones	Rasmussen	Wesely
	Dierks	Kristensen	Robak	Wickersham
Beutler	Hall	Lindsay	Robinson	Will
Bohlke	Hartnett	Lynch	Schellpeper	Witek
Bromm	Hillman	McKenzie	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Fisher

Excused and not voting, 5:

Day	Elmer	Haberman	Landis	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 183. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101, 53-101.01, 53-116, 53-116.02, 53-117, 53-117.05, 53-117.06, 53-122, 53-124, 53-129, 53-131, 53-132 to 53-134, 53-134.02, 53-134.03, 53-1,115, and 53-1,116, Revised Statutes Supplement, 1992; to reenact provisions of Laws 1989, LB 781, and subsequent amendments; to provide severability; to repeal the original sections, and also sections 53-101.03, 53-117.03, 53-117.04, 53-127, and 53-134.01, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Abboud	Byars	Hohenstein	Moore	Schmitt
Ashford	Coordsen	Horgan	Pedersen	Warner
Avery	Crosby	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Cudaback	Janssen	Rasmussen	Wesely
Beutler	Dierks	Jones	Robinson	Wickersham
Bohlke	Hall	Kristensen	Schellpeper	Will
Bromm	Hartnett	Lindsay	Schimek	Witek
	Hillman	McKenzie		

Voting in the negative, 3:

Baack	Chambers	Robak

Present and not voting, 4:

Fisher	Lynch	Preister	Vrtiska

Excused and not voting, 5:

Day	Elmer	Haberman	Landis	Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 208.

A BILL FOR AN ACT relating to suburban development; to amend sections 16-902, 17-1002, and 19-921, Reissue Revised Statutes of Nebraska, 1943; to permit cities of the first and second classes or villages to designate extraterritorial jurisdiction as prescribed; to provide a duty for such cities and villages; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud	Coordsen	Hudkins	Pedersen	Schmitt
Ashford	Crosby	Janssen	Pirsch	Vrtiska
Avery	Cudaback	Jones	Preister	Warner
Baack	Dierks	Kristensen	Rasmussen	Wehrbein
Bernard-Stevens	Hall	Lindsay	Robak	Wesely
	Hartnett	Lynch	Robinson	Wickersham
Bohlke	Hillman	McKenzie	Schellpeper	Will
Bromm	Hohenstein	Moore	Schimek	Witek
Chambers	Horgan			

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Byars	Fisher

Excused and not voting, 5:

Day	Elmer	Haberman	Landis	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 209.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-929, Reissue Revised Statutes of Nebraska, 1943; to require an ordinance setting a time limit for a recommendation from a planning commission; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud	Beutler	Cudaback	Horgan	Lynch
Ashford	Bohlke	Dierks	Hudkins	McKenzie
Avery	Bromm	Hall	Janssen	Moore
Baack	Chambers	Hartnett	Jones	Pedersen
Bernard-Stevens	Coordsen	Hillman	Kristensen	Pirsch
	Crosby	Hohenstein	Lindsay	Preister

Rasmussen	Schimek	Warner	Wesely	Will
Robak	Schmitt	Wehrbein	Wickersham	Witek
Schellpeper	Vrtiska			

Voting in the negative, 0.

Present and not voting, 3:

Byars	Fisher	Robinson

Excused and not voting, 5:

Day	Elmer	Haberman	Landis	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 14, 47, 87, 107, 118, 29, 35, 39, 41, 49, 54, 59, 66, 67, 69, 93, 116, 141, 154, 157, 177, 183, 208, and 209.

MOTION - Suspend Rules

Mr. Lindsay moved to suspend the rules, Rule 3, Section 12, to permit scheduling of public hearings by the Judiciary Committee.

The Lindsay motion to suspend the rules prevailed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 133	Wednesday, February 17, 1993	1:30 p.m.
LB 353	Wednesday, February 17, 1993	1:30 p.m.
LB 457	Wednesday, February 17, 1993	1:30 p.m.
LB 466	Wednesday, February 17, 1993	1:30 p.m.
LB 493	Wednesday, February 17, 1993	1:30 p.m.
LB 400	Thursday, February 18, 1993	1:30 p.m.
LB 518	Thursday, February 18, 1993	1:30 p.m.
LB 549	Thursday, February 18, 1993	1:30 p.m.
LB 550	Thursday, February 18, 1993	1:30 p.m.
LB 642	Thursday, February 18, 1993	1:30 p.m.
LB 51	Friday, February 19, 1993	1:30 p.m.
LB 142	Friday, February 19, 1993	1:30 p.m.

LB 379	Friday, February 19, 1993	1:30 p.m.
LB 405	Friday, February 19, 1993	1:30 p.m.
LB 435	Friday, February 19, 1993	1:30 p.m.
LB 490	Friday, February 19, 1993	1:30 p.m.
LB 509	Friday, February 19, 1993	1:30 p.m.
LB 766	Friday, February 19, 1993	1:30 p.m.

(Signed) John Lindsay, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 31. Placed on Select File as amended.
E & R amendment to LB 31:
AM5360

1. In the Standing Committee amendments, AM0079:

a. On page 1, line 17, after "Finance" insert an underscored comma;

b. On page 2, line 5, reinstate the stricken comma;

c. On page 5, line 18, strike "of the state.", show as stricken, and insert an underscored period;

d. On page 11, line 27, after "years" insert an underscored comma; and

e. On page 14, line 21, strike the comma; in line 22 strike the comma and show as stricken; and in line 26 strike "his" and show as stricken and strike the new matter.

2. On page 1, line 2, after "sections" insert "21-1331.01, 25-1601, 29-112.01, 29-113, 29-752, 29-1002, 29-1004, 29-1709, 29-2204, 29-2221, 29-2407, 29-2543, 29-2546, 37-515, 39-6,104.03, 69-110, 72-703, 77-1855, 77-3210,"; in line 4 strike "84-465" and insert "83-465"; in line 9 after "sections" insert "29-3901, 39-669.06, 39-669.27, 60-4,169,"; and in line 13 after the semicolon insert "to eliminate a fund;".

3. On page 4, line 6, strike "department", show as stricken, and insert "Department of Public Institutions".

4. On page 7, line 18, after "include" insert an underscored comma.

5. On page 8, line 14, after "care" insert an underscored comma.

6. On page 10, line 8, after "services" insert an underscored comma.

7. On page 12, line 6, reinstate the stricken "in".

8. On page 15, line 4, strike the first comma and show as stricken.

9. On page 17, line 11, strike the comma and show as stricken.

10. On page 18, line 13, strike "repealed" and insert "eliminated".

11. On page 22, line 16, strike "a" and show as stricken.

12. On page 34, line 26, strike "with", show as stricken, and insert "in".

13. On page 35, line 14, strike the semicolon and show as stricken and after "and" insert "administration of".

14. On page 38, line 16, strike "84-465" and insert "83-465".

LEGISLATIVE BILL 278. Placed on Select File.
LEGISLATIVE BILL 36. Placed on Select File.

(Signed) Kurt A. Hohenstein, Chairperson

EXPLANATION OF VOTE

Had I been present, I would have voted aye on the proposed rule change on the banning of smoking in the Legislative Chamber, and LBs 14, 47, 87, 107, and 118.

(Signed) David Landis

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 249. Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 158. Title read. Considered.

Standing Committee amendment, AM0021, found in the Journal on page 484, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

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

Advanced to E & R for review with 29 ayes, 1 nay, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 158A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 412. Title read. Considered.

Standing Committee amendment, AM0094, found in the Journal on page 485, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 112. Title read. Considered.

Standing Committee amendment, AM0173, found in the Journal on page 490, was considered.

Mr. Hartnett renewed his pending amendment, AM0269, found in the Journal on page 555, to the Standing Committee amendment.

Mr. Hartnett withdrew his pending amendment, AM0269, found in the Journal on page 555.

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Ashford asked unanimous consent to be excused. No objections. So ordered.

Mr. Lindsay offered the following amendment:
AM0320
1. Insert the following new section:
"Sec. 15. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The Lindsay amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Cudaback asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 240. Placed on General File.
LEGISLATIVE BILL 365. Placed on General File.
LEGISLATIVE BILL 767. Placed on General File.

(Signed) Jerome Warner, Chairperson

Agriculture

LEGISLATIVE BILL 335. Placed on General File as amended.
Standing Committee amendment to LB 335:
AM0289

1. Strike the original sections and insert the following new sections:

"Section 1. The Legislature finds that it is in the interest of the people of the state that the practice of aquaculture be encouraged in order to promote agricultural diversification, augment food supplies, expand employment opportunities, promote economic activity, increase stocks of fish and other aquatic life, protect and better use and manage the natural resources of the state, and provide other benefits to the state.

Sec. 2. For purposes of sections 2 to 5 of this act:

(1) Aquaculture shall have the definition found in section 2-3804.01;

(2) Aquaculture facility shall mean any facility, structure, lake, pond, tank, or tanker truck used for the purpose of propagating, selling, brokering, trading, or transporting live fish or viable gametes;

(3) Aquaculturist shall mean any individual, partnership, or corporation, other than an employee of a state or federal hatchery, involved in producing, transporting, or marketing cultured aquatic stock or products thereof;

(4) Aquatic disease shall mean any departure from a normal state of health of aquatic organisms caused by disease agents;

(5) Aquatic organism shall mean an individual member of any species of fish, mollusk, crustacean, aquatic reptile, aquatic amphibian, aquatic insect, or other aquatic invertebrate. Aquatic organism shall include the viable gametes, eggs or sperm, of an aquatic organism;

(6) Board shall mean the aquaculture board;

(7) Commercial aquaculturist shall mean an aquaculturist engaged in the business of growing, selling, brokering, or processing live or viable aquatic organisms for commercial purposes;

(8) Commission shall mean the Game and Parks Commission;

(9) Cultured aquatic stock shall mean aquatic organisms raised from privately owned stocks and aquatic organisms lawfully acquired and held in private ownership until they become intermingled with wild aquatic organisms;

(10) Department shall mean the Department of Agriculture;

(11) Director shall mean the Director of Agriculture;

(12) Indigenous shall mean a naturally occurring, wild population living within the State of Nebraska; and

(13) Nonindigenous shall mean not indigenous.

Sec. 3. There is hereby created the Nebraska Aquaculture Board. The board shall consist of (1) the aquaculturist employed by the Cooperative Extension Service pursuant to section 85-1,104.01, (2) two employees of the commission who are familiar with aquatic disease, appointed by the director of the commission, (3) two employees of the department who are familiar with the commercial marketing and processing of aquatic organisms and their products or with the financing of commercial aquaculture, to be appointed by the director, and (4) two aquaculturists, to be appointed by the Governor. The board shall elect from its members a chairperson. The aquaculturists shall serve three-year terms, serve until their successors are appointed, and serve without compensation.

Sec. 4. (1) The board shall make recommendations which will serve as Nebraska's State Aquaculture Plan to be presented to the Legislature by January 1, 1994, concerning the regulation of the aquaculture industry and its markets, including legislation which regulates, controls, or otherwise relates to fish health, to the spread of aquatic disease, or to the importation into the state or the distribution and management of any nonindigenous aquatic species.

(2) The State Aquaculture Plan developed by the board shall include appropriate programs which may include, but are not limited to, programs to assist in the protection, growth, and promotion of the aquaculture industry of the state and shall also include policies and procedures for the accomplishment of such a plan.

Sec. 5. The board shall have authority to consider and recommend to the Legislature appropriate legislation, including, but not limited to, legislation concerning the following:

(a) Fees to fund all direct and indirect costs of the administration and enforcement of the act;

(b) Standards applicable to products of cultured aquatic stock offered for sale;

(c) The establishment of standards for and certification of private aquaculture facilities, which may include, but need not be limited to, standards for commercial aquaculturists with respect to sanitation, financial stability, disease control, and the movement of aquaculture products offered for sale;

(d) Procedures regarding granting, denying, suspending, or revoking an aquaculture facility permit and

appeals processes relating thereto;

(e) Procedures and responsibilities for quarantine of aquaculture facilities upon the determination that a situation exists which threatens imminent danger to existing wild aquatic populations or to human health and safety and that no more reasonable means exist to control the situation including, but not limited to, controlling unwanted, nonindigenous, aquatic species and procedures for controlling aquatic infectious diseases that may affect wild, aquatic, or indigenous or cultured aquatic stock;

(f) Procedures for contracting services of any specialist in this state or in any other state or with any other government agency, through intergovernmental agreement, contract, or memorandum of understanding to implement and enforce the act;

(g) Penalties for violations of the aquaculture plan developed by the board;

(h) The evaluation and consideration of which terms of the industry need further definition as well as an evaluation of the impact of such legislation;

(i) Barriers to entry in the business of aquaculture and ways to reduce or eliminate such barriers which may include an evaluation of tax exemptions and education;

(j) The interrelationship between the Department of Agriculture in promotion of and the commission regulation of aquatic stock; and

(k) Additional board responsibilities beyond the final report.".

LEGISLATIVE BILL 532. Indefinitely postponed.

(Signed) Merton L. Dierks, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 13. Indefinitely postponed.

(Signed) Tom Horgan, Chairperson

Judiciary

LEGISLATIVE BILL 455. Placed on General File.
LEGISLATIVE BILL 677. Placed on General File.

LEGISLATIVE BILL 352. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 138 and 210.

Enrollment and Review Change to LB 138

The following changes, required to be reported for publication in the Journal, have been made:
ER7201
1. On page 1, line 6, "77-27,165" has been struck and "77-27,166" inserted.

(Signed) Kurt Hohenstein, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of Governor appointments.

Abbott, Allan L. - Nebraska Railway Council -- Transportation

Boyer, Margaret Cavanaugh, Dr. - Nebraska Rural Health Advisory Commission -- Health and Human Services

Miller, Kathleen D. - Motor Vehicle Industry Licensing Board -- Transportation

Mundy, Bob - Board of Educational Lands and Funds -- Education

Powell, Richard L. - Board of Educational Lands and Funds -- Education

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 11, 1993, at 11:15 a.m., were the following bills: 14, 47, 87, 107, 118, 29, 35, 39, 41, 49, 54, 59, 66, 67, 69, 93, 116, 141, 154, 157, 177, 183, 208, and 209.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MOTION - Place LB 83 on General File

Mr. Ashford moved to place LB 83 on General File notwithstanding the vote of the Judiciary Committee.

Laid over.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 10, 1993. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Belcher, Barbara N. - Overland Park, KS	Merck & Company, Human Health Division
Brandt, Horan, Hallstrom & Sedlacek Stilmock, Gerald M - Syracuse	Nebraska Chamber of Commerce & Industry
Cragun, Marlayn - Lincoln	Nebraska Civil Liberties Union
Cutshall, Bruce A. - Lincoln	Ag Processing Inc.
Haugstatter, Kathryn - Lincoln	Nebraska County Attorneys Association
Johnson, Vard R. - Omaha	Greater Omaha Chamber of Commerce
McGuchen, Dennis M. - Lincoln	Nebraskans Against the Death Penalty
Peters, William E. - Lincoln	Railway Progress Institute
Solem, Calvin C. - Omaha	Associated General Contractors
Vitek, James C - Omaha	Blue Cross & Blue Shield of Nebraska
	HMO Nebraska, Inc.

UNANIMOUS CONSENT - Announcements

Ms. Schimek asked unanimous consent to permit the Government, Military and Veterans Affairs Committee to conduct its hearing on Thursday, February 18, 1993, in Room 1520 instead of Room 1507. No objections. So ordered.

Mr. Warner asked unanimous consent to permit the Revenue Committee to conduct its hearing on Thursday, February 18, 1993 in Room 1507 instead of Room 1520, and to begin the hearing at 1:00 p.m. rather than 1:30 p.m. No objections. So ordered.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Bernard-Stevens asked unanimous consent to have his name added as cointroducer to LB 237. No objections. So ordered.

Mr. Wickersham asked unanimous consent to have his name added as cointroducer to LB 241. No objections. So ordered.

VISITORS

Visitors to the Chamber were Chris Oltmans; Steve, Connie, Andrew, Janna, Cinnamon, and Juanita Mutuc from Omaha; and 20 members of the Mennonite Disaster Service.

ADJOURNMENT

At 12:03 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Tuesday, February 16, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-SIXTH DAY - FEBRUARY 16, 1993

LEGISLATIVE JOURNAL

TWENTY-SIXTH DAY - FEBRUARY 16, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 16, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Avery, Bernard-Stevens, Beutler, Byars, Chambers, Hall, Kristensen, Landis, Lindsay, Moore, Robinson, Warner, Wickersham, Withem, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 25. Placed on Select File as amended.
E & R amendment to LB 25:
AM5361

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 39-664, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-664. (1) Determinations made regarding the speed of any motor vehicle based upon the visual observation of any ~~law enforcement~~ peace officer, while being competent evidence for all other purposes, shall ~~may~~ be corroborated by the use of a radio ~~microwaves or other~~ microwave, mechanical, or

electronic speed measurement device. The results of such radio microwave, mechanical, or ~~other~~ electronic speed measurement device may be accepted as competent evidence of the speed of such motor vehicle in any court or legal proceeding when the speed of the vehicle is at issue. Before the state may offer in evidence the results of such radio microwave, mechanical, or ~~other~~ electronic speed measurement device for the purpose of establishing the speed of any motor vehicle, the state shall prove the following:

(a) The ~~measuring~~ radio microwave, mechanical, or electronic speed measurement device was in proper working order at the time of conducting the measurement;

(b) The ~~measuring~~ radio microwave, mechanical, or electronic speed measurement device was being operated in such a manner and under such conditions so as to allow a minimum possibility of distortion or outside interference;

(c) The person operating ~~such~~ the radio microwave, mechanical, or electronic speed measurement device and interpreting such measurement was qualified by training and experience to properly test and operate the radio microwave, mechanical, or electronic speed measurement device; and

(d) The operator conducted external tests of accuracy upon the ~~measuring~~ radio microwave, mechanical, or electronic speed measurement device, within a reasonable time both prior to and subsequent to an arrest being made, and the ~~measuring~~ device was found to be in proper working order.

(2) The driver of any motor vehicle measured by use of a radio ~~microwaves or other~~ microwave, mechanical, or electronic speed measurement device to be driving in excess of the applicable speed limit may be apprehended if the apprehending officer:

(a) ~~If the apprehending officer has~~ Is in uniform and displays his or her badge of authority; and

(b)(i) Has observed the recording of the speed of the motor vehicle by the radio ~~microwaves or other~~ microwave, mechanical, or electronic speed measurement device; or

~~(b) If such apprehending officer has~~ (ii) Has received a radio message from ~~an~~ a peace officer who observed the speed recorded and the radio message ~~(i)~~ (A) has been dispatched immediately after the speed of the motor vehicle was recorded; and ~~(ii)~~ (B) gives a description of the vehicle and its recorded speed. ~~; and~~

~~(c) If the apprehending officer is in uniform or displays his or her badge of authority.~~

Sec. 2. That original section 39-664, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

LEGISLATIVE BILL 271. Placed on Select File.

LEGISLATIVE BILL 334. Placed on Select File as amended.
E & R amendment to LB 334:
AM5362

1. On page 3, line 1, after the second "of" insert "the Boiler Inspection Act, the Employment Security Law, the Farm Labor Contractors Act, the Nebraska Amusement Ride Act, the Nebraska Job Training Act, the Nebraska Wage Payment and Collection Act, and the Wage and Hour Act and"; in line 2 reinstate the stricken matter, after the reinstated "4" insert an underscored comma, and strike the new matter; and in line 4 after "such" insert "acts, law, and".

Correctly Engrossed

The following bills were correctly engrossed: 26, 103, 178, and 251.

(Signed) Kurt A. Hohenstein, Chairperson

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 239. Placed on General File as amended.
Standing Committee amendment to LB 239:
AM0263

1. Insert the following new sections:

"Sec. 38. This section and section 37 of this act shall be construed as providing a minimum standard and not as repealing any rule, regulation, order, or other action of a board that provides for additional contract rights pertaining to the same subject matter.

Sec. 39. Each board shall adopt a reduction-in-force policy covering employees subject to such statutory provisions to carry out the intent of sections 39 to 42 of this act. No such policy shall allow the reduction of a permanent or tenured employee while a probationary employee is retained to render a service which such permanent employee is qualified by reason of certification and endorsement to perform or, if certification is not applicable, by reason of college credits in the teaching area. If employee evaluation is to be included as a criterion to be used for reduction in force, specific criteria, such as frequency of evaluation, evaluation forms, and number and length of classroom observations shall be included as part of the reduction-in-force policy.

Sec. 40. Before a reduction in force occurs, the board and administration shall present competent evidence demonstrating that a change in circumstances has occurred, necessitating a reduction in force. Any alleged change in circumstances shall be specifically related to the teacher or

teachers to be reduced in force, and the board, based upon evidence produced at the hearing required by section 37 of this act shall be required to specifically find that there are no other vacancies on the staff for which the employee to be reduced is qualified by endorsement or professional training to perform.

Sec. 41. Any employee whose contract is terminated because of reduction in force shall be considered to have been dismissed with honor and shall upon request be provided a letter to that effect. Such employee shall have preferred rights to reemployment for a period of twenty-four months commencing at the end of the contract year of such employee, and the employee shall be recalled on the basis of length of service to the community college area to any position for which he or she is qualified by endorsement or college preparation to teach. The employee shall, upon reappointment, retain any benefits which had accrued to such employee prior to termination, but such leave of absence shall not be considered as a year of employment by the area. An employee under contract to another educational institution may waive recall, but such waiver shall not deprive the employee of his or her right to subsequent recall.

Sec. 42. Notwithstanding sections 39 to 41 of this act, if the reduction of an employee based upon the provisions of such sections would place a community college area in noncompliance of any federal or state law or regulations requiring affirmative action employment practices, the area may vary from the provisions of such sections as necessary to comply with such laws or regulations.".

2. On page 9, line 15; and page 28, line 5, strike "39" and insert "44".

3. On page 10, line 23; page 12, line 19; and page 21, line 1, strike "39 and 40" and insert "44 and 45".

4. On page 13, line 24; page 15, line 11; page 26, line 27; page 28, line 18; page 29, line 26; page 30, line 28; page 34, line 23; page 35, lines 1 and 16; and page 40, line 14, strike "43" and insert "48".

5. On page 18, line 21, strike "Vocational-technical", show as stricken, and insert "Applied technology or occupational"; and in lines 25 and 27 strike "a vocational-technical", show as stricken, and insert "an applied technology or occupational".

6. On page 19, lines 2 and 3, strike "a vocational-technical and", show as stricken, and insert "an applied technology or"; and in lines 4 and 8 strike "a vocational-technical", show as stricken, and insert "an applied technology or occupational".

7. On page 27, line 7, strike "vocational and technical", show as stricken, and insert "applied technology"

and after "academic" insert "transfer programs, academic"; in line 21 after "facilities" insert an underscored semicolon, paragraphing, and "(5) Contract" and strike "and contract" and show as stricken; and in line 23 strike "(5)", show as stricken, and insert "(6)".

8. On page 28, line 17, strike "(6)", show as stricken, and insert "(7)"; and in line 24 strike "(7)", show as stricken, and insert "(8)".

9. On page 29, line 8, strike "(8)", show as stricken, and insert "(9)"; in line 11 strike "(9)", show as stricken, and insert "(10)"; in line 14 strike "(10)", show as stricken, and insert "(11)"; in line 22 strike "(11)", show as stricken, and insert "(12)"; and in line 28 strike "(12)", show as stricken, and insert "(13)".

10. On page 30, line 2, strike "(13)", show as stricken, and insert "(14)"; in line 8 strike "(14)", show as stricken, and insert "(15)"; in line 12 strike "(15)", show as stricken, and insert "(16)"; in line 15 strike "(16)", show as stricken, and insert "(17)"; in line 20 strike "(17)", show as stricken, and insert "(18)"; in line 24 strike "(18)", show as stricken, and insert "(19)"; and in line 26 strike "(19)", show as stricken, and insert "(20)".

11. On page 31, strike beginning with the comma in line 11 through the period in line 18 and insert an underscored period.

12. On page 33, line 8, after "area" insert "for board members elected at large or community college district for board members elected by district".

13. On page 42, line 12, strike "38" and insert "43".

14. On page 46, line 27, strike "39 and 41" and insert "44 and 46".

15. On page 48, line 8, strike "vocational-technical", show as stricken, and insert "applied technology and occupational"; and in line 17 strike "43" and insert "48".

16. Renumber the remaining sections accordingly.

(Signed) Ron Withem, Chairperson

MESSAGE FROM THE GOVERNOR

February 13, 1993

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 15, 45, 62, and 108 were received in my office on February 9, 1993.

These bills were signed by me on February 13, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

ANNOUNCEMENT

Mr. Landis designates LB 240 as his priority bill.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 138 in the Journal. No objections. So ordered.

AM0322

(Amendments to Final Reading Copy)

1. Strike the original sections and insert the following new sections:

"Section 1. The Revisor of Statutes shall prepare legislation for introduction during the next regular session which eliminates references to sections and acts repealed by section 2 of this act.

Sec. 2. That sections 2-1201 to 2-1202, 2-1203.02 to 2-1206, 2-1207.01, 2-1208.01 to 2-1211, 2-1213 to 2-1215, 2-1217 to 2-1220, 2-1223 to 2-1229, 9-1,101 to 9-1,105, 9-201 to 9-223, 9-225 to 9-240, 9-242 to 9-266, 9-301 to 9-306, 9-307 to 9-317.01, 9-319 to 9-356, 9-401 to 9-437, 9-501 to 9-513, 9-601 to 9-607, 9-613 to 9-653, 9-801 to 9-806, 9-808 to 9-811, 9-813 to 9-822, and 9-824 to 9-842, Reissue Revised Statutes of Nebraska, 1943, sections 2-1203, 2-1203.01, 2-1207, 2-1208, 2-1216, 2-1221, 2-1222, 2-1230 to 2-1242, 9-306.01, 9-812, and 9-823, Revised Statutes Supplement, 1992, and section 9-807, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 14, Ninety-second Legislature, Third Special Session, 1992, are repealed.".

2. On page 1, strike lines 1 through 15 and insert "FOR AN ACT relating to gambling; to eliminate statutory provisions which authorize gambling; to provide a duty for the Revisor of Statutes; and to repeal sections 2-1201 to 2-1202, 2-1203.02 to 2-1206, 2-1207.01, 2-1208.01 to 2-1211, 2-1213 to 2-1215, 2-1217 to 2-1220, 2-1223 to 2-1229, 9-1,101 to 9-1,105, 9-201 to 9-223, 9-225 to 9-240, 9-242 to 9-266, 9-301 to 9-306, 9-307 to

9-317.01, 9-319 to 9-356, 9-401 to 9-437, 9-501 to 9-513, 9-601 to 9-607, 9-613 to 9-653, 9-801 to 9-806, 9-808 to 9-811, 9-813 to 9-822, and 9-824 to 9-842, Reissue Revised Statutes of Nebraska, 1943, sections 2-1203, 2-1203.01, 2-1207, 2-1208, 2-1216, 2-1221, 2-1222, 2-1230 to 2-1242, 9-306.01, 9-812, and 9-823, Revised Statutes Supplement, 1992, and section 9-807, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 14, Ninety-second Legislature, Third Special Session, 1992.".

3. On page 2, strike lines 1 through 14.

NOTICE OF COMMITTEE HEARING
Education

Governor Appointments Tuesday, March 2, 1993 1:15 p.m.
Nebraska State College Board of Trustees
Jerry Conway
Rick Kolkman
Board of Educational Lands and Funds
Bob Mundy
Richard L. Powell

(Signed) Ron Withem, Chairperson

REPORTS

Received annual report from the Department of Environmental Quality on the Litter Reduction and Recycling Program in accordance with Rev. Stat. Section 81-1553 (Reissue 1981 and Cum. Supp. 1986), as amended.

Received report from the Department of Roads of the second volume of the 1992 Highway Plan and Needs Report, the inventory of the state highway system.

Received statement of deposits from the Department of Roads to the Highway Cash fund and Roads Operation Cash fund for January 1993 in compliance with section 66-4,144, R.S. Supp. 1991.

MOTION - Approve Appointments

Mrs. Bohlke moved the adoption of the report of the Education Committee for the following Governor appointments found in the Journal on page 579: Carol Cope, Jodi Filipi, Tom Gorman, Ralph Hild, John J. Siefkes, and Fred Zwonechek - Nebraska Safety Center Advisory Council.

Voting in the affirmative, 25:

Baack	Dierks	Hohenstein	Pedersen	Schellpeper
Bohlke	Elmer	Hudkins	Pirsch	Schmitt
Bromm	Fisher	Janssen	Preister	Wehrbein
Crosby	Hartnett	Jones	Rasmussen	Wesely
Day	Hillman	McKenzie	Robak	Witek

Voting in the negative, 0.

Present and not voting, 7:

Coordsen	Haberman	Lynch	Vrtiska	Will
Cudaback	Horgan			

Excused and not voting, 17:

Abboud	Bernard-	Chambers	Lindsay	Warner
Ashford	Stevens	Hall	Moore	Wickersham
Avery	Beutler	Kristensen	Robinson	Withem
	Byars	Landis	Schimek	

These appointments were confirmed with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 33. Read. Considered.

LR 33 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 34. Read. Considered.

LR 34 was adopted with 23 ayes, 0 nays, and 26 not voting.

LEGISLATIVE RESOLUTION 35. Read. Considered.

LR 35 was adopted with 22 ayes, 0 nays, and 27 not voting.

LEGISLATIVE RESOLUTION 36. Read. Considered.

LR 36 was adopted with 23 ayes, 0 nays, and 26 not voting.

LEGISLATIVE RESOLUTION 37. Read. Considered.

LR 37 was adopted with 23 ayes, 0 nays, and 26 not voting.

GENERAL FILE

LEGISLATIVE BILL 360A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 102. Title read. Considered.

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

Mr. Schellpeper requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Baack	Cudaback	Hartnett	McKenzie	Schimek
Beutler	Day	Hillman	Rasmussen	Warner
Bromm	Dierks	Hohenstein	Robak	Wesely
Coordsen	Elmer	Horgan	Robinson	Will
Crosby	Haberman	Janssen	Schellpeper	Withem

Voting in the negative, 11:

Bohlke	Jones	Pedersen	Schmitt	Wehrbein
Fisher	Kristensen	Pirsch	Vrtiska	Witek
Hudkins				

Present and not voting, 4:

Ashford	Avery	Lynch	Preister

Excused and not voting, 9:

Abboud	Byars	Hall	Lindsay	Wickersham
Bernard-Stevens	Chambers	Landis	Moore	

Advanced to E & R for review with 25 ayes, 11 nays, 4 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORT
Agriculture

LEGISLATIVE BILL 588. Placed on General File as amended.
Standing Committee amendment to LB 588:
AM0342

1. On page 2, line 16, strike "unreasonable" and insert "unreasonably".

2. On page 4, lines 2 and 3, strike "declared to be a pest"; strike beginning with "volume" in line 4 through "into" in line 5 and insert "distribution of a pesticide in"; in line 6 after "gallons" insert "of liquid measure"; in line 7 after "pounds" insert "of dry net weight"; in line 9 strike "certified" and insert "licensed"; in line 17 after "section" insert ". Commercial applicator shall also include those persons required to be licensed under subsection (2) of section 17 of this act"; and in line 20 strike "the" and insert "this".

3. On page 5, line 4, after "equipment" insert "intended to be used for the application of pesticides when".

4. On page 6, line 14, strike "or" and insert "and"; in line 22 after the last comma insert "commodity,"; and in line 26 after "mean" insert "that", strike "which", and after "one" insert "or more".

5. On page 7, line 25, strike "such" and insert "the Pesticide Act or" and after "section" insert "136a(d) of the federal act".

6. On page 9, line 20, strike "any person" and insert "a certified applicator".

7. On page 10, line 4, after "in" insert "or on"; and in line 10 after "agent" insert ". Pesticide shall not include any article that is a new animal drug within the meaning of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 321(w), that has been determined by the Secretary of Health and Human Services to be a new animal drug by regulation establishing conditions of use for the article, or that it is an animal feed within the meaning of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 321(x) bearing or containing a new animal drug".

8. On page 11, line 8, strike "pesticide" and insert "state"; in line 6 after "(37)" insert "State management plan shall mean a generic plan developed by the department to implement a strategy to prevent, monitor, evaluate, and mitigate any occurrence of pesticides in ground water and surface water in the state and any specific plans developed when an occurrence has been detected;

(38) State pesticide plan shall mean the plan developed by the department to enter into a cooperative agreement with the federal agency to assume the responsibility for the primary enforcement of pesticide use and the training and licensing of certified applicators;

(39)"; in line 9 strike "(38)" and insert "(40)"; and in line 25 strike "pesticide" and insert "state".

9. On page 12, line 3, strike "Such" and insert "These"; in line 5 after the underscored period insert "Such action levels may be set at or below the maximum contaminant level set for any product as set by the federal agency under

the federal Safe Drinking Water Act, 42 U.S.C. 300f et seq."; and in line 6 strike "pesticide" and insert "state".

10. On page 13, lines 12 and 15, strike "pesticide" and insert "state"; and strike beginning with the first comma in line 23 through line 24 and insert "of samples, examination of records, and reporting of information by persons subject to the Pesticide Act;".

11. On page 13, line 21; page 14, line 10; page 38, line 26; page 41, line 6; and page 42, line 21, strike "act" and insert "Pesticide Act".

12. On page 15, line 7, strike "pesticide" and insert "state"; in line 17 strike "an" and insert "and sample any"; strike lines 20 and 21 and insert "pesticide;"; and in line 26 after "registrant" insert ", certified applicator,".

13. On page 16, line 4, after "sale" insert ", removal,"; in line 8 after "distribute" insert ", remove,"; in line 20 strike "for each occurrence"; strike beginning with the second "for" in line 20 through "person" in line 22 and insert "who has"; in line 23 strike "and (b)" and insert an underscored period; and in line 24 strike "occurrence" and insert "A violation".

14. On page 17, line 12, strike "charge and collect" and insert "take measures necessary to ensure that"; in line 14 after "act" insert "are assessed and collected"; in line 15 after "access" insert ", inspect, and copy"; and in line 19 strike "not correct" and insert "in violation of the Pesticide Act".

15. On page 18, line 8, after the comma insert "any Indian tribe,"; in line 9 after "Act" insert ". The department may reimburse any such entity from the Pesticide Administrative Cash Fund for the work performed under the cooperative agreement"; in line 14 after "violation" insert "of the Pesticide Act"; in line 17 after "(18)" insert "To enter into a settlement agreement with any person regarding the disposition of any license, permit, or administrative fine;

(19)"; and in line 19 strike "(19)" and insert "(20)".

16. On page 24, line 24, strike "regulated" and insert "registered".

17. On page 25, line 5, after "month" insert ", not to exceed one hundred percent,"; in line 10 strike "distributor" and insert "distribution"; in line 22 after "pesticides" insert "only"; and in line 24 strike "weighing ten pounds or less" and insert "holding ten pounds or less by weight or one quart or less by volume".

18. On page 27, line 13, after "month" insert ", not to exceed one hundred percent,".

19. On page 28, line 3, after "department" insert

"access to examine such records and"; in line 6 strike "license-use" and strike "as"; strike beginning with "Except" in line 8 through "a" in line 9 and insert "A"; in line 13 strike the paragraphing and strike "(b) Authorized" and insert "authorized"; in line 14 strike "license-use categories" and insert "category"; in line 15 after "use" insert "; or

(b) Licensed as a private applicator"; and in lines 21, 25, and 27 strike "license-use".

20. On page 29, line 8, after "recommendations" insert "to the director"; in line 9 strike "and commercial" and insert ", commercial, and noncommercial"; strike beginning with "to" in line 10 through "training" in line 11; in line 12 strike beginning with "A" through "that" and insert "An individual who"; in line 15 strike "license-use"; in line 17 strike "operates a" and insert "applies"; and in line 18 strike "business that applies".

21. On page 30, line 1, strike "shall not issue" and insert "may deny"; line 10 strike "license-use"; in line 12 strike "the" and insert "this"; in line 15 strike "license use"; and strike lines 17 through 28.

22. On page 31, strike lines 1 through 13; in line 14 strike "(7)" and insert "(6)"; and after line 21 insert the following new subsection:

"(7) Any person who operates a business that applies pesticides to the land of another person for hire or compensation shall be responsible for the acts of each certified applicator employed by him or her in the application of a pesticide. Such person shall be subject to the same penalties and violations as the applicator."; and in line 24 strike "license use".

23. On page 32, line 2, strike "a" and insert "an original"; and in lines 7 and 24 strike "license-use".

24. On page 33, line 19, strike "December 31 of" and insert "April 15 following"; and in line 20 strike "following the year".

25. On page 34, line 14, strike "licensee" and insert "certified applicator"; in line 15 strike "licensee's" and strike "specific" and insert "all"; and in line 27 strike "furnish" and insert "provide" and after "department" insert "access to such records and".

26. On page 35, line 16, after the semicolon insert "or"; and strike beginning with the semicolon in line 20 through "act" in line 22.

27. On page 36, line 18, after the comma insert "it shall investigate such report to determine if any violation has occurred and if any further enforcement action shall be taken under the act."; and in line 19 strike "it" and insert "The department".

28. On page 37, line 13, after "registered" insert

"or whose registration has been canceled or suspended".

29. On page 39, line 15, strike "pesticide" and insert "state"; in line 21 strike "and"; in line 22 after "(16)" insert "To fail to follow any order of the department;

(17) To knowingly falsify all or part of any application for registration or licensing or any other records required to be maintained pursuant to the Pesticide Act; and

(18)".

30. On page 42, strike beginning with "contingent" in line 26 through the first "of" in line 27 and insert "reduced or discontinued if"; and in line 28 after "program" insert "are not available".

31. On page 43, line 2, strike "all" and insert "the"; in line 3 after "and" insert "reduce or"; in line 5 after the first "the" insert "reduction or"; in line 6 after "such" insert "reduction or"; in line 11 after "of" insert "the reduction,"; in line 12 after "discontinuance" insert an underscored comma; in line 18 strike "on the date" and insert "sixty days after"; and strike beginning with "management" in line 18 through "act" in line 19 and insert "plan".

(Signed) Merton L. Dierks, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 360. Placed on Select File as amended.
E & R amendment to LB 360:
AM5367

1. In the Standing Committee amendments, AM0099:

a. On page 2, line 6, strike "where", show as stricken, and insert "when"; and

b. On page 9, line 10, strike "in".

2. On page 1, strike "48-1111" and insert "48-1103, 48-1108, 48-1109, 48-1110, 48-1111, 48-1112, 48-1113, 48-1114, 48-1117, 48-1121, 48-1123, 48-1124".

3. On page 6, line 2, after the semicolon insert "and"; and in line 27 strike "act" and insert "Nebraska Fair Employment Practice Act".

4. On page 11, line 20, strike "(b)" and insert "(c)".

LEGISLATIVE BILL 46. Placed on Select File as amended.
E & R amendment to LB 46:
AM5363

1. On page 2, line 25, strike "9" and insert "7".

2. On page 3, line 28, strike the comma.

LEGISLATIVE BILL 161. Placed on Select File.

LEGISLATIVE BILL 162. Placed on Select File as amended.
E & R amendment to LB 162:
AM5365

1. In the Beutler amendment, FA21, after "except" insert "section".
2. On page 2, line 17, strike "43-313" and insert "48-313".

LEGISLATIVE BILL 217. Placed on Select File as amended.
E & R amendment to LB 217:
AM5364

1. On page 1, line 4, after the second semicolon insert "to eliminate a fidelity bond requirement;" and strike the second "for" and insert "that complaint files are".
2. On page 2, line 20, strike the comma.

LEGISLATIVE BILL 130. Placed on Select File as amended.
E & R amendment to LB 130:
AM5366

1. On page 1, strike line 5; and in line 6 strike "provisions" and insert "counselor-client privilege; to define terms; to provide exceptions and immunity in certain circumstances".

LEGISLATIVE BILL 105. Placed on Select File.

(Signed) Kurt A. Hohenstein, Chairperson

GENERAL FILE

LEGISLATIVE BILL 370. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

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

LEGISLATIVE BILL 192. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 215. Title read. Considered.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 122. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 288. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 356. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 423. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 91. Title read. Considered.

Standing Committee amendment, AM0138, found in the Journal on page 503, was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 111. Title read. Considered.

Standing Committee amendment, AM0133, found in the Journal on page 503, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 553. Placed on General File.
LEGISLATIVE BILL 623. Placed on General File.
LEGISLATIVE BILL 789. Placed on General File.
LEGISLATIVE BILL 830. Placed on General File.

(Signed) Chris Beutler, Chairperson

Judiciary

LEGISLATIVE BILL 495. Placed on General File.

LEGISLATIVE BILL 277. Placed on General File as amended.
Standing Committee amendment to LB 277:
AM0338

1. On page 3, line 6, after "parolees" insert ", which fee shall be deposited in the Department of Correctional Services Facility Cash Fund"; in line 7 strike "the actual cost" and insert "one dollar per day"; and in line 10 after "exist" insert ". Such a fee shall not be assessed during the first thirty days of an individual's parole".

LEGISLATIVE BILL 461. Placed on General File as amended.
Standing Committee amendment to LB 461:
AM0284

1. Insert the following new section:

"Section 1. That section 83-4,124, Revised Statutes Supplement, 1992, be amended to read as follows:

83-4,124. It is hereby declared to be the policy of the State of Nebraska that all criminal detention facilities and juvenile detention facilities in the state shall conform to certain minimum standards of construction, maintenance, and operation.

To further such policy, the Jail Standards Board is hereby created. For administrative and budgetary purposes such board shall be within the Nebraska Commission on Law Enforcement and Criminal Justice. The board shall consist of the Director of Correctional Services or, if the Director of Correctional Services chooses not to serve on the board, a person appointed by the director to serve in lieu of the director ~~his or her designee~~ and ~~nine~~ ten appointive members, three of whom shall be from each of the three congressional districts and one of whom shall be appointed at large, to be appointed by the Governor. The appointive members of the board shall be appointed from recommendation lists containing at least three names ~~from~~ submitted by the Nebraska District Court Judges Association, the Nebraska Association of County Officials, the Nebraska County Sheriffs Association, the Nebraska State Bar Association, and the Police Officers Association of Nebraska. The appointive members of the board shall ~~be from the following areas~~ consist of: (1) One district judge; (2) two county commissioners or supervisors; (3) one county sheriff; (4) one municipal police chief; (5) one member of the Nebraska State Bar Association; (6) three lay people; and (7) ~~the Director of Correctional Services or his or her~~

~~designee~~ one person who at the time of his or her appointment is serving as an administrator or jailer responsible for the operation and maintenance of a criminal detention facility having an average daily population of greater than fifty persons.

The terms of office for all members initially appointed shall be three years. Upon completion of the initial term of the board, the Governor shall appoint one member from each congressional district for a term of one year, one member from each congressional district for a term of two years, and one member from each congressional district for a term of three years. For purposes of this section, congressional district shall mean the congressional districts as they exist on July 19, 1980. Succeeding appointees shall be representative of the same congressional district and shall be appointed for terms of three years. The at-large member shall be appointed for a term of three years. Appointees ; ~~except appointees~~ to vacancies occurring from unexpired terms, in which case the successor shall serve out the term of his or her predecessor. Members whose terms have expired shall continue to serve until their successors have been appointed.

The members of the board shall serve without compensation, but they shall be reimbursed for their actual expenses while engaged in the performance of their official duties as provided in sections 81-1174 to 81-1177.".

2. On page 3, line 2, strike "section" and insert "sections 83-4,124 and"; and in line 3 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 783. Placed on General File as amended.
Standing Committee amendment to LB 783:
AM0280

1. On page 5, line 28, strike "Board of Pardons" and insert "board".

2. On page 6, strike beginning with "from" in line 1 through line 2 and insert "after the initial application for pardon from an offender for any prescribed amount of time, but in no case shall such time exceed two years. The board shall notify the offender in writing of any restriction for subsequent applications after the hearing on the initial application.".

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Coordsen asked unanimous consent to print the following amendment to LB 163 in the Journal. No objections. So ordered.

AM0378

1. On page 9, line 18, strike "being used or stored" and insert "to be used or stored twenty-four hours prior to such use or storage"; and in line 21 after the period insert "The fire protection district may waive the twenty-four hour notice when the public safety requires such waiver to prevent loss of life or property if such notice is given prior to use or storage. The fire protection district may accept a single notification of ongoing use within a set time frame not to exceed sixty days.".

Mrs. Crosby asked unanimous consent to print the following amendment to LB 292 in the Journal. No objections. So ordered.

AM0349

1. Strike the original sections and insert the following new sections:

"Section 1. That section 79-1501.01, Revised Statutes Supplement, 1992, be amended to read as follows:

79-1501.01. Sections 79-1501 to 79-1566 and section 4 of this act shall be known and may be cited as the School Employees Retirement Act.

Sec. 2. That section 79-1520, Revised Statutes Supplement, 1992, be amended to read as follows:

79-1520. Upon filing a retirement application with the retirement system:

(1) A ~~,a~~ member who has completed thirty-five years of creditable service may retire at any age; or

(2) A ~~or a~~ member who has completed at least five years of creditable service and is at least sixty years of age may retire.

Sec. 3. That section 79-1522.01, Revised Statutes Supplement, 1992, be amended to read as follows:

79-1522.01. In lieu of the school retirement allowance provided by section 79-1522, any member who is not an employee of a Class V school district and who becomes eligible to make application for and receive a school retirement allowance under section 79-1520 may receive a formula annuity retirement allowance if it is greater than the school retirement allowance provided by section 79-1522.

Subject to the other provisions of this section, the monthly formula annuity in the normal form shall be determined by multiplying the number of years of service for which such member would otherwise receive the service annuity provided by section 79-1522 (1) by one and one-quarter percent of his or her final average compensation, (2) by one and one-half percent of his or her final average compensation, or (3) by one and ~~sixty-five~~ eighty hundredths percent of his or her

final average compensation. If the annuity begins prior to the sixty-fifth birthday of the member and the member has completed ~~thirty-five~~ thirty or more years of creditable service and is at least sixty years of age, the annuity shall not be reduced. If the annuity begins prior to the sixty-fifth birthday of the member and the member has completed five or more but less than thirty years of creditable service, the annuity at the date it begins shall be reduced by three percent for each year after the member's sixtieth birthday and prior to his or her sixty-fifth birthday. If the annuity begins on or after the sixtieth birthday of the member, ~~and the member has completed at least thirty but less than thirty-five years of creditable service,~~ the annuity at the date it begins shall be reduced by three percent for each year by which the member's age is less than the age at which the member's age plus years of creditable service would have totaled ninety. ~~years of creditable service is less than thirty-five years or for each year by which the member is less than sixty-five years of age, whichever provides the greater annuity.~~ A member shall have acquired the equivalent of one-half year of service or more as a public school employee under the retirement system following August 24, 1975, to be eligible for computation of his or her formula annuity using one and one-quarter percent of his or her final average compensation as one of the factors, shall have acquired the equivalent of one-half year of service or more as a public school employee under the retirement system following July 17, 1982, to be eligible for computation of his or her formula annuity using one and one-half percent of his or her final average compensation as one of the factors, or shall have acquired the equivalent of one-half year of service or more as a public school employee under the retirement system following July 1, ~~1984~~ 1992, to be eligible for computation of his or her formula annuity using one and ~~sixty-five~~ eighty hundredths percent of his or her final average compensation as one of the factors.

The normal form of the formula annuity shall be an annuity payable monthly during the remainder of the member's life with the provision that in the event of his or her death before sixty monthly payments have been made the monthly payments will be continued to his or her estate or to the beneficiary he or she has designated until sixty monthly payments have been made. A member may elect to receive in lieu of the normal form of annuity an actuarially equivalent annuity in any optional form provided by section 79-1530.

Final average compensation for full-time employees shall be determined by dividing the member's total compensation subject to required deposits for the three fiscal years in which such compensation was the highest by

thirty-six. Final average compensation for part-time employees shall be determined by dividing total adjusted compensation subject to required deposits for the three fiscal years in which such adjusted compensation was the highest by thirty-six. If a member has such compensation for less than three such fiscal years, his or her final average compensation shall be determined by dividing his or her total compensation in all such years by twelve times the total number of years of his or her service therefor. Adjusted compensation for any year shall be equal to actual pay times the ratio of one to the actual credited service for such year. A member shall have acquired the equivalent of one-half year of service or more as a public school employee under the retirement system following August 24, 1975, to be eligible for computation of his or her formula annuity using only five fiscal years in the determination of his or her final average compensation.

All formula annuities shall be paid from the Annuity Reserve Account. Upon the granting of a formula annuity, there shall be transferred to the Annuity Reserve Account: (a) From the Service Annuity Account, the value of the service annuity which would otherwise be payable; (b) from the School Employees Savings Account, the accumulated contributions of the member; and (c) from the School Employers Deposit Account, the value of the formula annuity in excess of the amounts transferred from the Service Annuity Account and the School Employees Savings Account. The amounts transferred from the Service Annuity Account at any time after such member attains sixty years of age and prior to his or her sixty-fifth birthday or thirty-five years of creditable service shall be on an actuarially reduced basis.

A person receiving a retirement benefit may accept employment in a postsecondary school under the control and management of the Board of Trustees of the Nebraska State Colleges, the Board of Regents of the University of Nebraska, or any other state agency or political subdivision without having to waive retirement payments, without having to notify the retirement board, and without being subject to any withholding of future retirement payments.

Sec. 4. There is hereby created the School Employees Retirement System Reserve Fund. Member contributions into the fund shall equal the difference between eight percent of compensation and the required member contribution rate as determined in section 79-1531. The contribution shall not be less than one-tenth of one percent of compensation per year. Employer contributions into the fund shall be one hundred one percent of member contributions to the fund. The retirement board shall use the fund to provide a cost-of-living adjustment to benefits provided pursuant to the School Employees Retirement Act. The

retirement board shall grant the cost-of-living adjustment when amounts accumulated in the fund are sufficient. The retirement board may make transfers to or from the fund for the purposes stated in this section from or to any other fund administered by the retirement board pursuant to the act.

Sec. 5. This act shall become operative on July 1, 1993.

Sec. 6. That original sections 79-1501.01, 79-1520, and 79-1522.01, Revised Statutes Supplement, 1992, are repealed.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

GENERAL FILE

LEGISLATIVE BILL 216. Title read. Considered.

Standing Committee amendment, AM0134, found in the Journal on page 504, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Landis renewed his pending amendment, AM0257, found in the Journal on page 555.

The Landis amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 218. Title read. Considered.

Standing Committee amendment, AM0135, found in the Journal on page 504, was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 230. Title read. Considered.

Standing Committee amendment, AM0167, found in the Journal on page 504, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Mr. Schmitt asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 270. Title read. Considered.

Standing Committee amendment, AM0136, found in the Journal on page 504, was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 283. Title read. Considered.

Standing Committee amendment, AM0137, found in the Journal on page 504, was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 198. Placed on Select File.

LEGISLATIVE BILL 413. Placed on Select File as amended.
E & R amendment to LB 413:
AM5368

1. On page 1, line 9, after "sections" insert ", and also sections 75-372 to 75-380, Revised Statutes Supplement, 1992".

2. On page 2, line 11, after "shall" insert "adopt and"; and in line 15 after the last period insert an underscored comma.

3. On page 3, lines 8, 15, and 25, strike "commission", show as stricken, and insert "Public Service Commission".

4. On page 4, line 1, after "Code" insert an underscored period and strike "of 1954." and show as stricken.

5. On page 5, line 2, strike "commission" and insert "Public Service Commission".

LEGISLATIVE BILL 176. Placed on Select File as amended.
E & R amendment to LB 176:
AM5369

1. On page 1, line 3, after the semicolon insert "to provide for a special permit for farm trucks operating with excess axle loads as prescribed;".
2. On page 2, line 18, reinstate the stricken comma; and in line 28 strike ", except", show as stricken, and insert ". Except".
3. On page 3, line 1, after "subsection" insert an underscored comma.
4. On page 5, line 20, strike "of" and insert "for".
5. On page 6, line 4, strike the new matter and insert "such subdivisions".

(Signed) Kurt A. Hohenstein, Chairperson

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 375. Placed on General File.
LEGISLATIVE BILL 818. Placed on General File.

LEGISLATIVE BILL 496. Placed on General File as amended.
Standing Committee amendment to LB 496:
AM0340

1. On page 6, line 7, reinstate the stricken matter; in line 8 after "pharmacy" insert "or (b) is primarily responsible for providing pharmaceutical care as defined in subdivision (13) of this section".
2. On page 7, line 3, strike "and" and show as stricken; and in line 6 after "accessories" insert ", and (e) prescription drugs as defined in subdivision (21) of this section".
3. On page 11, line 7, after the period insert "A violation of this subdivision shall be prima facie evidence in an action against the permit of any pharmacy in which such violation occurred.".

LEGISLATIVE BILL 522. Placed on General File as amended.
Standing Committee amendment to LB 522:
AM0291

1. On page 4, line 1, strike "nurse-certificate" and insert "nurse-certified".

LEGISLATIVE BILL 528. Placed on General File as amended.
Standing Committee amendment to LB 528:
AM0339

1. Insert the following new section:
"Sec. 5. This act shall become operative on July 1, 1994.".
2. On page 2, strike beginning with "November" in line 7 through "Any" in line 13, show the old matter as stricken, and insert "enrollment, and any"; and in line 15 after "comply" insert "except as provided by section 3 of this act. Each school district shall make diligent efforts to inform families prior to the date of school registration of the immunization requirements of this section.".
3. On page 3, line 5, after "member" insert "or that immunization conflicts with the personal and sincerely followed religious beliefs of the student".
4. Renumber the remaining section accordingly.

(Signed) Don Wesely, Chairperson

Urban Affairs

LEGISLATIVE BILL 526. Placed on General File.
LEGISLATIVE BILL 726. Placed on General File.

LEGISLATIVE BILL 441. Placed on General File as amended.
Standing Committee amendment to LB 441:
AM0364

1. Strike the original section 2 and insert the following new section:
"Section 1. A city of the metropolitan, primary, first, or second class or village acquiring an interest in real property by purchase or eminent domain shall do so by ordinance.".
2. On page 2, line 12, after "utilities" insert "and cities of all classes and villages"; in lines 14 through 16 and 24 through 27 strike the new matter; and in line 22 reinstate the stricken matter.
3. On page 3, line 17, strike "sections 25-2501 and 25-2505" and insert "section 25-2501"; and in line 18 strike "are" and insert "is".
4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 501. Placed on General File as amended.
Standing Committee amendment to LB 501:
AM0270

1. Insert the following new section:
"Sec. 2. That section 31-733, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-733. Within thirty days after the district court shall have declared the district a public corporation, the trustees ~~so~~ appointed by the court shall meet and elect one of their number chairperson and one of their number clerk of the district. Except as otherwise provided, the board shall (1) adopt a seal, bearing the name of the district, (2) keep a record of all of its proceedings which shall be open to inspection by all owners of real estate in the district, (3) have the power to pass all necessary ordinances, orders, rules, and regulations for the necessary conduct of its business and to carry into effect the objects for which such sanitary and improvement district was formed, and (4) have authority to appoint, employ, and pay an engineer, or firm of engineers, an attorney, a fiscal agent, and such clerical help as may be needed, who shall each be removable at the pleasure of the board or administrator. The clerk of ~~such~~ the board shall be paid a salary ~~of~~ not to exceed six hundred dollars per year. Upon the appointment of an administrator for the district pursuant to sections 31-771 to 31-780, the authority of the trustees to exercise the powers granted in this section shall be suspended, except that ~~such~~ the board shall continue in existence and the administrator shall periodically, but not less frequently than monthly, report to ~~such~~ the board in writing on all decisions and actions taken by the administrator in managing the affairs of the district. The administrator shall, during the period of his or her appointment, possess exclusive authority to exercise the powers and duties conferred in sections 31-727, 31-727.02, 31-733, 31-734, 31-737, 31-739, 31-740, 31-741 to 31-748, 31-749 to 31-756, 31-759, and 31-764 to 31-770. Each trustee shall be paid three dollars for each meeting of ~~said~~ the board which he or she attends and shall be allowed reimbursement for mileage as provided in section 81-1176.".

2. On page 17, line 23, after the first comma insert "31-733,".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 732. Placed on General File as amended.
Standing Committee amendment to LB 732:
AM0363

1. On page 7, line 2, after "annually" insert "from local sources of revenue"; and in line 6 strike "merged into" and insert "repeated in".

(Signed) D. Paul Hartnett, Chairperson

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 631	Tuesday, February 23, 1993	1:30 p.m.
LB 709	Tuesday, February 23, 1993	1:30 p.m.
LB 710	Tuesday, February 23, 1993	1:30 p.m.
LB 714	Tuesday, February 23, 1993	1:30 p.m.
LB 554	Tuesday, February 23, 1993	1:30 p.m.
LB 630	Tuesday, February 23, 1993	1:30 p.m.
LB 368	Tuesday, March 2, 1993	1:30 p.m.
LB 530	Tuesday, March 2, 1993	1:30 p.m.
LB 85	Tuesday, March 2, 1993	1:30 p.m.
LB 722	Tuesday, March 2, 1993	1:30 p.m.
LB 511	Tuesday, March 2, 1993	1:30 p.m.
LB 632	Tuesday, March 9, 1993	1:30 p.m.
LB 199	Tuesday, March 9, 1993	1:30 p.m.
LB 731	Tuesday, March 9, 1993	1:30 p.m.
LR 23CA	Tuesday, March 9, 1993	1:30 p.m.
LR 24CA	Tuesday, March 9, 1993	1:30 p.m.
LB 768	Tuesday, March 9, 1993	1:30 p.m.
LB 78	Tuesday, March 16, 1993	1:30 p.m.
LB 750	Tuesday, March 16, 1993	1:30 p.m.
LB 628	Tuesday, March 16, 1993	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Ashford asked unanimous consent to have his name added as cointroducer to LB 211. No objections. So ordered.

Mr. Hohenstein asked unanimous consent to have his name added as cointroducer to LB 112. No objections. So ordered.

Mrs. Hillman asked unanimous consent to have her name added as cointroducer to LB 241. No objections. So ordered.

Mr. Bernard-Stevens asked unanimous consent to have his name added as cointroducer to LB 241. No objections. So ordered.

Mrs. Pirsch asked unanimous consent to have her name added as cointroducer to LB 564. No objections. So ordered.

VISITORS

Visitors to the Chamber were seven students and teacher from Union College, Lincoln; and a group from the League of Women Voters.

ADJOURNMENT

At 12:02 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Wednesday, February 17, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-SEVENTH DAY - FEBRUARY 17, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 17, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Father Larry Gyra, St. Wenceslaus Catholic Church, Wahoo, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Bernard-Stevens, Cudaback, Kristensen, Landis, Lindsay, Moore, Robinson, Schellpeper, Warner, Wesely, Will, Mmes. Bohlke, Pirsch, Robak, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

UNANIMOUS CONSENT - Member Excused

Messrs. Wehrbein and Avery asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 113, 138A, and 417.

Enrollment and Review Change to LB 138A

The following changes, required to be reported for publication in the Journal, have been made:
ER7202
1. On page 1, line 1, "and transfer" has been inserted after "appropriate"; and in line 3 "to state intent;" has been inserted after the semicolon.

(Signed) Kurt Hohenstein, Chairperson

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 202. Placed on General File as amended.
Standing Committee amendment to LB 202:
AM0374
1. Strike original section 6.
2. On page 2, line 1, strike "12" and insert "11";
and strike beginning with "It" in line 11 through the second period.
3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 83. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 16A. Placed on Select File.
LEGISLATIVE BILL 105A. Placed on Select File.

(Signed) Kurt A. Hohenstein, Chairperson

MESSAGES FROM THE GOVERNOR

February 15, 1993

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 47, 87, 107, 29, 35, 41, 49, 59, 66, 67, 69, 93, 141, 177, 183, 208, and 209 were received in my office on February 11, 1993.

These bills were signed by me on February 15, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

February 16, 1993

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 14, 118, 39, 54, 116, 154, and 157 were received in my office on February 11, 1993.

These bills were signed by me on February 16, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

BILL ON FIRST READING

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

LEGISLATIVE BILL 44A. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 44, Ninety-third Legislature, First Session, 1993.

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 480	Wednesday, February 24, 1993	1:30 p.m.
LB 571	Wednesday, February 24, 1993	1:30 p.m.
LB 616	Wednesday, February 24, 1993	1:30 p.m.
LB 125	Thursday, February 25, 1993	1:30 p.m.
LB 359	Thursday, February 25, 1993	1:30 p.m.
LB 596	Thursday, February 25, 1993	1:30 p.m.

(Signed) Chris Beutler, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 33, LR 34, LR 35, LR 36, and LR 37.

SELECT FILE

LEGISLATIVE BILL 163. Mr. Coordsen offered the following amendment:
AM0253

1. On page 2, line 25, strike "173.114a" and insert "part 173, subpart C".

Mr. Coordsen moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Coordsen amendment was adopted with 26 ayes, 0 nays, 4 present and not voting, and 19 excused and not voting.

The Chair declared the call raised.

Mr. Coordsen renewed his pending amendment, AM0378, found in the Journal on page 640.

The Coordsen amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Messrs. Hall, Byars, Baack, Hartnett, Dierks, and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 63. E & R amendment, AM5352, found in the Journal on page 561, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 131. E & R amendment, AM5356, found in the Journal on page 585, was adopted.

Mr. Beutler offered the following Hartnett amendment:
AM0305

1. Insert the following new sections:

"Sec. 60. Sections 33, 56, 60, 61, and 63 of this act shall become operative on their effective date. The other sections of this act shall become operative three calendar months after adjournment of this legislative session.

Sec. 61. That original section 46-1201, Revised Statutes Supplement, 1992, is repealed.

Sec. 63. Since an emergency exists, this act shall

be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 3, line 24; page 5, lines 22 and 23; page 15, line 2; and page 51, line 27, strike "effective date of this act" and insert "operative date of this section".

3. On page 52, line 18, strike "46-1201,".

4. Renumber the remaining section accordingly.

The Chair called for a roll call vote on the adoption of the Hartnett amendment.

Voting in the affirmative, 26:

Beutler	Fisher	Jones	Robak	Vrtiska
Bromm	Hohenstein	McKenzie	Robinson	Wickersham
Coordsen	Horgan	Pedersen	Schellpeper	Will
Cudaback	Hudkins	Pirsch	Schimek	Witek
Day	Janssen	Preister	Schmitt	Withem
Elmer				

Voting in the negative, 0.

Present and not voting, 6:

Bernard-Stevens	Bohlke	Crosby	Hillman	Rasmussen
	Chambers			

Excused and not voting, 17:

Abboud	Byars	Hartnett	Lindsay	Warner
Ashford	Dierks	Kristensen	Lynch	Wehrbein
Avery	Haberman	Landis	Moore	Wesely
Baack	Hall			

The Hartnett amendment was adopted with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

Mr. Beutler offered the following amendment:
AM0393

1. Strike original sections 6 and 58 to 60 and all amendments thereto and insert the following new sections:

"Sec. 6. That section 46-606, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-606. (1) The Director of Water Resources shall collect in advance a registration fee of ~~twenty~~ thirty dollars and the fee required by section 46-1224 for each water well registered under section 46-602 except as provided in subsection (2) of this section.

(2) For water wells permitted pursuant to the Industrial Ground Water Regulatory Act, the director shall collect in advance a registration fee of thirty dollars and the fee required by section 46-1224 for each of the first ten such water wells registered under section 46-602, and for each group of ten or fewer such water wells registered thereafter, the director shall collect in advance a registration fee of thirty dollars and the fee required by section 46-1224.

(3) The director shall remit the fees collected to the State Treasurer for credit to the appropriate fund. The State Treasurer shall credit the registration fees to the General Fund and shall credit the fees required by section 46-1224 to the Water Well Standards and Contractors' Licensing Fund. ~~, except that no fee shall be charged for registration of any well for which a permit was obtained pursuant to the Municipal and Rural Domestic Ground Water Transfers Permit Act. The director shall pay such fees monthly into the state treasury and the State Treasurer shall credit such fees to the General Fund.~~

Sec. 33. That section 46-675, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-675. The Legislature finds and declares that a permit system is necessary to protect Nebraska's ground and surface water resources and existing water users in situations where industrial users withdraw significant quantities of ground water from the aquifers of the state and in situations where such ground water is transferred from the water well site for use at another location.

Sec. 34. That section 46-677, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-677. ~~After August 30, 1981, any~~ Any person who desires to withdraw a total of three thousand or more acre-feet of ground water, per year, from aquifers located within the State of Nebraska for industrial purposes shall, prior to commencing construction of any water wells, obtain from the director a permit to authorize the withdrawal and any transfer of such ground water. ~~As used in~~ For purposes of this section, industrial purposes shall include manufacturing, commercial, and power generation uses of water.

Sec. 35. That section 46-678, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-678. (1) Applications for permits required by section 46-677 shall be on forms provided by the director and shall contain:

(a) A statement of the amount of ground water which the applicant proposes to use;

(b) A statement of the proposed use and whether the ground water will be transferred for use at a location other than the water well site;

(c) A hydrologic evaluation of the impact of the proposed use on the surrounding area;

(d) The date when the applicant expects to first use the ground water; and

(e) Such other relevant information as the director may deem necessary or desirable.

(2) Such applications shall be accompanied by an exhibit of maps showing the location, depth, and capacity of the proposed water wells.

Sec. 36. That section 46-680, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-680. After the director has accepted the application made under section 46-677 as a completed application, the director shall set a time and place for a public hearing on the application. The hearing shall be held within or in reasonable proximity to the area in which the water wells would be located. The hearing shall be scheduled within ninety days after the application is accepted by the director.

Sec. 37. That section 46-684, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-684. (1) A permit granted pursuant to section 46-683 shall be revoked, following a hearing conducted in the same manner as hearings conducted pursuant to section 46-680, if the director determines that the permitholder has failed to exercise the right to withdraw ground water within three years of the date specified in the permit; or for a period of three consecutive years thereafter.

(2) If it appears to the director that a permitholder has withdrawn more ground water than the amount specified in the permit or has violated any of the conditions specified in the permit, the director shall give written notice to the permitholder of the alleged violation.

Within thirty days following receipt of such notice, the permitholder may:

(a) File an application to amend the permit as provided in section 46-683.01;

(b) Request a hearing before the director; or

(c) Take appropriate measures to comply with the permit.

If the permitholder fails to take action pursuant to subdivision (2)(a), (2)(b), or (2)(c) of this section, the director may issue an order requiring compliance with the permit and seek, if appropriate, a court injunction prohibiting further violations of the permit.

If the permitholder requests a hearing, the director shall within thirty days schedule a hearing within or in reasonable proximity to the area where the water wells are located. Within forty-five days following the hearing, the

director shall issue an order containing specific findings of fact with reference to the alleged violation and directing the permitholder, if necessary, to cease and desist from further violations of the permit.

(3) Nothing in this section shall limit the penalty provisions of section 46-687.

Sec. 63. That original sections 46-601, 46-602, 46-602.01, 46-604, 46-606, 46-608, 46-609, 46-610, 46-611, 46-613.01, 46-613.02, 46-625, 46-630, 46-636, 46-637, 46-638, 46-639, 46-651, 46-653, 46-654, 46-659, 46-660, 46-661, 46-662, 46-663, 46-666, 46-667, 46-675, 46-677, 46-678, 46-680, 46-684, 46-1208, 46-1212, 46-1217, 46-1224, 46-1225, 46-1235, 46-1236, 46-1237, and 46-1241, Reissue Revised Statutes of Nebraska, 1943, and sections 46-640, 46-657, 46-673.09, 46-1201, 46-1203, 46-1223, and 46-1240, Revised Statutes Supplement, 1992, and also sections 46-603, 46-607, 46-612, and 46-1204, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. On page 31, strike beginning with "39" in line 19 through "56" in line 20 and all amendments thereto and insert "44, 48, 49, 52 to 54, and 56 to 61".

3. On page 36, line 23, after the period insert "For water wells permitted pursuant to the Industrial Ground Water Regulatory Act, the fee set pursuant to this subsection shall be collected for each of the first ten such water wells registered, and for each group of ten or fewer such water wells registered thereafter, the fee shall be collected as if only one water well was being registered.".

4. On page 40, line 28, strike "48" and insert "53".

5. Renumber the remaining sections accordingly.

The Chair called for a roll call vote on the adoption of the Beutler amendment.

Voting in the affirmative, 25:

Beutler	Day	McKenzie	Robak	Vrtiska
Bohlke	Elmer	Pedersen	Robinson	Wickersham
Bromm	Hohenstein	Pirsch	Schellpeper	Will
Coordsen	Hudkins	Preister	Schimek	Witek
Crosby	Jones	Rasmussen	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 8:

Bernard-Stevens	Chambers	Fisher	Horgan	Lynch
	Cudaback	Hillman	Janssen	

Excused and not voting, 16:

Abboud	Byars	Hall	Landis	Warner
Ashford	Dierks	Hartnett	Lindsay	Wehrbein
Avery	Haberman	Kristensen	Moore	Wesely
Baack				

The Beutler amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 131A. Advanced to E & R for engrossment.

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

LEGISLATIVE BILL 182. Mr. Schellpeper renewed his pending amendment, AM0233, found in the Journal on page 543.

The Schellpeper amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 247. Advanced to E & R for engrossment.
LEGISLATIVE BILL 316. Advanced to E & R for engrossment.

LEGISLATIVE BILL 226. E & R amendment, AM5357, printed separately from the Journal and referred to on page 591, was adopted.

Mrs. Crosby offered the following amendment:
AM0404

(Amendments to E & R amendments, AM5357)

1. Insert the following new sections:

"Sec. 3. That section 71-202.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-202.01. ~~As used in Chapter 71, article 2~~ For purposes of the Barber Act, unless the context otherwise requires:

(1) Barber shall mean any person ~~duly licensed as required by Chapter 71, article 2,~~ who engages in the practice of any act of barbering;

(2) Barber shop shall mean an establishment or place of business properly licensed as required by ~~Chapter 71, article 2,~~ the act where one or more persons properly licensed are engaged in the practice of barbering, but ~~does~~ shall not include barber schools or colleges;

(3) Barber school or college shall mean an establishment properly licensed and operated for the teaching and training of barber students;

(4) Board shall mean the Board of Barber Examiners;

(5) Manager shall mean a ~~registered~~ licensed barber having control of the barber shop and of the persons working or employed therein;

(6) License shall mean a certificate of registration issued by the board;

(7) ~~Instructor~~ Barber instructor shall mean a teacher of the barber trade as provided in ~~Chapter 71, article 2~~ the act;

(8) Assistant barber instructor shall mean a teacher of the barbering trade licensed as an assistant barber instructor~~,~~ as required by ~~Chapter 71, article 2~~ the act;

(9) Registered or licensed barber shall mean a person who has completed the requirements to receive a certificate as a barber and to whom a certificate has been issued;

(10) Secretary of the board shall mean the director appointed by the board who shall keep a record of the proceedings of the board; and

(11) Student shall mean a person attending an approved, licensed barber school or college, ~~and~~ duly registered with the board as a student engaged in learning and acquiring any and all of the practices of barbering, and who, while learning, performs and assists any of the practices of barbering in a ~~school registered and approved by the board~~ barber school or college.

Sec. 11. That section 71-224, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-224. Sections 71-201 to ~~71-237~~ 71-248 shall be known and may be cited as the Barber Act.".

2. On page 2, line 24, strike "male" and show as stricken.

3. On page 12, line 16, strike the comma and insert "and"; and in line 17 strike the comma and strike "inspection", show as stricken, and insert "inspections".

4. On page 14, line 12, after "licensed" insert "or registered"; and in line 14 after "for" insert "licensure or".

5. Renumber the remaining sections accordingly.

The Crosby amendment was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 57. E & R amendment, AM5354, found in the Journal on page 591, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 140. E & R amendment, AM5353, found in the Journal on page 592, was adopted.

Mr. Horgan requested a machine vote on the advancement of the bill.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Bernard-Stevens requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Abboud	Byars	Hall	Moore	Wickersham
Bernard-Stevens	Chambers	Hohenstein	Preister	Will
Beutler	Day	Landis	Robak	Witek
Bohlke	Elmer	Lynch	Schellpeper	Withem
	Fisher	McKenzie	Schimek	

Voting in the negative, 19:

Avery	Dierks	Hudkins	Pedersen	Vrtiska
Bromm	Haberman	Janssen	Pirsch	Warner
Crosby	Hillman	Jones	Rasmussen	Wehrbein
Cudaback	Horgan	Kristensen	Robinson	

Present and not voting, 2:

Hartnett Schmitt

Excused and not voting, 5:

Ashford	Baack	Coordsen	Lindsay	Wesely

Failed to advance to E & R for engrossment with 23 ayes, 19 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Messrs. Byars, Chambers, Hall, Dierks, Haberman, Hartnett, Kristensen, Wehrbein, and Moore asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 109. Advanced to E & R for engrossment.

LEGISLATIVE BILL 190. Mr. Baack offered the following amendment:
AM0395

1. Insert the following new section:

"Sec. 11. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 7, lines 8 and 9, strike "February 1, 1994" and insert "July 1, 1993".

The Baack amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 190A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 261. E & R amendment, AM5355, found in the Journal on page 592, was adopted.

Advanced to E & R for engrossment.

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

LEGISLATIVE BILL 439. E & R amendment, AM5359, found in the Journal on page 592, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 48. E & R amendment, AM5358, found in the Journal on page 593, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 31. E & R amendment, AM5360, found in the Journal on page 615, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 278. Advanced to E & R for engrossment.
LEGISLATIVE BILL 36. Advanced to E & R for engrossment.

LEGISLATIVE BILL 25. E & R amendment, AM5361, found in the Journal on page 624, was adopted.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 452. Title read. Considered.

Standing Committee amendment, AM0083, found in the Journal on page 459, was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Withem renewed his pending amendment, AM0193, found in the Journal on page 537.

The Withem amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 363. Title read. Considered.

Standing Committee amendment, AM0152, found in the Journal on page 515, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

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

LEGISLATIVE BILL 471. Title read. Considered.

Standing Committee amendment, AM0168, found in the Journal on page 515, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

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

Advanced to E & R for review with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 410. Title read. Considered.

Standing Committee amendment, AM0175, found in the Journal on page 504, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 106. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 200. Title read. Considered.

Standing Committee amendment, AM0174, found in the Journal on page 521, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

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

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 367. Title read. Considered.

Messrs. Preister, Will, Hartnett, Robinson, Abboud, Bromm, Mrs. Pirsch, and Ms. Schimek offered the following amendment:
AM0389

1. On page 2, line 8, after "assessor" insert "or the register of deeds at the option of the city"; in line 9 after "ten" insert "working"; in line 10 after "change" insert "with a certified letter to any registered neighborhood association when the subject property is located within the boundary of the area of concern of such association. Each neighborhood association desiring to receive such notice shall register with the city the area of concern of such association and the name and address of the individual who is to receive notice on behalf of such association. The registration shall be in accordance with any rules adopted and promulgated by the city"; and in line 19 after "assessor" insert "or the register of deeds at the option of the city" and after "ten" insert "working".

2. On page 3, line 5, strike "No" and insert "Except for a willful or deliberate failure to cause notice to be given, no"; in line 10 after "section" insert "if a reasonable attempt to comply with this section was made. No action to challenge the validity of the acceptance or rejection of a proposed zoning change on the basis of this section shall be filed more than one year following the date of the formal acceptance or rejection of the zoning change by the city council"; in line 11 strike "The" and insert "Except for a willful or deliberate failure to cause notice to be

given, the"; in line 13 after "section" insert "when a reasonable attempt was made to provide such notice. No action for damages resulting from the failure to cause notice to be provided as required by this section shall be filed more than one year following the date of the formal acceptance or rejection of the proposed zoning change by the city council"; in line 17 after "property" insert "or within one thousand feet of the nearest boundary line of the subject property if the proposed zoning change involves a heavy industrial district classification"; and in line 20 after "assessor" insert "or the register of deeds at the option of the city".

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

Advanced to E & R for review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 119. Title read. Considered.

Standing Committee amendment, AM0178, found in the Journal on page 523, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

MR. HALL PRESIDING

Advanced to E & R for review with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 390. Title read. Considered.

Standing Committee amendment, AM0179, found in the Journal on page 524, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

SPEAKER BAACK PRESIDING

PRESIDENT MOUL PRESIDING

Advanced to E & R for review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 587	Wednesday, February 24, 1993	1:30 p.m.
LB 637	Wednesday, February 24, 1993	1:30 p.m.
LB 293	Wednesday, February 24, 1993	1:30 p.m.

Governor Appointment Wednesday, February 24, 1993 1:30 p.m.
Allan J. Eurek - Nebraska State Personnel Board

LR 15CA	Thursday, February 25, 1993	1:30 p.m.
LR 4CA	Thursday, February 25, 1993	1:30 p.m.
LR 27CA	Thursday, February 25, 1993	1:30 p.m.
LB 468	Thursday, February 25, 1993	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

Education

Governor Appointments Tuesday, March 9, 1993 1:25 p.m.
Richard Powell - Educational Lands and Funds Board
Bob Mundy - Educational Lands and Funds Board

(Signed) Ron Withem, Chairperson

Judiciary

LB 68	Wednesday, February 24, 1993	1:30 p.m.
LB 436	Wednesday, February 24, 1993	1:30 p.m.
LB 451	Wednesday, February 24, 1993	1:30 p.m.
LB 589	Wednesday, February 24, 1993	1:30 p.m.
LB 652	Wednesday, February 24, 1993	1:30 p.m.
LB 117	Thursday, February 25, 1993	1:30 p.m.
LB 273	Thursday, February 25, 1993	1:30 p.m.
LB 279	Thursday, February 25, 1993	1:30 p.m.
LB 523	Thursday, February 25, 1993	1:30 p.m.
LB 529	Thursday, February 25, 1993	1:30 p.m.
LB 627	Thursday, February 25, 1993	1:30 p.m.
LB 160	Friday, February 26, 1993	1:30 p.m.
LB 499	Friday, February 26, 1993	1:30 p.m.
LB 500	Friday, February 26, 1993	1:30 p.m.
LB 711	Friday, February 26, 1993	1:30 p.m.
LB 115	Friday, February 26, 1993	1:30 p.m.
LB 224	Friday, February 26, 1993	1:30 p.m.
LB 393	Friday, February 26, 1993	1:30 p.m.
LB 629	Friday, February 26, 1993	1:30 p.m.
LB 644	Friday, February 26, 1993	1:30 p.m.

(Signed) John Lindsay, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 440A. Introduced by Warner, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 440, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 440. Placed on Select File as amended.
E & R amendment to LB 440:
AM5373

1. In the Warner amendment, AM0194, on page 1, line 5, strike ", 17, 18, and 20" and insert "and 18"; and in line 6 after the period insert "This section and section 20 of this act shall become operative on their effective date.".

2. On page 1, line 1, strike "motor"; in line 3 after the last comma insert "66-740,"; in line 4 after the semicolon insert "to define terms;"; in line 9 after the first semicolon insert "to reappropriate funds; to harmonize provisions;" and strike "an operative date; and" and insert "operative dates;"; in line 12 strike the first comma; and in line 13 after "1992" insert "; and to declare an emergency".

3. On page 7, line 21, after the first comma insert "the".

4. On page 8, line 20, strike "the" and insert "a".

5. On page 18, line 19, after the stricken "laws" insert "the Petroleum Release Remedial Action Act, the Special Fuel Tax Act, and"; in line 20 strike "6, 7, and 15" and insert "and 7"; and in line 23 strike "Chapter 66, article 14," and insert "the Interstate Motor Carriers Base State Fuel Tax Compact Act".

6. On page 20, line 18, strike the first comma.

LEGISLATIVE BILL 311. Placed on Select File.

LEGISLATIVE BILL 320. Placed on Select File as amended.
E & R amendment to LB 320:
AM5370

1. On page 2, line 6, strike "include" and insert "includes".

2. On page 9, line 16, strike "17-2734.02" and insert "77-2734.02".

LEGISLATIVE BILL 158. Placed on Select File as amended.
E & R amendment to LB 158:
AM5371

1. On page 1, line 5, strike "to provide a report;".
2. On page 5, line 28, strike "the".

LEGISLATIVE BILL 158A. Placed on Select File.

(Signed) Kurt A. Hohenstein, Chairperson

STANDING COMMITTEE REPORT
Agriculture

LEGISLATIVE BILL 268. Placed on General File.

(Signed) Merton L. Dierks, Chairperson

GENERAL FILE

LEGISLATIVE BILL 508. Title read. Considered.

Standing Committee amendment, AM0180, found in the Journal on page 524, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 43. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

LB 639 Thursday, February 25, 1993 12:00 p.m.

(Signed) Tom Horgan, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Rasmussen asked unanimous consent to print the following amendment to LB 205 in the Journal. No objections. So ordered.

AM0371

1. On page 3, lines 2 and 21, strike "shall" and insert "may"; and in line 18 after "department" insert "or agency".
2. In the Robak amendment, AM0299, on page 1, in lines 13 and 14 and lines 21 and 22, after "marriage," insert

"divorce," and strike "or divorce decrees".

Mr. Wesely asked unanimous consent to print the following amendment to LB 536 in the Journal. No objections. So ordered.

AM0377

(Amendments to Standing Committee amendments, AM0237)

1. Insert the following new section:

"Sec. 75. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 7, line 24, strike "systems"; and in line 27 strike "this section" and insert "the Radiation Control Act".

3. On page 8, line 13, strike "Radiation Control Act", show as stricken, and insert "the act".

4. On page 11, line 26, strike "system installation".

Mr. Wesely asked unanimous consent to print the following amendment to LB 319 in the Journal. No objections. So ordered.

AM0385

1. On page 5, line 5, after the period insert "Fees, if any, for services which monitor a builder's application of codes shall be negotiable between the political subdivisions involved but such fees shall not exceed the actual expenses incurred by the political subdivision doing the monitoring.".

Mr. Wickersham asked unanimous consent to print the following amendment to LB 306 in the Journal. No objections. So ordered.

AM0408

(Amendments to Standing Committee amendments, AM0198)

1. Strike section 2.

2. On page 4, strike lines 21 through 27.

3. On page 5, strike line 1.

4. On page 9, line 12, strike "sections 24-503 and 24-810" and insert "section 24-503"; and in line 13 strike "are" and insert "is".

5. Renumber the remaining section accordingly.

VISITORS

Visitors to the Chamber were Ann Stevens and Tom Doyle from Fremont; 25 students and teacher from Northeast Community College, Norfolk; four fourth grade students and teacher from McCartney School

District 17, Nebraska City; and members of Leadership Kearney from Kearney.

ADJOURNMENT

At 11:57 a.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Thursday, February 18, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-EIGHTH DAY - FEBRUARY 18, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 18, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Charlene Rollins, Quinn Chapel, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Bernard-Stevens, Chambers, Dierks, Hartnett, Lindsay, Lynch, Withem, Mrs. Robak, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

ANNOUNCEMENT

Mr. Bromm designates LB 588 as his priority bill.

NOTICE OF COMMITTEE HEARING
Education

Governor Appointments Tuesday, March 2, 1993 (cancel) 1:25 p.m.
Richard Powell - Educational Lands and Funds Board
Bob Mundy - Educational Lands and Funds Board

(Signed) Ron Withem, Chairperson

GENERAL FILE

LEGISLATIVE BILL 240. Title read. Considered.

Mr. Moore offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM0414.)

Messrs. Avery and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Moore moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Moore requested a roll call vote on his amendment.

Mr. Byars requested the roll call vote be taken in reverse order.

Voting in the affirmative, 21:

Abboud	Byars	Elmer	Hudkins	Moore
Baack	Coordsen	Fisher	Janssen	Pirsch
Bernard-Stevens	Crosby	Haberman	Jones	Schellpeper
Beutler	Cudaback	Hohenstein	Kristensen	Wesely
	Dierks			

Voting in the negative, 22:

Bohlke	Hillman	McKenzie	Robak	Wehrbein
Bromm	Horgan	Pedersen	Robinson	Wickersham
Day	Landis	Preister	Schmitt	Will
Hall	Lindsay	Rasmussen	Warner	Witek
Hartnett	Lynch			

Present and not voting, 2:

Schimek Vrtiska

Excused and not voting, 4:

Ashford Avery Chambers Withem

The Moore amendment lost with 21 ayes, 22 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

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

Mr. Moore moved to bracket LB 240 until June 1, 1993.

MR. HALL PRESIDING

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

SPEAKER BAACK PRESIDING

Mr. Moore withdrew his pending motion to bracket LB 240.

Mr. Hall moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Moore requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 30:

Beutler	Crosby	Janssen	Rasmussen	Warner
Bohlke	Cudaback	Jones	Robak	Wehrbein
Bromm	Day	Landis	Robinson	Wesely
Byars	Hall	Lynch	Schellpeper	Wickersham
Chambers	Hartnett	McKenzie	Schimek	Will
Coordsen	Hillman	Preister	Schmitt	Withem

Voting in the negative, 15:

Abboud	Elmer	Hohenstein	Kristensen	Pedersen
Baack	Fisher	Horgan	Lindsay	Pirsch
Bernard-Stevens	Haberman	Hudkins	Moore	Witek

Present and not voting, 2:

Avery Vrtiska

Excused and not voting, 2:

Ashford Dierks

Advanced to E & R for review with 30 ayes, 15 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 271. Advanced to E & R for engrossment.

LEGISLATIVE BILL 334. E & R amendment, AM5362, found in the Journal on page 626, was adopted.

Mr. Landis offered the following amendment:
AM0370

(Amendments to E & R Amendments, AM5362)

1. On page 1, strike beginning with the second "the" in line 4 through the comma in line 5.

The Landis amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 360. E & R amendment, AM5367, found in the Journal on page 636, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 46. E & R amendment, AM5363, found in the Journal on page 636, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 162. E & R amendment, AM5365, found in the Journal on page 637, was adopted.

Mr. Beutler offered the following amendment:
AM0307

1. Strike the original sections and all amendments thereto and insert the following new section:

"Section 1. Section 48-302 shall not apply to a parent or a person standing in loco parentis who employs and directly supervises his or her own child or a child in his or her custody in a business owned and operated by such parent or person standing in loco parentis. This section shall not exempt such an employer from the restrictions on hours of work, work, or place of performance described in sections 48-310 and 48-313.".

The Beutler amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 217. E & R amendment, AM5364, found in the Journal on page 637, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 130. E & R amendment, AM5366, found in the Journal on page 637, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 105. Advanced to E & R for engrossment.
LEGISLATIVE BILL 105A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 198. Advanced to E & R for engrossment.

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

LEGISLATIVE BILL 176. E & R amendment, AM5369, found in the Journal on page 646, was adopted.

Mr. Kristensen renewed his pending amendment, AM0319, found in the Journal on page 593.

Messrs. Schellpeper and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Kristensen moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Kristensen requested a roll call vote on his amendment in reverse order.

Voting in the affirmative, 22:

Avery	Hall	Lindsay	Pirsch	Warner
Beutler	Hartnett	Lynch	Preister	Wesely
Chambers	Horgan	Moore	Robinson	Witek
Crosby	Kristensen	Pedersen	Schimek	Withem
Fisher	Landis			

Voting in the negative, 22:

Baack	Byars	Elmer	Janssen	Schmitt
Bernard-Stevens	Coordsen	Haberman	Jones	Vrtiska
	Cudaback	Hillman	McKenzie	Wehrbein
Bohlke	Day	Hohenstein	Robak	Wickersham
Bromm	Dierks	Hudkins		

Present and not voting, 1:

Rasmussen

Excused and not voting, 4:

Abboud Ashford Schellpeper Will

The Kristensen amendment lost with 22 ayes, 22 nays, 1 present and not voting, and 4 excused and not voting.

Mr. Lindsay requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 27 ayes, 16 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 311. Advanced to E & R for engrossment.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 191. Placed on General File.
LEGISLATIVE BILL 590. Placed on General File.

LEGISLATIVE BILL 704. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

ANNOUNCEMENT

Mr. Lindsay announced the Judiciary Committee hearings on LBs 160, 499, 500, 711, 115, 224, 393, 629, and 644 set for February 26, 1993, are scheduled for 9:30 a.m. instead of 1:30 p.m.

MOTION - Withdraw LB 746

Mr. Elmer moved to withdraw LB 746.

Laid over.

MOTION - Withdraw LB 146

Mr. Bernard-Stevens moved to withdraw LB 146.

Laid over.

ANNOUNCEMENT

Mrs. Rasmussen designates LB 520 as her priority bill.

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 161 in the Journal. No objections. So ordered.

AM0411

1. On page 2, line 12, before the period insert ", except that in the case of an order for support being enforced by a county attorney, authorized attorney, or prosecuting attorney pursuant to Chapter 42 or Chapter 43, this notice requirement shall not apply and Title IV-D of the federal Social Security Act, as amended, shall be complied with"; in line 15 after the period insert "This subsection shall not be construed to in any way limit the powers and remedies available to an authorized attorney as defined in section 43-512."; strike beginning with "fines" in line 17 through "and" in line 18; and in line 18 after the period insert "In the case of debt arising as a result of an order or judgment of a court in a criminal or traffic matter, a collection fee may be added to the debt. The collection fee shall be twenty-five dollars or four and one-half percent of the debt, whichever is greater. The collection fee shall be paid by the person who owes the debt directly to the person or agency providing the collection service.".

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 678. Placed on General File as amended.
Standing Committee amendment to LB 678:
AM0401

1. Insert the following new section:

"Section 1. That section 29-3002, Revised Statutes Supplement, 1992, be amended to read as follows:

29-3002. An order sustaining or overruling a motion filed under ~~section 29-3001~~ sections 29-3001 to 29-3004 shall be deemed to be a final judgment, and an appeal may be taken from the district court as provided for in appeals in civil cases. A prisoner may, in the discretion of the appellate court and upon application to the appellate court, be released on such recognizance as the appellate court fixes pending the determination of the appeal.".

2. On page 2, line 10, strike "section" and insert "sections 29-3002 and"; and in line 11 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

(Signed) John Lindsay, Chairperson

Executive Board

LEGISLATIVE BILL 579. Placed on General File as amended.
Standing Committee amendment to LB 579:
AM0434

1. Strike the original sections and insert the following new sections:

"Section 1. It shall be the sole responsibility of the Executive Board of the Legislative Council to provide for an audit of the books, accounts, vouchers, records, and expenditures of the Legislature. A certified audit shall be made at such time as the board shall determine and shall be made at least once during each biennium.

The Executive Board of the Legislative Council may contract with the Auditor of Public Accounts or contract with a licensed public accountant or certified public accountant or firm of such accountants to conduct the audit and shall be responsible for the cost of the audit pursuant to the contract. The original copy of the auditor's report shall be filed in the Legislature's Accounting and Budgeting Office, and one copy shall be filed with the Clerk of the Legislature.

If the person the Executive Board of the Legislative Council has contracted with pursuant to this section has reason to believe that statutes relating to the use of public property for personal use are being violated, he or she shall provide such information and records to the Executive Board of the Legislative Council for confidential review.

The records used and compiled pursuant to this section shall not be considered public records for purposes of sections 84-712 to 84-712.09.

For purposes of this section, Legislature shall include the Legislative Council, the Executive Board of the Legislative Council, and members of the Legislature.

Sec. 2. That section 50-401.01, Revised Statutes Supplement, 1992, be amended to read as follows:

50-401.01. (1) The Legislative Council shall have an executive board, to be known as the Executive Board of the Legislative Council, which shall consist of a chairperson, a vice-chairperson, and six members of the Legislature, to be chosen by the Legislature at the commencement of each regular session of the Legislature when the speaker is chosen, and the Speaker of the Legislature. The Legislature at large shall elect two of its members from legislative districts Nos. 1, 2, 15, 16, 21, 23 to 30, 32, 34, 35, and 46, two from legislative districts Nos. 3 to 14, 20, 31, 39, and 45, and two from legislative districts Nos. 17 to 19, 22, 33, 36 to 38, 40 to 44, and 47 to 49. The Chairperson of the Committee on Appropriations shall serve as a nonvoting ex officio member of the executive board whenever the board is considering fiscal administration.

(2) The executive board shall:

(a) Supervise all services and service personnel of the Legislature and may employ and fix salaries for such personnel as may be needed to carry out the intent and activities of the Legislature or of the board, unless otherwise directed by the Legislature; and

(b) Appoint persons to fill the positions of Legislative Fiscal Analyst, Director of Research, and Revisor of Statutes. The persons appointed to these positions shall have training and experience as determined by the executive board and shall serve at the pleasure of the executive board. Their respective salaries shall be set by the executive board.

(3) Notwithstanding any other provision of law, the executive board may contract to obtain legal, auditing, accounting, or other professional services or advice for or on behalf of the executive board, the Legislative Council, the Legislature, or any member of the Legislature. The providers of such services or advice shall meet or exceed the minimum professional standards or requirements established or specified by their respective professional organizations or licensing entities or by federal law. Such contracts, the deliberations of the executive board with respect to such contracts, and the work product resulting from such contracts shall not be subject to review or approval by any other entity of state government.

Sec. 3. That section 81-1120.27, Revised Statutes Supplement, 1992, be amended to read as follows:

81-1120.27. (1) The facilities of the state's telecommunications systems are provided for the conduct of state business. In addition, the state's telecommunications systems may be used by state employees and officials for local calls and ~~long-distance~~ long-distance calls to children at home, teachers, doctors, day care centers, and baby sitters, to family members to inform them of unexpected schedule changes, and for other essential personal business. The use of the state's telecommunications systems for essential personal business shall be kept to a minimum and shall not interfere with the conduct of state business. Essential personal ~~long-distance~~ long-distance calls shall be either collect, charged to a third-party, nonstate number, or charged to a personal credit card.

(2) A member of the Legislature, while engaged in legislative business, may make personal long-distance calls on the state telecommunications system or by using his or her state credit card. At the end of every month upon the member's receipt of his or her long-distance call record, the personal long-distance calls shall be designated by the member and the member billed for such calls. Reimbursement to the state for such personal long-distance calls by the member shall be made within thirty days from the date of designation.

(3) A member of the Legislature, at his or her own sole discretion, may designate any long-distance call as sensitive in nature. If a long-distance call is designated as sensitive in nature, any long-distance call record used in an audit shall contain only the date the long-distance call was made and the cost of the call. In no case shall the person conducting the audit have access to a long-distance call number designated as sensitive by the member without the written consent of the member.

Sec. 4. That section 84-304, Revised Statutes Supplement, 1992, be amended to read as follows:

84-304. (1) It shall be the duty of the Auditor of Public Accounts:

~~(1)~~ (a) To give information in writing to the Legislature, whenever required, upon any subject relating to the fiscal affairs of the state or ~~in~~ with regard to any duty of his or her office;

~~(2)~~ (b) To furnish offices for himself or herself and all fuel, lights, books, blanks, forms, paper, and stationery required for the proper discharge of the duties of his or her office;

~~(3)(a)~~ (c)(i) To examine or cause to be examined, at such time as he or she shall determine, books, accounts, vouchers, records, and expenditures of all state officers, state bureaus, state boards, state commissioners, the state library, societies and associations supported by the state, state institutions, state colleges, and the University of Nebraska, except when required to be performed by other officers or persons, ~~(b)~~ (ii) to examine or cause to be examined, at the expense of the political subdivision, when the Auditor of Public Accounts determines such examination necessary or when requested by the political subdivision, the books, accounts, vouchers, records, and expenditures of an agricultural association formed under Chapter 2, article 20, county agricultural society, joint airport authority formed under Chapter 3, article 7, city or county airport authority, development district, regional council, drainage district, fire protection district, health district, historical society, hospital authority or district, county hospital, housing authority, irrigation district, regional, county, or municipal library, community mental health center, railroad transportation safety district, rural water district, ~~or~~ township, or the Wyuka Cemetery, and ~~(c)~~ (iii) to report promptly to the Director of Administrative Services and the appropriate standing committee of the Legislature the fiscal condition shown by such examinations, including any irregularities or misconduct of officers or employees, any misappropriation or misuse of public funds or property, and any improper system or method of bookkeeping or condition of

accounts. The Auditor of Public Accounts shall appoint two assistant deputies ~~(i)~~ (A) whose entire time shall be devoted to the service of the state as directed by the auditor, ~~(ii)~~ (B) who shall be certified public accountants with at least five years' experience, ~~(iii)~~ (C) who shall be selected without regard to party affiliation or to place of residence at the time of appointment, ~~(iv)~~ (D) who shall promptly report in duplicate to the auditor the fiscal condition shown by each examination, including any irregularities or misconduct of officers or employees, any misappropriation or misuse of public funds or property, and any improper system or method of bookkeeping or condition of accounts, and it shall be the duty of the auditor to file promptly with the Governor a duplicate of such report, and ~~(v)~~ (E) who shall qualify by taking an oath which shall be filed in the office of the Secretary of State; and

~~(4)~~ (d) Conduct audits and related activities for state agencies, political subdivisions of this state, or grantees of federal funds disbursed by a receiving agency on a contractual or other basis for reimbursement to assure proper accounting by all such agencies, political subdivisions, and grantees for funds appropriated by the Legislature and federal funds disbursed by any receiving agency. The Auditor of Public Accounts may contract with any political subdivision to perform the audit of such political subdivision required by or provided for in section 23-1608 or 79-2210.04 or this section and charge the political subdivision for conducting the audit. The fees charged by the auditor for conducting audits on a contractual basis shall be in an amount sufficient to pay the cost of the audit. The fees remitted to the auditor for such audits and services shall be deposited in the Auditor of Public Accounts Cash Fund.

(2) Nothing in this section shall be construed to authorize or require the Auditor of Public Accounts to perform any auditing functions relating to the Legislature, the Legislative Council, the Executive Board of the Legislative Council, or any member of the Legislature.

Sec. 5. That section 84-304.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-304.03. (1) The Auditor of Public Accounts shall establish minimum standards for all persons identified as auditors or who conduct audits of any agency of state government or of any political subdivision, except a village. Such standards shall be established to achieve the goal of assuring a proper level of competency in auditing and shall be distributed to all agencies of state government and all political subdivisions, except villages. No agency of state government or political subdivision, except a village, shall employ any person as an auditor who fails to meet such minimum

standards.

(2) For purposes of this section, agency of state government shall not include the Legislature, the Legislative Council, the Executive Board of the Legislative Council, or any member of the Legislature.

Sec. 6. That section 84-712.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-712.05. The following records, unless publicly disclosed in an open court, open administrative proceeding, or open meeting, or disclosed by a public entity pursuant to its duties, may be withheld from the public by the lawful custodian of the records:

(1) Personal information in records regarding a student, prospective student, or former student of any tax-supported educational institution maintaining such records, other than routine directory information;

(2) Medical records, other than records of births and deaths, in any form concerning any person, and also records of elections filed under section 44-2821;

(3) Trade secrets, academic and scientific research work which is in progress and unpublished, and other proprietary or commercial information which if released would give advantage to business competitors and serve no public purpose;

(4) Records which represent the work product of an attorney and the public body involved which are related to preparation for litigation, labor negotiations, or claims made by or against the public body; or which are confidential communications as defined in section 27-503;

(5) Records developed or received by law enforcement agencies and other public bodies charged with duties of investigation or examination of persons, institutions, or businesses, when the records constitute a part of the examination, investigation, intelligence information, citizen complaints or inquiries, informant identification, or strategic or tactical information used in law enforcement training;

(6) Appraisals or appraisal information and negotiation records, concerning the purchase or sale, by a public body, of any interest in real or personal property, prior to completion of the purchase or sale;

(7) Personal information in records regarding personnel of public bodies other than salaries and routine directory information;

(8) Information solely pertaining to protection of the physical security of public property such as guard schedules or lock combinations;

(9) With respect to public utilities, personally identified private citizen account payment information, credit

information on others supplied in confidence, and customer lists;

(10) Records or portions of records kept by a publicly funded library which, when examined with or without other records, reveal the identity of any library patron using the library's materials or services; and

(11) Correspondence, memoranda, and records of telephone calls related to the performance of duties by a member of the Legislature. The lawful custodian of such correspondence, memoranda, and records of telephone calls, whether created prior to, on, or after the effective date of this act, upon approval of the Executive Board of the Legislative Council, shall release such correspondence, memoranda, and records of telephone calls which are not designated as sensitive in nature pursuant to subsection (3) of section 81-1120.27 to the person the Executive Board of the Legislative Council has contracted with pursuant to section 1 of this act. A member's correspondence, memoranda, and records of telephone calls related to the performance of his or her legislative duties shall only be released to any other person with the explicit approval of the member.

Sec. 7. That original sections 84-304.03 and 84-712.05, Reissue Revised Statutes of Nebraska, 1943, and sections 50-401.01, 81-1120.27, and 84-304, Revised Statutes Supplement, 1992, are repealed.

Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Tim Hall, Chairperson

VISITORS

Visitors to the Chamber were members of the Nebraska Grain and Feed Growers Association from across Nebraska; and former Senator Howard Lamb.

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Friday, February 19, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-NINTH DAY - FEBRUARY 19, 1993

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 19, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Daniel Gonnerman, Faith Baptist Church, Tecumseh, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch and Mr. Withem who were excused; and Messrs. Abboud, Cudaback, Hall, Lindsay, and Mrs. Bohlke who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 412. Placed on Select File as amended.
E & R amendment to LB 412:
AM5377

1. On page 6, line 21; and page 7, line 15, strike "To motor", show as stricken, and insert "Motor".

2. On page 8, line 1, after "Code" insert an underscored comma; in line 2 strike "of 1954," and show as stricken; and in line 12 reinstate the stricken "are" and strike "is".

3. On page 10, line 13, strike "such" and show as stricken; and in line 14 after "sections" insert "75-301 to 75-322.04 and sections 4 and 5 of this act".

LEGISLATIVE BILL 112. Placed on Select File as amended.
E & R amendment to LB 112:
AM5374

1. On page 1, strike beginning with "to" in line 8 through "fees" in line 9 and insert "to provide powers and duties for county treasurers"; in line 9 strike the second "and"; and in line 10 after "sections" insert "; and to declare an emergency".

2. On page 2, line 7, after "collection" insert "of".

3. On page 7, line 5; page 11, line 23; page 13, line 22; page 14, line 26; page 15, lines 15 and 27; and page 17, line 4, before "clerk" insert "county".

4. On page 7, line 13, before "clerks" insert "county".

5. On page 8, line 14, after "prescribed" insert "in such subsection".

6. On page 10, line 5, strike the comma, after "which" insert an underscored comma, and after "except" insert "for".

7. On page 22, line 18, after the second comma insert "and".

LEGISLATIVE BILL 360A. Placed on Select File.
LEGISLATIVE BILL 102. Placed on Select File.

(Signed) Kurt A. Hohenstein, Chairperson

SPECIAL COMMITTEE REPORTS
Executive Board

LEGISLATIVE BILL 228. Indefinitely postponed.
LEGISLATIVE BILL 229. Indefinitely postponed.
LEGISLATIVE BILL 419. Indefinitely postponed.
LEGISLATIVE BILL 427. Indefinitely postponed.
LEGISLATIVE BILL 540. Indefinitely postponed.
LEGISLATIVE BILL 614. Indefinitely postponed.
LEGISLATIVE BILL 666. Indefinitely postponed.
LEGISLATIVE BILL 668. Indefinitely postponed.
LEGISLATIVE BILL 743. Indefinitely postponed.

(Signed) Tim Hall, Chairperson

STANDING COMMITTEE REPORT
Transportation

LEGISLATIVE BILL 698. Placed on General File.

(Signed) Doug Kristensen, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 240 in the Journal. No objections. So ordered.

AM0402

1. Insert the following new section:

"Sec. 5. That section 77-2716, Revised Statutes Supplement, 1992, be amended to read as follows:

77-2716. (1) The following adjustments to federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be made for interest or dividends received:

(a) There shall be subtracted interest or dividends received by the owner of obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States;

(b) There shall be subtracted that portion of the total dividends and other income received from a regulated investment company which is attributable to obligations described in subdivision (a) of this subsection as reported to the recipient by the regulated investment company;

(c) There shall be added interest or dividends received by the owner of obligations of the District of Columbia, other states of the United States, or their political subdivisions, authorities, commissions, or instrumentalities to the extent excluded in the computation of gross income for federal income tax purposes except that such interest or dividends shall not be added if received by a corporation which is a regulated investment company;

(d) There shall be added that portion of the total dividends and other income received from a regulated investment company which is attributable to obligations described in subdivision (c) of this subsection and excluded for federal income tax purposes as reported to the recipient by the regulated investment company; and

(e)(i) Any amount subtracted under this subsection shall be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this subsection or the investment in the regulated investment company and by any expenses incurred in the production of interest or dividend income described in this subsection to the extent that such expenses, including amortizable bond premiums, are deductible in determining federal taxable income.

(ii) Any amount added under this subsection shall be

reduced by any expenses incurred in the production of such income to the extent disallowed in the computation of federal taxable income.

(2) There shall be allowed a net operating loss derived from or connected with Nebraska sources computed under rules and regulations adopted and promulgated by the Tax Commissioner consistent, to the extent possible under the Nebraska Revenue Act of 1967, with the laws of the United States. For a resident individual, the net operating loss computed on the federal income tax return shall be adjusted by the modifications contained in this section. For a nonresident individual or partial-year resident individual, the net operating loss computed on the federal return shall be adjusted by the modifications contained in this section and any carryovers or carrybacks shall be limited to the portion of the loss derived from or connected with Nebraska sources.

(3) There shall be subtracted from federal adjusted gross income for all taxable years beginning on or after January 1, 1987, the amount of any state income tax refund to the extent such refund was deducted under the Internal Revenue Code of 1986, as amended, was not allowed in the computation of the tax due under the Nebraska Revenue Act of 1967, and is included in federal adjusted gross income.

(4) Federal adjusted gross income shall be modified to exclude the portion of the income or loss received from a small business corporation with an election in effect under subchapter S of the Internal Revenue Code of 1986, as amended, that is not derived from or connected with Nebraska sources as determined in section 77-2734.01.

(5) There shall be subtracted from federal adjusted gross income or, for corporations and fiduciaries, federal taxable income dividends received or deemed to be received from corporations which are not subject to the Internal Revenue Code of 1986, as amended.

(6) There shall be subtracted from federal taxable income a portion of the income earned by a corporation subject to the Internal Revenue Code of 1986, as amended, that is actually taxed by a foreign country or one of its political subdivisions at a rate in excess of the maximum federal tax rate for corporations. The taxpayer may make the computation for each foreign country or for groups of foreign countries. The portion of the taxes that may be deducted shall be computed in the following manner:

(a) The amount of federal taxable income from operations within a foreign taxing jurisdiction shall be reduced by the amount of taxes actually paid to the foreign jurisdiction that are not deductible solely because the foreign tax credit was elected on the federal income tax return;

(b) The amount of after-tax income shall be divided by one minus the maximum tax rate for corporations in the Internal Revenue Code of 1986, as amended; and

(c) The result of the calculation in subdivision (b) of this subsection shall be subtracted from the amount of federal taxable income used in subdivision (a) of this subsection. The result of such calculation, if greater than zero, shall be subtracted from federal taxable income.

(7) Federal adjusted gross income shall be modified to exclude any amount repaid by the taxpayer for which a reduction in federal tax is allowed under section 1341(a)(5) of the Internal Revenue Code of 1986, as amended.

(8) Federal adjusted gross income shall be modified to exclude the amount received by an individual as a qualified federal governmental pension. This modification shall be limited to the maximum excludable social security benefits, reduced by the social security benefits, as defined in section 86(d) of the Internal Revenue Code of 1986, as amended, and any amount of a qualified federal governmental pension which were excluded from gross income. The exclusion shall not be applicable until the year the federal annuitant or survivor is sixty-five years of age on the first day of the calendar year.

For purposes of this subsection:

(a) Applicable maximum benefit amount shall mean (i) for an unmarried individual, including one filing as a head of household, the maximum individual social security benefit, (ii) for a married individual filing a joint return, one hundred fifty percent of the maximum individual social security benefit, or (iii) for a married individual filing a separate return, seventy-five percent of the maximum individual social security benefit;

(b) Maximum excludable social security benefit shall mean an amount which would be excluded from gross income if the applicable maximum benefit amount were treated as social security, as defined in section 86(d) of the Internal Revenue Code of 1986, as amended, received during the taxable year;

(c) Maximum individual social security benefit shall mean the maximum total amount, as certified by the Secretary of Health and Human Services, which could be paid for all months in the calendar year ending in the taxable year of old-age insurance under sections 202(a) of the federal Social Security Act, without regard to any reduction, deduction, or offset under section 202(k) or section 203 of the act, to any individual who has attained sixty-five years of age and filed application for the benefit, on the first day of the calendar year; and

(d) Qualified federal governmental pension shall mean any pension or annuity received under federal civil service or military retirement systems to the extent the

pension or annuity is not attributable to service which constitutes employment for purposes of chapter 21 of the Federal Insurance Contributions Act or which is covered by an agreement made pursuant to section 218 of the federal Social Security Act.".

2. On page 2, line 6; page 7, line 26; and page 8, line 5, strike "6" and insert "7".

3. On page 9, line 26, strike "section" and insert "sections 77-2716 and".

4. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Member Excused

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 81. With Emergency.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-101, 8-126, 8-141, 8-148, 8-148.01, 8-159 to 8-162, 8-201 to 8-207, 8-208 to 8-233, 8-345.01, and 28-618, Reissue Revised Statutes of Nebraska, 1943, and sections 8-157, 8-157.01, and 8-602, Revised Statutes Supplement, 1992; to define and redefine terms; to provide for revocation by the Department of Banking and Finance of director approval as prescribed; to change the term copartnership to partnership; to change provisions relating to lending limits for an individual in a limited partnership as prescribed; to allow banks to own stock or have other interests in community development corporations; to change provisions relating to electronic terminals; to provide for loan closings at other locations as prescribed by the department; to provide for point-of-sale terminals; to change provisions relating to trust companies; to provide powers and duties; to provide for certain investments; to provide for inactive trust companies; to prohibit certain loans; to provide penalties; to provide for merger or consolidation; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Ashford	Avery	Baack	Beutler	Bromm

Chambers	Haberman	Jones	Preister	Vrtiska
Coordsen	Hartnett	Kristensen	Rasmussen	Warner
Crosby	Hillman	Landis	Robak	Wehrbein
Cudaback	Hohenstein	Lynch	Robinson	Wesely
Day	Horgan	McKenzie	Schellpeper	Wickersham
Dierks	Hudkins	Moore	Schimek	Will
Elmer	Janssen	Pedersen	Schmitt	Witek
Fisher				

Voting in the negative, 0.

Present and not voting, 1:

Byars

Excused and not voting, 7:

Abboud	Bernard-Stevens	Bohlke Hall	Lindsay Pirsch	Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 207.

A BILL FOR AN ACT relating to municipal planning; to amend sections 19-924, 19-925, and 19-929, Reissue Revised Statutes of Nebraska, 1943; to provide for interjurisdictional planning commissions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Ashford	Day	Horgan	Moore	Schmitt
Avery	Dierks	Hudkins	Pedersen	Vrtiska
Baack	Elmer	Janssen	Preister	Warner
Beutler	Fisher	Jones	Rasmussen	Wehrbein
Bromm	Haberman	Kristensen	Robak	Wesely
Chambers	Hartnett	Landis	Robinson	Wickersham
Coordsen	Hillman	Lynch	Schellpeper	Will
Crosby	Hohenstein	McKenzie	Schimek	Witek
Cudaback				

Voting in the negative, 0.

Present and not voting, 1:

Byars

Excused and not voting, 7:

Abboud	Bernard-Stevens	Bohlke	Lindsay	Withem
		Hall	Pirsch	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 210.

A BILL FOR AN ACT relating to sanitary and improvement districts; to provide for a petition relating to annexation of such districts; to provide powers and duties for certain city councils and boards of trustees as prescribed; and to state effect.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Ashford	Day	Horgan	Moore	Schmitt
Avery	Dierks	Hudkins	Pedersen	Vrtiska
Baack	Elmer	Janssen	Preister	Warner
Beutler	Fisher	Jones	Rasmussen	Wehrbein
Bromm	Haberman	Kristensen	Robak	Wesely
Chambers	Hartnett	Landis	Robinson	Wickersham
Coordsen	Hillman	Lynch	Schellpeper	Will
Crosby	Hohenstein	McKenzie	Schimek	Witek
Cudaback				

Voting in the negative, 0.

Present and not voting, 1:

Byars

Excused and not voting, 7:

Abboud	Bernard-Stevens	Bohlke	Lindsay	Withem
		Hall	Pirsch	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 26.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-667, Reissue Revised Statutes of Nebraska, 1943; to require proof of the essential elements of the offense of speeding; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Ashford	Crosby	Hohenstein	McKenzie	Schimek
Avery	Cudaback	Horgan	Moore	Schmitt
Baack	Day	Hudkins	Pedersen	Vrtiska
Bernard-Stevens	Dierks	Janssen	Preister	Wehrbein
Beutler	Elmer	Jones	Rasmussen	Wesely
Bromm	Fisher	Kristensen	Robak	Wickersham
Chambers	Haberman	Landis	Robinson	Will
Coordsen	Hartnett	Lynch	Schellpeper	Witek
	Hillman			

Voting in the negative, 0.

Present and not voting, 2:

Byars Warner

Excused and not voting, 6:

Abboud	Hall	Lindsay	Pirsch	Withem
Bohlke				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 103. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-285, Revised Statutes Supplement, 1992; to provide for a written independent living plan for certain juveniles as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Ashford	Crosby	Hohenstein	Moore	Schmitt
Avery	Cudaback	Horgan	Pedersen	Vrtiska
Baack	Day	Hudkins	Preister	Warner
Bernard-Stevens	Dierks	Janssen	Rasmussen	Wehrbein
Beutler	Elmer	Jones	Robak	Wesely
Bromm	Fisher	Kristensen	Robinson	Wickersham
Chambers	Haberman	Landis	Schellpeper	Will
Coordsen	Hartnett	Lynch	Schimek	Witek
	Hillman	McKenzie		

Voting in the negative, 0.

Present and not voting, 1:

Byars

Excused and not voting, 6:

Abboud	Hall	Lindsay	Pirsch	Withem
Bohlke				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

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

MOTION - Return LB 178 to Select File

Mrs. Witek moved to return LB 178 to Select File for the following specific amendment:
FA23
Strike the enacting clause.

Mrs. Witek withdrew her pending motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 178.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1917, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the taking of certain depositions as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 28:

Ashford	Bohlke	Fisher	McKenzie	Schellpeper
Avery	Chambers	Hartnett	Pedersen	Schimek
Baack	Coordsen	Hillman	Preister	Schmitt
Bernard-Stevens	Day	Horgan	Rasmussen	Vrtiska
Beutler	Dierks	Janssen	Robak	Wehrbein
	Elmer	Landis	Robinson	

Voting in the negative, 14:

Bromm	Cudaback	Hudkins	Moore	Wickersham
Byars	Haberman	Jones	Warner	Witek
Crosby	Hohenstein	Kristensen	Wesely	

Present and not voting, 1:

Will

Excused and not voting, 6:

Abboud	Lindsay	Lynch	Pirsch	Withem
Hall				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 251.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend sections 28-1239.01, 28-1245, 28-1246, and 81-512, Reissue Revised Statutes of Nebraska, 1943, and sections 81-502, 81-505, 81-505.01, 81-513, and 81-520, Revised Statutes Supplement, 1992; to eliminate firework display licenses; to provide an additional fee for certain retail firework licenses; to change powers and duties; to change fees; to provide and classify penalties; to eliminate provisions regulating public buildings; to harmonize provisions; and to repeal the original sections, and also sections 28-1434 to 28-1436, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Ashford	Coordsen	Hohenstein	Moore	Schmitt
Avery	Crosby	Horgan	Pedersen	Vrtiska
Baack	Cudaback	Hudkins	Preister	Warner
Bernard-Stevens	Day	Janssen	Rasmussen	Wehrbein
Beutler	Dierks	Jones	Robak	Wesely
Bohlke	Elmer	Kristensen	Robinson	Wickersham
Byars	Haberman	Landis	Schellpeper	Will
Chambers	Hartnett	Lynch	Schimek	Witek
	Hillman	McKenzie		

Voting in the negative, 0.

Present and not voting, 2:

Bromm Fisher

Excused and not voting, 5:

Abboud	Hall	Lindsay	Pirsch	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 18, 1993. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Bones, Amy S. - Omaha	Multistate Associates on Behalf of Pet Food Associates of Washington, D.C.
Downey, Robert A. - Lincoln	Capital Humane Society
Gordon, James E. "Jim" - Lincoln	DeHart and Darr Associates, Inc.
Green, John K. - Omaha	United Health Care Corporation
Harding, Mary A. - Firth	National Farmers Organization
	Nebraska Sugar Beet Growers Association
Kelley, Michael - Omaha	Omaha Police Union Local 101
Kendrick, Leslie E. - Omaha	Boys and Girls Home of Nebraska
	Multistate Associates on Behalf of Pet Food Associates of Washington, D.C.
	Uta Halee Girls Village
Reutzel, Barry - Lincoln	DeCamp Legal Services, P.C.
Scanlan, Jeffrey L. - Omaha	Cornhusker Casualty Company

Scherer, Leo - Lincoln	Nebraska Board of Agriculture
Skochdopole, R. A. - Omaha	Ash Grove Cement Company
	FirsTier Financial, Inc.
	Health Future Foundation
	Medical Liability Mutual Insurance Company
	Nebraskans for HealthCare Equity (Withdrawn 02/16/93)
	Preferred Physicians Insurance Company
Skold, John - Lincoln	Board of Agriculture
Wylie, William M. - Elgin	Edsel Grove & Don Bergmeyer

ATTORNEY GENERAL'S OPINION

Opinion No. 93008

DATE: February 17, 1993

SUBJECT: LB 355; Constitutionality of proposed government committees made up of representatives from different branches of state government which would study government efficiency.

REQUESTED BY: Senator Kate Witek
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

LB 355 contains the State Government Assessment Act. The Act would create committees at several levels of state government which would study the operations of state government, and make reports and recommendations concerning improvement of those operations to members of the Executive Branch, to the Legislature and to the public. In several instances, the bill places members of different branches of state government on the same committee, so you have requested our opinion as to whether this aspect of the legislation violates the Separation of Powers provision or other portions of the Nebraska Constitution. Our conclusions are set out below.

LB 355 contemplates the creation of a three-tiered system for the study of the efficiency of existing state government. An Executive Steering Committee, comprised of the Governor, the Auditor of Public Accounts, the Chairpersons of the Legislature's Appropriations and Revenue Committees and three additional persons appointed by the Governor in compliance with various restrictions would be at the top of the system. That committee would "set the overall direction, provide leadership on raising funds, and approve recommendations submitted by the working committee."

The Working Committee, in turn, would be comprised of nine members appointed by the Executive Steering Committee including a

staff director, a deputy staff director from a different branch of government than the staff director, and seven team leaders of functional teams identified as "excellent leaders in management and innovation in an area." The Working Committee would "review the work products of the functional teams and prepare and present substantive recommendations to the executive steering committee."

The final tier of the system would be the seven Functional Teams, each made up of ten members appointed by the Working Committee. Those Functional Team members would be "knowledgeable, competent, employees from the office of the Auditor of Public Accounts, the legislative branch, the executive branch, the judicial branch, and the private sector if possible." The Functional Teams would perform various tasks including functional and organizational analysis, financial analysis, service analysis, administrative systems analysis, and analysis of alternative delivery systems. Each of the seven Functional Teams would study one of seven broad categories of state government including education, health and human services, environment and natural resources, public safety and criminal justice, transportation, general government and regulatory agencies and cross government agencies and issues. The Functional Teams would work with and under the direction of the Working Committee so as to prepare draft recommendations and implementation plans for submission to the Executive Steering Committee. Ultimately, after notice to and consultation with the state agencies involved, the Executive Steering Committee would issue reports and recommendations for improvement to all members of the Legislature and to the public. LB 355 requires the Executive Steering Committee to issue final recommendations and implementation plans no later than July 1, 1995.

Article II, Section 1 of the Nebraska Constitution provides that:

> The powers of the government of this state are divided into three distinct departments, the Legislative, Executive and Judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

Since LB 355 requires each of the various government assessment committees to be made up of representatives of different branches of government, there is some question as to whether the bill would violate Article II, Section 1. We assume that concern was partially the reason for your opinion request.

The Nebraska Supreme Court most recently dealt with Article II, Section 1 of the Nebraska Constitution in State ex rel. Spire v. Conway, 238 Neb. 766, 472 N.W.2d 403 (1991). In the Conway case, the court held that state Senator Gerald Conway could not both serve in the Legislature and also act as an assistant professor at Wayne State College. The court indicated that such dual service violated Article II, Section 1 since Senator Conway was an officer in the Legislative branch of government and also an employee within the Executive branch of government through his employment at Wayne State. In the course of the Conway opinion, the court set out the following rule

which governs the application of Article II, Section 1 to the activities of government officials:

. . . article II prohibits one who exercises the power of one branch--that is, an officer in the broader sense of the word--from being a member--that is, either an officer or employee--of another branch.

Id. at 782, 472 N.W.2d at 412.

While the application of the Conway rule is clear in the factual context of that case, application of the rule in other situations can be more problematic. As a result, we have issued several opinions subsequent to Conway which deal with application of the rule to various fact situations. See Op. Att'y Gen. No. 92115 (October 1, 1992) (Supreme Court Judges could serve on Judicial Nominating Commissions); Op. Att'y Gen. No. 92076 (June 3, 1992) (Members of the Judicial branch could serve on the Youth Services Planning Committee but not on the Juvenile Services Grant Committee); Op. Att'y Gen. No. 92073 (May 28, 1992) (Judges could serve on the Judicial Resources Commission); Op. Att'y Gen. No. 92022 (February 18, 1992) (Judicial branch employees could serve on the Juvenile Justice Advisory Committee but not on the Crime Commission). Apart from these opinions specifically dealing with the effect and application of the Conway rule, we have also written numerous other opinions, before and after the Conway decision, dealing generally with members of the Legislature serving on boards or committees of another branch of government. See Op. Att'y Gen. No. 92046 (March 19, 1992) (Members of the Legislature cannot serve on the Nebraska School Accountability Commission); Op. Att'y Gen. No. 91016 (March 13, 1991) (Members of the Legislature cannot generally serve on commissions, boards or committees housed in the Executive branch of state government); Op. Att'y Gen. No. 86038 (March 21, 1986) (Members of the Legislature could serve on an educational service unit planning committee); Op. Att'y Gen. No. 69 (April 23, 1985) (The Chair of the Legislature's Revenue Committee could not serve on a Agricultural Land Valuation Advisory Board); Op. Att'y Gen. No. 37 (April 4, 1983) (Members of the Legislature could not serve along with the Governor and the Tax Commissioner on a State Tax Board which would take the place of the State Board of Equalization); 1967-68 Rep. Att'y Gen. 120 (Opinion No. 86, July 7, 1967) (State Senators could not serve as members of the Nebraska Coordinating Council for Higher Education).

It obviously is difficult to generalize the application of the Conway rule to all the various fact situations which have developed or may develop in state government. However, most often, the acceptability of a particular statutory plan which combines members of more than one branch of government on the same body seems to turn on whether the proposed body creates new state officers, as that term is legally defined, within a particular branch of government. If the members of the newly created governmental body are state officers, then there are potential problems with the Conway rule. On the other hand, if the new body does not create state officers, then, in most instances, the

positions created do not involve an employment relationship, and there is no problem under Conway.

The Nebraska Supreme Court has indicated that an office is "a public station or employment, conferred by the appointment of government; and embraces the ideas of tenure, duration, emolument and duties." State ex rel. O'Connor v. Tusa, 130 Neb. 528, 535-536, 265 N.W. 524, 528 (1936). Indicia of a public office include: 1. creation by constitution or a statute, 2. a continuing position not occasional or contractual, 3. a fixed term of office and 4. the official has an independence beyond that of employees. Eason v. Majors, 111 Neb. 288, 196 N.W. 133 (1923). With respect to the authority of public officers, the Court in Conway stated, "{i}t may be said that the almost universal rule is that, in order to indicate office, the duties must partake in some degree of the sovereign powers of the state." 238 Neb. at 771, 772, 472 N.W.2d at 407. As a result, a public office is "a governmental position, the duties of which invest the incumbent with some aspect of the sovereign power." Id. In order to respond to your opinion request concerning the propriety of the proposed State Government Assessment Act, we will consider each of the committees involved in the three-tiered structure of the Act in light of the court's definitions of public office.

The top committee in the evaluation system proposed by the State Government Assessment Act is the Executive Steering Committee, to be made up of the Governor, the State Auditor, two members of the Legislature and three other individuals to be appointed by the Governor. It can be argued, as you did in your opinion request letter, that this committee is advisory only, as the Executive Steering Committee would have no authority to implement particular plans for increased government efficiency, and could only recommend changes to the Legislature and to the public. In addition, committee members would have no set term of office, and the bill requires the committee's task to be completed by July 1, 1995, so the committee is not a continuing entity. All of these considerations would seem to indicate that members of the Executive Steering Committee would not be state officers as a result of that membership.

On the other hand, the Executive Steering Committee would appoint the members of the Working Committee, and would assemble a support team to provide clerical services, fiscal analysis, drafting of legislation and other support services. Moreover, the Executive Steering Committee would also have the power to administer oaths, issue subpoenas, and compel the attendance of witnesses and the production of documents, and the committee would be required to keep minutes of its meetings and records and books of its accounts. In our view, these are all attributes of an entity which exercises a portion of the sovereign power of the state.

All things considered, we believe that the members of the Executive Steering Committee would be state officers by virtue of their service on that committee, separate and apart from the other offices which they might hold. This is true, in part, because the doctrine of Separation of

Powers has been strictly construed in the State of Nebraska. See State ex rel. Meyer v. State Board of Equalization and Assessment, 185 Neb. 490, 176 N.W.2d 920 (1970); Op. Att'y Gen. No. 69 (April 23, 1985). Since service on the Executive Steering Committee would involve an "office," LB 355 would necessarily violate Article II, Section 1 of the Nebraska Constitution because it includes officers from more than one branch of government as officers on the same committee.[1] This is true whether the committee is considered a part of the Executive, or the Legislative branch. For example, if the Executive Steering Committee is considered a part of the Executive branch, the legislator members would be officers in two branches of state government. Alternatively, if the Executive Steering Committee is considered a part of the Legislative branch, the Governor and State Auditor would be officers in two branches of state government. For these reasons, it appears to us that the Executive Steering Committee envisioned by LB 355 would violate the Nebraska Constitution.

Quite similar considerations affect the constitutionality of the second tier of the State Government Assessment plan, the Working Committee. Again, it could be argued that the Working committee is advisory only, that there is no term of office, etc. However, like the Executive Steering Committee, members of the Working Committee would make appointments to other positions, and could issue subpoenas, compel the attendance of witnesses, and so forth. They also would keep minutes of their meetings and books and records of their accounts. While this is a closer question than the status of the Executive Steering Committee because these individuals would form the second tier of the organization, we believe that members of the Working Committee would also be state officers. Consequently, that portion of LB 355 would also be unconstitutional to the extent it requires officers or employees of one branch of government to serve as officers in a separate branch.

The final level of the State Government Assessment system involves the various Functional Teams. Those teams would actually do the analysis and study of state government operations, and make recommendations for improvement and reports in the form of implementation plans. The work product of the Functional Teams would be reviewed by the Working Committee and, ultimately, by the Executive Steering Committee. The Functional Teams would make no appointments, would not have the power to subpoena witnesses or otherwise compel testimony, and would not maintain minutes of their meetings or books of their accounts.

In our view, the Functional Teams would have significantly less authority than either the Executive Steering Committee or the Working Committee contemplated by LB 355, and their task would be more advisory in nature. As a result, we do not believe that members of the Functional Teams described in LB 355 would be state officers. Therefore, those teams could include members from several different branches of government.

In your opinion request letter, you also state:

If, in your opinion, you hold this section to be unconstitutional, allow me to also ask if the situation could be remedied in one of two ways:

(1) Removing the two Senators;

(2) Labeling this a Legislative Task Force, removing the Governor, the State Auditor, and naming the other committee members through selection of (1) the committee or (2) the Legislature's Executive Board

Removing the two state senators from the Executive Steering Committee proposed under LB 355 would solve the constitutional problems with that entity since the only remaining members would be executive branch officers or private persons, and the appointment of other committee members would be done by the governor. On the other hand, your second proposed solution could create problems under Article IV, Section 10 of the Nebraska Constitution which prohibits appointments of officers by the Legislature, since the other committee members would be appointed by the Legislature. Neither of your proposed solutions would address the constitutional problems with the Working Committee discussed above.

[1]If members of the Executive Steering Committee are officers, LB 355 would also violate Article IV, Section 10 of the Nebraska Constitution since it would involve a legislative appointment. See Neeman v. Nebraska Natural Resources Commission, 191 Neb. 672 at 676, 217 N.W.2d 166 (1974); Op. Att'y Gen. No. 69 (April 23, 1985).

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

cc. Patrick O'Donnell
Clerk of the Legislature

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

LB 292	Thursday, March 4, 1993	12:00 p.m.
LB 607	Thursday, March 11, 1993	12:00 p.m.
LB 724	Thursday, March 11, 1993	12:00 p.m.
LB 699	Tuesday, March 23, 1993	12:00 p.m.
LB 459	Tuesday, March 23, 1993	12:00 p.m.

(Signed) Tom Horgan, Chairperson

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 23. Placed on General File.

(Signed) Jerome Warner, Chairperson

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

Governor Appointments Tuesday, March 16, 1993 1:30 p.m.
Research and Development Authority
Robert Allington
Lewis Harris
Thomas Smith

(Signed) David Landis, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 81, 207, 210, 26, 103, 178, and 251.

MOTION - Place LB 83 on General File

Mr. Ashford renewed his pending motion, found in the Journal on page 621, to place LB 83 on General File notwithstanding the vote of the Judiciary Committee.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

MR. KRISTENSEN PRESIDING

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

SPEAKER BAACK PRESIDING

Mr. Jones moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Ashford moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Bernard-Stevens requested a roll call vote, in reverse order, on the Ashford motion to place LB 83 on General File.

Voting in the affirmative, 27:

Ashford	Byars	Hohenstein	Lynch	Vrtiska
Baack	Chambers	Horgan	Preister	Warner
Bernard-Stevens	Crosby	Janssen	Rasmussen	Wehrbein
	Day	Kristensen	Robinson	Wesely
Beutler	Hartnett	Landis	Schimek	Will
Bohlke	Hillman	Lindsay		

Voting in the negative, 16:

Avery	Elmer	Hudkins	Pedersen	Schmitt
Bromm	Fisher	Jones	Robak	Wickersham
Coordsen	Haberman	Moore	Schellpeper	Witek
Dierks				

Present and not voting, 1:

McKenzie

Excused and not voting, 5:

Abboud	Cudaback	Hall	Pirsch	Withem

The Ashford motion to place LB 83 on General File lost with 27 ayes, 16 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

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

MOTION - Return LB 205 to Select File

Mrs. Rasmussen moved to return LB 205 to Select File for her specific amendment, AM0371, found in the Journal on page 668.

The Rasmussen motion to return prevailed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 205. The Rasmussen specific amendment, AM0371, found in the Journal on page 668, was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Withdraw LB 146

Mr. Bernard-Stevens renewed his pending motion, found in the Journal on page 676, to withdraw LB 146.

The Bernard-Stevens motion to withdraw prevailed with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

MOTION - Withdraw LB 746

Mr. Elmer renewed his pending motion, found in the Journal on page 676, to withdraw LB 746.

The Elmer motion to withdraw prevailed with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 387. Placed on General File.
LEGISLATIVE BILL 517. Placed on General File.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Lynch and Wesely asked unanimous consent to print the following amendment to LB 16 in the Journal. No objections. So ordered.

AM0440

1. Strike original section 2 and all amendments thereto and insert the following new section:

"Sec. 2. That section 43-107, Revised Statutes Supplement, 1992, be amended to read as follows:

43-107. (1)(a) For adoption placements occurring or in effect prior to January 1, 1994, upon ~~Upon~~ the filing of a petition for adoption, the county judge shall, except in the adoption of children by stepparents when the requirement of an investigation is discretionary, request the Department of Social Services or any child placement agency licensed by the department to examine into the allegations set forth in the petition and to ascertain any other facts relating to such minor child and the person or persons petitioning to adopt such child as may be relevant to the propriety of such adoption, except that the county judge shall not be required to request such an examination if the judge determines that information compiled in a previous examination or study is sufficiently current and comprehensive. Upon the request being made, the Department of Social Services or other licensed agency shall conduct an investigation and report its

findings to the county judge in writing at least one week prior to the date set for hearing.

(b)(i) For adoption placements occurring on or after January 1, 1994, upon the filing of a petition for adoption, a preplacement adoptive home study shall be filed with the county court, which study is completed by the department or a licensed child placement agency within one year before the date on which the adoptee is placed with the petitioner or petitioners and indicates that the placement of a child for the purpose of adoption would be appropriate.

(ii) An adoptive home study shall not be required when the petitioner is a stepparent of the adoptee unless required by the court, except that for petitions filed on or after January 1, 1994, the county judge shall order the petitioner or his or her attorney to request the Nebraska State Patrol to file a Nebraska criminal history record information check and to request the department to conduct and file a check of the central register created in section 28-718 for any history of the petitioner of behavior injurious to or which may endanger the health or morals of a child. An adoption decree shall not be issued until such records are on file with the court. The petitioner shall pay the cost of the Nebraska criminal history record information check and the check of the central register.

(iii) The placement of a child for foster care made by or facilitated by the department or a licensed child placement agency in the home of a person who later petitions the court to adopt the child shall be exempt from the requirements of a preplacement adoptive home study. The petitioner or petitioners who meet such criteria shall have a postplacement adoptive home study completed by the department or a licensed child placement agency and filed with the county court at least one week prior to the hearing for adoption.

(iv) A voluntary placement for purposes other than adoption made by a parent or guardian of a child without assistance from an attorney, physician, or other individual or agency which later results in a petition for the adoption of the child shall be exempt from the requirements of a preplacement adoptive home study. The petitioner or petitioners who meet such criteria shall have a postplacement adoptive home study completed by the department or a licensed child placement agency and filed with the county court at least one week prior to the hearing for adoption.

(v) Any adoptive home study required by this section shall be conducted by the department or a licensed child placement agency at the expense of the petitioner or petitioners unless such expenses are waived by the department or licensed child placement agency. The department or licensed agency shall determine the fee or rate for the

adoptive home study.

(vi) The preplacement or postplacement adoptive home study shall be performed as prescribed in rules and regulations of the department and shall include at a minimum an examination into the facts relating to the petitioner or petitioners as may be relevant to the propriety of such adoption. Such rules and regulations shall require an adoptive home study to include a Nebraska criminal history record information check and a check of the central register created in section 28-718 for any history of the petitioner or petitioners of behavior injurious to or which may endanger the health or morals of a child.

(2) Upon the filing of a petition for adoption, the county judge shall require that a complete medical history be provided on the child, except that in the adoption of a child by a stepparent the provision of a medical history shall be discretionary. A medical history shall be provided, if available, on the biological mother and father and their biological families, including, but not limited to, siblings, parents, grandparents, aunts, and uncles, unless the child is foreign born or was abandoned. The medical history or histories shall be reported on a form provided by the Bureau of Vital Statistics and filed along with the report of adoption as provided by section 71-626. If the medical history or histories do not accompany the report of adoption, the Bureau of Vital Statistics shall inform the county court and the State Court Administrator. The medical history or histories shall be made part of the court record. After the entry of a decree of adoption, the court shall retain a copy and forward the original medical history or histories to the Bureau of Vital Statistics. This subsection shall only apply when the relinquishment or consent for an adoption is given on or after September 1, 1988.".

Mr. Lynch asked unanimous consent to print the following amendment to LB 16A in the Journal. No objections. So ordered.

AM0444

1. Insert the following new section:

"Sec. 2. There is hereby appropriated (1) $4,500 from the Nebraska State Patrol Cash Fund for FY1993-94 and (2) $9,000 from the Nebraska State Patrol Cash Fund for FY1994-95 to the Nebraska State Patrol, for Program 190, to aid in carrying out the provisions of Legislative Bill 16, Ninety-third Legislature, First Session, 1993.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

Mr. Landis asked unanimous consent to print the following amendment to LB 363 in the Journal. No objections. So ordered.

AM0417

1. Insert the following new section:

"Sec. 2. That section 24-729, Revised Statutes Supplement, 1992, be amended to read as follows:

24-729. The Supreme Court of Nebraska is empowered, with the consent of the retired judge, (1) to assign judges of the Supreme Court, Court of Appeals, and district court who are now retired or who may be retired hereafter to (a) sit in any court in the state to relieve congested dockets or to prevent the docket of such court from becoming congested or (b) sit for the judge of any court who may be incapacitated or absent for any reason whatsoever and (2) to assign any judge of the separate juvenile court, county court, or Nebraska Workers' Compensation Court who is now retired or who may be retired hereafter to (a) sit in any court having the same jurisdiction as one in which any such judge may have previously served to relieve congested dockets or to prevent the docket of any such court from becoming congested or (b) sit for the judge of any such court who may be incapacitated or absent for any reason. Any judge who has retired on account of disability may not be so assigned.

For purposes of sections 24-729 to 24-733, retired judge shall include a judge who, before, on, or after the effective date of this act, has retired upon the attainment of age fifty-five and has elected to defer the commencement of his or her retirement annuity to a later date.".

2. On page 2, line 21, strike "section 24-710.03" and insert "sections 24-710.03 and 24-729"; and in line 22 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 19, 1993, at 11:20 a.m., were the following bills: 81, 207, 210, 26, 103, 251, and 178.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

NOTICE OF COMMITTEE HEARINGS
General Affairs

LB 280	Monday, March 8, 1993	1:30 p.m.
LB 425	Monday, March 8, 1993	1:30 p.m.
LB 449	Monday, March 8, 1993	1:30 p.m.
LB 489	Monday, March 8, 1993	1:30 p.m.

LB 694	Monday, March 8, 1993	1:30 p.m.
LB 728	Monday, March 8, 1993	1:30 p.m.
LB 730	Monday, March 8, 1993	1:30 p.m.
LB 75	Monday, March 22, 1993	1:30 p.m.
LB 287	Monday, March 22, 1993	1:30 p.m.
LB 361	Monday, March 22, 1993	1:30 p.m.
LB 383	Monday, March 22, 1993	1:30 p.m.
LB 416	Monday, March 22, 1993	1:30 p.m.
LB 618	Monday, March 22, 1993	1:30 p.m.
LB 654	Monday, March 22, 1993	1:30 p.m.

(Signed) Stan Schellpeper, Chairperson

ANNOUNCEMENT

Mr. Haberman designates LB 332 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducers

Mmes. Robak, Hudkins, Messrs. Robinson, and Hohenstein asked unanimous consent to have their names added as cointroducers to LB 241. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of Leadership Columbus 92-93 from Columbus; 17 seventh through tenth grade Boy Scouts, Troop 321, and sponsors from Auburn; and Mr. and Mrs. John Erikson and family from Tekamah.

The Doctor of the Day was Clarence Davis from Osceola.

ADJOURNMENT

At 11:44 a.m., on a motion by Ms. Day, the Legislature adjourned until 9:00 a.m., Monday, February 22, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTIETH DAY - FEBRUARY 22, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 22, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Larry Michael-Rush, Ceresco Methodist Church, Ceresco, Nebraska.

MR. COORDSEN PRESIDING

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Avery, Bernard-Stevens, Beutler, Chambers, Hall, Hohenstein, Kristensen, Landis, Lindsay, Lynch, Moore, Warner, Wesely, Mmes. Pirsch, Rasmussen, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 93009

DATE: February 19, 1993

SUBJECT: LB 255; Constitutionality of a bill which would require non-union employees in a bargaining unit covered by a collective bargaining agreement to pay fees to the labor organization representing that unit to help cover the costs of representing

those non-union employees in collective bargaining.

REQUESTED BY: Senator Curt Bromm
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

You have requested our opinion as to the constitutionality of LB 255, a bill which would require non-union employees in a bargaining unit covered by a collective bargaining agreement to pay fees to the labor organization representing that unit in order to cover the costs of representing those non-union employees for purposes of collective bargaining. As is discussed below, we believe that there are constitutional difficulties with the bill under the applicable provisions of the Nebraska Constitution.

LB 255 would require certain non-union employees to pay for collective bargaining by labor organizations. Under the bill, employees who were not members of a labor organization would be required to make "fair share" payments to the organization for collective bargaining representation when the organization was established as the collective bargaining representative for the bargaining unit employing the non-union employees. The "fair share" amount would represent the proportionate share of the cost borne by the labor organization in representing the non-member employees, and could not exceed the amount of dues required by the organization of its members. If non-members refused to pay the labor organization the "fair share" amount, the organization would be authorized to bring a suit against the employees for payment of the "fair share," attorneys fees, and court costs. "Fair share" payments would be deducted monthly from the non-union employees' wages, and then paid by the employer to the labor organization.

LB 255 also provides that "payment or nonpayment of the fair share shall not be a condition of employment or continued employment," and no provision in the bill would require the employer to terminate non-union employees upon refusal by those employees to consent to "fair share" payments. However, the only avenue non-union employees would have to avoid making "fair share" payments would be to voluntarily discontinue employment.

Article XV, Section 13 of the Nebraska Constitution provides:

> No person shall be denied employment because of membership in or affiliation with, or resignation or expulsion from a labor organization or because of refusal to join or affiliate with a labor organization; nor shall any individual or corporation or association of any kind enter into any contract, written or oral, to exclude persons from employment because of membership in or nonmembership in a labor organization.

This constitutional provision is Nebraska's Right to Work law, and provides that an individual's right to enter employment or continue employment cannot lawfully be made dependent upon membership or non-membership in a labor union. Lincoln Federal Labor Union v. Northwestern Iron and Metal Co., 149 Neb. 507, 31 N.W.2d 477 (1948).

In response to Right To Work laws passed by some States, labor organizations have occasionally entered into agency shop agreements with employers. An agency shop agreement is a device designed to ensure that a labor organization, which is engaged in collective bargaining with employers, receives payments from non-members equivalent to union dues and initiation fees in return for the benefits obtained by the labor organization through collective bargaining. Under such agreements, a non-member employee's refusal to pay the amount equivalent to union dues would require the employer to terminate the employee from employment.

Agency shop agreements are permissible under the Federal National Labor Relations Act, 29 U.S.C. § 158(a)(3), yet may be pre-empted by State Right To Work provisions, 29 U.S.C. § 164(b); Retail Clerks Int'l Ass'n, Local 1625, AFL-CIO v. Schermerhorn,, 375 U.S. 96, 99-100, (1963); Int'l Union of the United Ass'n of Journeymen and Apprentices of the Plumbing and Pipefitting Indus. of the United States and Canada, Local Unions Nos. 141, 229, and 706 v. Nat'l Labor Relations Board, 675 F.2d 1257, 1259, 1261 (D.C. Cir. 1982), cert. denied 459 U.S. 1171 (1983). In some States that have enacted Right To Work provisions, agency shop agreements have been held to be violative of state law or the state constitution. For example, in Ficek v. Int'l Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, Local #647, 219 N.W.2d 860 (N.D. 1974), the North Dakota Supreme Court struck down a typical agency shop arrangement as being violative of North Dakota's Right To Work laws. In that case, the court stated that an agency shop arrangement requiring employees to pay union fees as a condition to employment is the practical equivalent of an agreement requiring membership in the union as a condition of employment. The court concluded that the state had adopted a policy, via its Right To Work laws, protecting the employee in his or her "right to work free of any interference and control by either employers or labor organizations." Id. at 871. Similarly, we have previously indicated that a typical agency shop agreement violates Article XV, Section 13 of the Nebraska Constitution. 1959-1960 Rep. Att'y Gen. 295 (Opinion No. 173, dated March 2, 1960).

LB 255 is somewhat different from the traditional agency shop arrangement in that non-union employees would pay their proportionate "fair share" of the costs of union representation rather than simply paying union dues and initiation fees. However, some courts have rejected such "fair share" arrangements as well. For example, in Florida Educ. Ass'n/United v. Public Employees Relations Comm'n, 346 So.2d 551 (Fla. Dist. Ct. App. 1977), non-member teachers challenged an agreement between the Florida Education Association

and the State Public Employees Relations Commission. The agreement would have required each non-member teacher "to contribute a fair share fee for services rendered" by the bargaining representatives. The employer school districts would have been obligated to "check off" (deduct) the fees from the employees' paychecks, and transmit the payments to the labor organization. The fair share amount was to be based on a pro-rata share of "the specific expenses incurred for services rendered by the representative in relationship to negotiations and administration of grievance procedures." Id. at 552. The court ultimately determined that the fair share agreement was in substance no different than an agency shop arrangement. The court reasoned that both types of arrangements provide that "employees are free to refrain from union membership," but that in either case the "employee would have two choices, {to} accept and pay . . . the fair share assessment to the union or look for another job." Id. at 552-553. The court held that the fair share agreement violated Florida's Right To Work laws.

In 1979-80 Rep. Att'y Gen. 82 (Opinion No. 55, dated March 13, 1979), this office also determined that a fair share arrangement could well violate Nebraska's Right To Work provisions. The bill in that instance would have required all employees in the bargaining unit to pay the union a "service fee" equivalent to a member employees' proportionate share of collective bargaining and grievance processing costs. We stated that, "{i}t appears to us that the required payment of a service fee... while it is a less restrictive form of compulsory unionism, nevertheless, forces an employee to affiliate with a labor organization." Id. at 83. The opinion concluded that the "fair share" arrangement was "constitutionally suspect" under Article XV, Section 13 of the Nebraska Constitution. Id. at 83-84.

In light of the authorities cited above, we believe that the fair share provisions of LB 255 are also constitutionally suspect under Article XV, Section 13 of the Nebraska Constitution. We realize that, on its face, LB 255 purports to not condition employment or continued employment upon the making of "fair share" payments. In addition, sanctions for refusal to make those payments are enforced through judicial proceedings rather than through termination of the offending employee by the employer. Nevertheless, the practical effect of LB 255 would be the same as the typical agency shop agreement. In order to avoid making payments to a labor organization, a non-union employee would have to discontinue his or her employment. The Legislature cannot circumvent express provisions of the Nebraska Constitution by doing indirectly what it cannot do directly. Haman v. Marsh, 237 Neb. 699, 467 N.W.2d 836 (1991). Consequently, in our view, the fair share provisions of LB 255 violate Article XV, Section 13 of the Nebraska Constitution.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer

Assistant Attorney General

cc. Patrick J. O'Donnell
Clerk of the Legislature
05OP002.293

REPORTS

Received report from the Department of Roads of the Price Index of Highway Construction Costs for 1992.

Received corrections and additions to the report from the Department of Environmental Quality and the Department of Health to the Public Notice of Intent to Deny License which was published on January 28, 1993.

GENERAL FILE

LEGISLATIVE BILL 332. Title read. Considered.

Standing Committee amendment, AM0265, found in the Journal on page 571, was adopted with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

Mr. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

Ashford	Day	Horgan	Preister	Vrtiska
Beutler	Dierks	Hudkins	Robak	Wehrbein
Bohlke	Elmer	Janssen	Robinson	Wickersham
Byars	Haberman	Jones	Schellpeper	Will
Coordsen	Hall	McKenzie	Schimek	Witek
Crosby	Hartnett	Pedersen	Schmitt	Withem
Cudaback	Hillman			

Voting in the negative, 0.

Present and not voting, 4:

Baack	Bernard-Stevens	Bromm	Fisher

Excused and not voting, 13:

Abboud	Hohenstein	Lindsay	Pirsch	Warner
Avery	Kristensen	Lynch	Rasmussen	Wesely
Chambers	Landis	Moore		

Advanced to E & R for review with 32 ayes, 0 nays, 4 present and not voting, and 13 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 100. Mr. Withem withdrew his pending motion, found in the Journal on page 476, to indefinitely postpone.

Mrs. Bohlke, Messrs. Byars, and Beutler withdrew their pending amendment, AM0225, found in the Journal on page 522.

Mrs. Bohlke, Messrs. Byars, and Beutler offered the following amendment:
AM0462

1. Insert the following new section:

"Sec. 2. That section 79-328, Revised Statutes Supplement, 1992, be amended to read as follows:

79-328. The State Board of Education shall have the power and it shall be its duty:

(1) To appoint and fix the compensation of the Commissioner of Education;

(2) To remove the commissioner from office at any time for conviction of any crime involving moral turpitude or felonious act, for inefficiency, or for willful and continuous disregard of his or her duties as commissioner or of the directives of the board;

(3) Upon recommendation of the commissioner, to appoint and fix the compensation of a deputy commissioner and all professional employees of the board;

(4) To organize the State Department of Education into such divisions, branches, or sections as may be necessary or desirable to perform all its proper functions and to render maximum service to the board and to the state school system;

(5) To provide, through the commissioner and his or her professional staff, enlightened professional leadership, guidance, and supervision of the state school system, including educational service units. In order that the commissioner and his or her staff may carry out their duties, the board shall, through the commissioner: (a) Provide supervisory and consultative services to the schools of the state; (b) issue materials helpful in the development, maintenance, and improvement of educational facilities and programs; (c) establish rules and regulations which govern standards and procedures for the approval and legal operation of all schools in the state and for the accreditation of all schools requesting state accreditation. All public, private, denominational, or parochial schools shall either comply with the accreditation or approval requirements prescribed in this section and section 79-4,140.16 or, for those schools which

elect not to meet accreditation or approval requirements, the requirements prescribed in this section and subsections (2) through (4) of section 79-1701. Such standards and procedures shall be based upon the program of studies, guidance services, the number and preparation of teachers in relation to the curriculum and enrollment, instructional materials and equipment, science facilities and equipment, library facilities and materials, and health and safety factors in buildings and grounds. Rules and regulations which govern procedures and standards for private, denominational, and parochial schools which elect, pursuant to the procedures prescribed in subsections (2) through (4) of section 79-1701, not to meet state accreditation or approval requirements shall be based upon evidence that such schools offer a program of instruction leading to the acquisition of basic skills in the language arts, mathematics, science, social studies, and health. Such rules and regulations may include a provision for the visitation of such schools and regular achievement testing of students attending such schools in order to insure that such schools are offering instruction in the basic skills listed in this subdivision. Any arrangements for visitation or testing shall be made through a parent representative of each such school. The results of such testing may be used as evidence that such schools are offering instruction in such basic skills but shall not be used to measure, compare, or evaluate the competency of students at such schools; (d) adopt and promulgate rules and regulations for the approval of high schools for the collection of nonresident high school tuition money in accordance with the rules and regulations provided for in this subdivision, except that the State Board of Education shall approve a school for the collection of nonresident high school tuition money when a hardship would result to the students and a substantial effort is being made to comply with such rules and regulations; (e) institute a statewide system of testing to determine the degree of achievement and accomplishment of all the students within the state's school systems if it determines such testing would be advisable; (f) adopt and promulgate rules and regulations for the approval or rejection of applications to relieve persons who have legal or actual charge or control of a child not less than sixteen nor more than eighteen years of age of their obligation to cause such child to attend school under section 79-201. Such rules and regulations shall include provisions requiring superintendents to transmit information about meetings held pursuant to subsection (2) of section 79-201 and approval requirements which consider the desires of parents who are not parties to the application, that alternatives have been discussed, and that efforts have been made by the school to meet the child's needs; (g) prescribe a uniform system of

records and accounting for keeping adequate educational and financial records, for gathering and reporting necessary educational data, and for evaluating educational progress; ~~(g)~~ (h) cause to be published laws, rules, and regulations governing the schools and the school lands and funds with explanatory notes for the guidance of those charged with the administration of the schools of the state; ~~(h)~~ (i) approve teacher education programs conducted in Nebraska institutions of higher education designed for the purpose of certificating teachers and administrators; ~~(i)~~ (j) approve teacher evaluation policies and procedures developed by school districts and educational service units; and ~~(j)~~ (k) approve general plans and adopt educational policies, standards, rules, and regulations for carrying out the board's responsibilities and those assigned to the State Department of Education by the Legislature;

(6) To adopt and promulgate rules and regulations for the guidance, supervision, accreditation, and coordination of educational service units. Such rules and regulations for accreditation shall include, but not be limited to, (a) a requirement that programs and services offered the school district by each educational service unit shall be evaluated on a regular basis, but not less than every seven years, to assure that educational service units remain responsive to school district needs and (b) guidelines for the use and management of funds, generated from the property tax levy and other sources of revenue as may be available to the educational service units, to assure that public funds are used to accomplish the purposes and goals assigned to the educational service units by section 79-2201.02. The State Board of Education shall establish procedures to encourage the coordination of activities among educational service units and to encourage effective and efficient educational service delivery on a statewide basis;

(7) To submit a biennial report to the Governor and the Clerk of the Legislature covering the actions of the board, the operations of the State Department of Education, and the progress and needs of the schools and to recommend such legislation as may be necessary to satisfy these needs;

(8) To cause to be prepared and distributed reports designed to acquaint school district officers, teachers, and patrons of the schools with the conditions and needs of the schools;

(9) To provide for consultation with professional educators and lay leaders for the purpose of securing advice deemed necessary in the formulation of policies and in the effectual discharge of its duties;

(10) To cause such studies, investigations, and reports to be made and such information assembled as are

necessary for the formulation of policies, for making plans, for evaluating the state school program, and for making essential and adequate reports;

(11) To submit to the Governor and the Legislature a budget necessary to finance the state school program under its jurisdiction, including the internal operation and maintenance of the State Department of Education;

(12) To interpret its own policies, standards, rules, and regulations and, upon reasonable request, hear complaints and disputes arising therefrom;

(13) With the advice of the Department of Motor Vehicles, to adopt and promulgate rules and regulations containing reasonable standards, not inconsistent with existing statutes, governing: (a) The general design, equipment, color, operation, and maintenance of any vehicle with a manufacturer's rated seating capacity of eleven or more passengers used for the transportation of school children; and (b) the equipment, operation, and maintenance of any vehicle with a capacity of ten or less passengers used for the transportation of school children, when such vehicles are either owned or operated, or owned and operated, by any school district or privately owned or operated under contract with any school district in this state. Similar rules and regulations shall be adopted and promulgated for operators of such vehicles as to physical and mental qualities, driving skills and practices, and knowledge of traffic laws, rules, and regulations which relate to school bus transportation. Such traffic rules and regulations shall by reference be made a part of any such contract with a school district. Any officer or employee of any school district who violates any of the traffic rules or regulations or fails to include obligations to comply with the traffic rules and regulations in any contract executed by him or her on behalf of a school district shall be guilty of a Class V misdemeanor and shall, upon conviction thereof, be subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any of such traffic rules and regulations shall be guilty of breach of contract, and such contract shall be canceled after notice and hearing by the responsible officers of such school district;

(14) To accept, on behalf of the Nebraska School for the Visually Handicapped, on behalf of the Nebraska School for the Deaf, or on behalf of any school for children with mental retardation which is exclusively owned by the State of Nebraska and under the control and supervision of the State Department of Education, devises of real property or donations or bequests of other property, or both, if in its judgment any such devise, donation, or bequest is for the best interest of any such school or the students attending thereat, or both,

and may cause any such real estate to be irrigated or otherwise improved when in its judgment it would be advisable to do so; and

(15) Upon acceptance of any devise, donation, or bequest as provided in this section, to administer and carry out such devise or bequest in accordance with the terms and conditions thereof. If not prohibited by the terms and conditions of any such devise, donation, or bequest, it may sell, convey, exchange, or lease property so devised, donated, or bequeathed upon such terms and conditions as it deems best and deposit all money derived from any such sale or lease in the State Department of Education Trust Fund.

Each member of the Legislature shall receive a copy of the report required by subdivision (7) of this section by making a request for it to the commissioner.

None of the duties prescribed in this section shall prevent the board from exercising such other duties as in its judgment may be necessary for the proper and legal exercise of its obligations.".

2. On page 2, line 3, after the period insert "(1)"; in line 14 strike "(1)", show as stricken, and insert "(a)"; in line 16 strike "(2)", show as stricken, and insert "(b)"; and after line 24 insert the following new subsection:

"(2) Any person who has legal or actual charge or control of a child not less than sixteen nor more than eighteen years of age may make an application to the State Board of Education to relieve themselves of the obligation stated in subsection (1) of this section after meeting with the superintendent or his or her designee, the child's school guidance counselor, if any, and the child. At such meeting, the superintendent or his or her designee shall explain possible options which may be available to the child such as alternative classes, alternative scheduling, technical preparatory education, work-study projects, or similar appropriate options.".

3. On page 3, line 28, strike "section" and insert "sections 79-328 and".

4. Renumber remaining sections accordingly.

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

SPEAKER BAACK PRESIDING

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Fisher moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Bohlke-Byars-Beutler amendment was adopted with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

MR. HALL PRESIDING

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Robinson requested a machine vote on the advancement of the bill.

Mr. Byars moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Byars requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 19:

Avery	Bohlke	Pedersen	Schimek	Wickersham
Bernard-Stevens	Byars	Preister	Warner	Will
Beutler	Crosby	Rasmussen	Wehrbein	Witek
	Hall	Robak	Wesely	Withem

Voting in the negative, 21:

Bromm	Elmer	Hudkins	Landis	Robinson
Coordsen	Fisher	Janssen	McKenzie	Schellpeper
Cudaback	Haberman	Jones	Moore	Schmitt
Day	Hillman	Kristensen	Pirsch	Vrtiska
Dierks				

Present and not voting, 3:

Baack	Hartnett	Horgan

Absent and not voting, 2:

Ashford	Lindsay

Excused and not voting, 4:

Abboud	Chambers	Hohenstein	Lynch

Failed to advance to E & R for engrossment with 19 ayes, 21 nays, 3 present and not voting, 2 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

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

UNANIMOUS CONSENT - Print in Journal

Messrs. Landis and Beutler asked unanimous consent to print the following amendment to LB 91 in the Journal. No objections. So ordered.

AM0428
(Amendments to Standing Committee amendments, AM0138)
1. On page 1, line 14, after the first "to" insert "in writing".

MESSAGES FROM THE GOVERNOR

February 20, 1993

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 81e, 210, 26, 103e, and 251 were received in my office on February 19, 1993.

These bills were signed by me on February 20, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

February 20, 1993

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

Dear Madam President and Senators:

Engrossed Legislative Bill 207 was received in my office on February 19, 1993.

I am signing LB 207 with the following reservations. LB 207 on the surface is a good intentioned bill which follows the standards of intergovernmental cooperation which I have endorsed throughout my administration. It allows local governments to govern which is also a concept that I endorse whole-heartedly.

The problem that could be encountered is concerning the valuation of properties which are often termed "greenbelt." There is a possibility that this bill could have a negative impact on the counties which use "greenbelt" as a means of adjusting valuation. At the heart of determining "greenbelt" valuation is zoning requirements which are greatly impacted by this legislation. Although problems could occur because of the passage of LB 207, is would be presumptuous of me to assume that counties and cities would incur those problems. I am signing LB 207 as a sign of good faith that these two entities can work together to solve any disagreements but reserve the right to address this issue in the future should problems occur.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 564. Placed on General File.

(Signed) Doug Kristensen, Chairperson

Health and Human Services

LEGISLATIVE BILL 531. Placed on General File as amended.
Standing Committee amendment to LB 531:
AM0343

1. On page 2, line 10, strike "who" and insert ", if the prospective adoptee is not already represented by a guardian ad litem, and the guardian ad litem of the prospective adoptee"; in line 17 after "the" insert "recommendations of the" and strike "litem's recommendation" and insert "litem and the Department of Social Services"; and strike lines 25 through 28.

2. On page 3, strike beginning with "attachment" in line 1 through "If" in line 5, strike the paragraphing, and insert "That"; in line 13 strike "or" and insert a comma; and in line 15 before the period insert ", or for revocation of a relinquishment of parental rights after the relinquishment has been accepted in writing by the Department of Social Services as provided in section 43-106.01".

LEGISLATIVE BILL 374. Indefinitely postponed.
LEGISLATIVE BILL 686. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Announcement

Mr. Moore asked unanimous consent to permit the Appropriations Committee to conduct its hearing on Friday, February 26, 1993, at 9:00 a.m. instead of 1:30 p.m. for the following: Agency 63 - Board of Public Accountancy; Agency 40 - Motor Vehicle Dealers Licensing Board; Agency 45 - Board of Barber Examiners; Agency 41 - Real Estate Commission; Agency 53 - Real Estate Appraisers Board; Agency 58 - Board of Engineers & Architects; Agency 66 - Board of Examiners Abstracters; and Agency 73 - Board of Landscape Architects. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 161. Mr. Kristensen renewed his pending amendment, AM0411, found in the Journal on page 677.

Mr. Kristensen requested a division of the question on his amendment.

The Chair sustained the division of the question.

The first Kristensen amendment is as follows:
FA24

1. On page 2, line 12, before the period insert ", except that in the case of an order for support being enforced by a county attorney, authorized attorney, or prosecuting attorney pursuant to Chapter 42 or Chapter 43, this notice requirement shall not apply and Title IV-D of the federal Social Security Act, as amended, shall be complied with"; in line 15 after the period insert "This subsection shall not be construed to in any way limit the powers and remedies available to an authorized attorney as defined in section 43-512.";

SPEAKER BAACK PRESIDING

The first Kristensen amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

The second Kristensen amendment is as follows:
FA25

strike beginning with "fines" in line 17 through "and" in line 18; and in line 18 after the period insert "In

the case of debt arising as a result of an order or judgment of a court in a criminal or traffic matter, a collection fee may be added to the debt. The collection fee shall be twenty-five dollars or four and one-half percent of the debt, whichever is greater. The collection fee shall be paid by the person who owes the debt directly to the person or agency providing the collection service.".

The second Kristensen amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

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

LEGISLATIVE BILL 320. E & R amendment, AM5370, found in the Journal on page 667, was adopted.

Mr. Wesely requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 27 ayes, 9 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 158. E & R amendment, AM5371, found in the Journal on page 667, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 158A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 140. Mr. Ashford requested a machine vote on the advancement of the bill.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Bernard-Stevens requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Abboud	Chambers	Hohenstein	Preister	Wesely
Bernard-Stevens	Day	Landis	Robak	Wickersham
Beutler	Elmer	Lindsay	Schellpeper	Will
Bohlke	Fisher	McKenzie	Schimek	Witek
Byars	Hall	Moore	Schmitt	Withem

Voting in the negative, 20:

Ashford	Crosby	Hillman	Jones	Robinson
Avery	Cudaback	Horgan	Kristensen	Vrtiska
Bromm	Dierks	Hudkins	Pedersen	Warner
Coordsen	Haberman	Janssen	Pirsch	Wehrbein

Present and not voting, 3:

Baack Hartnett Rasmussen

Excused and not voting, 1:

Lynch

Advanced to E & R for engrossment with 25 ayes, 20 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 140A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 412. E & R amendment, AM5377, found in the Journal on page 684, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 360A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 102. Passed over.

GENERAL FILE

LEGISLATIVE BILL 440A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 817. Placed on General File.

LEGISLATIVE BILL 376. Placed on General File as amended.
Standing Committee amendment to LB 376:
AM0461

1. On page 2, strike beginning with "conforming" in line 8 through "standards" in line 10.

(Signed) Don Wesely, Chairperson

Natural Resources

LEGISLATIVE BILL 720. Placed on General File.
LEGISLATIVE BILL 739. Placed on General File.

LEGISLATIVE BILL 235. Placed on General File as amended.
Standing Committee amendment to LB 235:
AM0396

1. Insert the following new section:

"Sec. 4. That section 81-815, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-815. It shall be unlawful for any person, firm, or corporation, carrying on within this state any business of whatever nature, conducted for profit, to adopt or use, as the name of ~~his~~ the business, the name of any state park owned by the State of Nebraska. It shall further be unlawful for any person, firm, or corporation, selling any commodity or service of any kind or nature whatever within this state, to adopt or use, as a trade name, designation, or trademark of the commodity or service, the name of any state park owned by the State of Nebraska. The provisions of this section shall not prohibit or interfere in any way with the activities or powers of the Game and Parks Commission. Any person, firm, or corporation ~~guilty of the violation of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten dollars nor more than one hundred dollars~~ which violates this section shall be guilty of a Class V misdemeanor.".

2. On page 4, line 2, strike the first comma, show as stricken, and insert "and" and strike "where", show as stricken, and insert "when"; in line 5 after "mean" insert "(a)"; in line 7 after the first comma insert "and" and strike the second comma and show as stricken; in line 8 after "principles" insert "and (b) state recreational trails"; strike beginning with "established" in line 23 through "principally" in line 24 and insert ", of value"; and in line 25 strike "day-use".

3. On page 5, line 11, after the first comma insert "81-815,".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 708. Placed on General File as amended.
Standing Committee amendment to LB 708:
AM0397

1. On page 9, line 18, strike "shall" and insert "may"; and in line 23 after the first comma insert "commencing at the northwest corner of Lot 1".

(Signed) Chris Beutler, Chairperson

MOTION - Reconsider Action on LB 83

Mr. Hall moved to reconsider the vote on the motion to place LB 83 on General File notwithstanding the action of the committee.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Ms. Schimek asked unanimous consent to print the following amendment to LB 46 in the Journal. No objections. So ordered.

AM0379

1. On page 3, line 4, strike "is legitimately in dispute" and insert "has not been finally determined by the debtor's exercise or failure to exercise all applicable appeal rights".

MESSAGES FROM THE GOVERNOR

February 20, 1993

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

Dear Madam President and Senators:

Engrossed Legislative Bill 178 was received in my office on February 19, 1993. The bill was signed by me on February 20, 1993, and delivered to the Secretary of State.

LB 178 is designed to allow proper discovery in the case of a class W misdemeanor. The opportunity for discovery in cases that may result in mandatory sentences is important to ensure a fair and just trial.

Concerns have been expressed that law enforcement officers may become overwhelmed with requests for depositions, thus reducing the time they can be on the streets protecting our citizens and conducting investigations. In the event every person charged requested the investigating officer to give a deposition, a substantial amount of law enforcement time would be diverted.

I understand these concerns. However, the bill contains language to protect against abuses by requiring that all depositions receive prior approval by the court. I am signing LB 178 with the belief that the courts will work to protect the system from abuse.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

February 11, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Crime Victim's Reparations Committee, requiring legislative approval.

APPOINTEE: Phyllis Anstine, 9623 Browne, Omaha, NE 68164

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

February 18, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Educational Telecommunications Commission, requiring legislative approval.

APPOINTEE: Harold F. McClure, 3615 Sixth Avenue, Kearney, NE 68847

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

February 18, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Educational Telecommunications Commission, requiring legislative approval.

APPOINTEE: Vance Rogers, 128 N. 13th Street, #305, Lincoln, NE 68508

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

BILL ON FIRST READING

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

LEGISLATIVE BILL 583A. Introduced by Landis, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 583, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 102 in the Journal. No objections. So ordered.

AM0489

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 2-1201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1201. There shall be and hereby is created a State Racing Commission consisting of three members who shall be appointed and may be ~~for cause~~ removed by the Governor for cause. One member shall be appointed each year for a term of three years. The members shall serve until their successors are appointed and qualified. Not more than two members of ~~said~~ the commission shall belong to the same political party; no two of them shall reside, when appointed, in the same

congressional district; and no two of said members shall reside in any one county. Any vacancy shall be filled by appointment by the Governor for the unexpired term. The members shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as provided in sections 81-1174 to 81-1177. ~~for state employees.~~ The members of the commission shall be bonded under the blanket surety bond required by section 11-201.

Sec. 2. In addition to the appointments under section 2-1201, the Governor shall appoint one additional member of the State Racing Commission designated as an alternate who shall attend and serve on the commission at the request of the chairperson or, in his or her absence, the vice-chairperson when any regular member of the commission is unable to attend for any reason or when necessary to make a quorum. While serving on the commission, the alternate member shall have the same powers and duties as the other regular members of the commission. The Governor shall have the authority to remove the alternate member for cause. The alternate member shall serve for a term of three years and shall serve until a successor is appointed and qualified. The alternate member may be appointed from any of the congressional districts but not from a county where a commissioner appointed under section 2-1201 resides at the time of his or her appointment. The alternate member shall serve without compensation but shall be reimbursed for the actual and necessary expenses incurred in the performance of authorized duties as provided in sections 81-1174 to 81-1177. The alternate member shall be bonded under the blanket surety bond required by section 11-201.

Sec. 3. That original section 2-1201, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

UNANIMOUS CONSENT - Add Cointroducer

Mr. Schellpeper asked unanimous consent to have his name added as cointroducer to LB 241. No objections. So ordered.

VISITORS

Visitors to the Chamber were Bud Jasnoch from Dalton and Gene Haddix from Wallace.

ADJOURNMENT

At 11:49 a.m., on a motion by Mr. Jones, the Legislature adjourned until 9:00 a.m., Tuesday, February 23, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-FIRST DAY - FEBRUARY 23, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 23, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Mark Fry, Bethany Lutheran Church, Elkhorn, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Bernard-Stevens, Beutler, Coordsen, Hall, Kristensen, Landis, Lindsay, Moore, Warner, Mmes. Rasmussen, Robak, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 370. Placed on Select File as amended.
E & R amendment to LB 370:
AM5378

1. On page 18, line 11, strike "then".
2. On page 22, line 8, strike the comma and show as stricken.
3. On page 31, line 11, strike the second comma and show as stricken.
4. On page 34, line 23, strike "123" and insert "124".
5. On page 48, line 25, after "Visible" insert an

underscored comma.

6. On page 57, lines 24 and 25; and page 58, lines 8, 17, 18, and 20, strike the new matter and reinstate the stricken matter.

7. On page 72, line 6, strike the third comma and show as stricken; and in line 22 after "and" insert an underscored comma.

8. On page 75, line 14, after "78" insert an underscored comma.

9. On page 80, line 3, strike "78" and insert "80".

10. On page 93, line 26, strike ", sections" and show as stricken, strike "60-4,107" and show as stricken, and after "and" insert "section"; and in line 27 strike the new matter.

11. On page 95, line 12, strike "wherein", show as stricken, and insert "in which".

12. On page 99, line 12, strike "sections" and show as stricken.

13. On page 107, line 26, strike "then".

14. On page 112, line 27, strike ", but not including" and insert "but shall not include".

15. On page 121, line 8, strike "respectively" and show as stricken.

16. On page 123, line 23, before "Internal" insert "of the".

17. On page 132, line 11, after "adopt" insert "and promulgate".

18. On page 146, line 22, reinstate the stricken comma.

19. On page 184, line 1, after the stricken matter insert "sections".

20. On page 204, line 4, strike "such" and after "section" insert "301 of this act".

21. On page 211, line 14, strike the comma and show as stricken; and in line 28 strike "such" and after "section" and insert "293 of this act".

22. On page 215, line 22, after "arresting" insert "peace".

23. On page 230, line 11, reinstate the stricken "a".

24. On page 231, line 28, strike "sections" and insert "section".

25. On page 232, line 1, strike "317 and".

26. On page 243, line 4, after "refusal" insert an underscored comma.

27. On page 260, line 5, strike the first comma and show as stricken.

28. On page 263, line 16, after "subsection" insert an underscored comma.

29. On page 291, line 9, strike "and", show as stricken, and insert "but".

30. On page 294, line 28, strike "police", show as stricken, and insert "peace" and after "officer" insert ", carrier enforcement officer,".

31. On page 296, line 7, strike the paragraphing and strike "of this" and show as stricken; in line 8 strike "section" and show as stricken; and in line 9 after the period insert paragraphing.

32. On page 308, line 19, strike "Defense and Interstate" and insert "Interstate and Defense".

33. On page 309, line 21, strike "shall be", show as stricken, and insert "is".

34. On page 314, line 1, after "plates" insert "shall be".

35. On page 338, line 2, before "and" insert an underscored comma; and in line 3 after "hour" insert an underscored comma.

36. On page 357, line 10, strike "Where", show as stricken, and insert "When"; and in line 25 strike "Such" and after "sections" insert "176 and 286 of this act".

37. On page 358, line 5, strike "such" and after "sections" insert "176 and 286 of this act".

38. On page 376, line 3, strike "36" and insert "37".

LEGISLATIVE BILL 192. Placed on Select File.

LEGISLATIVE BILL 215. Placed on Select File as amended.
E & R amendment to LB 215:
AM5372

1. On page 4, line 1, strike "(3)" and insert "(2)"; and in line 28, strike "(4)" and insert "(3)".

2. On page 5, line 5, strike "(5)" and insert "(4)".

LEGISLATIVE BILL 122. Placed on Select File.
LEGISLATIVE BILL 288. Placed on Select File.
LEGISLATIVE BILL 356. Placed on Select File.
LEGISLATIVE BILL 423. Placed on Select File.

LEGISLATIVE BILL 91. Placed on Select File as amended.
E & R amendment to LB 91:
AM5376

1. On page 1, line 4, after the first semicolon insert "to provide for compensation;".

LEGISLATIVE BILL 111. Placed on Select File.

(Signed) Kurt A. Hohenstein, Chairperson

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 388. Indefinitely postponed.
LEGISLATIVE BILL 485. Indefinitely postponed.
LEGISLATIVE BILL 486. Indefinitely postponed.
LEGISLATIVE BILL 487. Indefinitely postponed.
LEGISLATIVE BILL 581. Indefinitely postponed.
LEGISLATIVE BILL 680. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

Health and Human Services

LEGISLATIVE BILL 520. Placed on General File as amended.
Standing Committee amendment to LB 520:
AM0460

1. On page 8, line 14, strike the underscored colon and insert "experiences developmental delays which shall mean any of the disability classifications or conditions described in the Special Education Act;"; and strike lines 16 through line 23 and show the old matter as stricken.

2. On page 9, line 18, after "include" insert ", but not be limited, to".

3. On page 14, line 3, after "families" insert ", except that the vital and medical records and health information concerning individuals provided to the Department of Health may be released only under the laws authorizing the provision of such records and information"; and in line 19 after "assessment" insert "in order to determine eligibility under the Special Education Act".

4. On page 15, line 2, strike "The" and insert "Except for services coordination, the"; in line 6 strike "current"; and in line 17 strike "coordination".

5. On page 17, strike beginning with "State" in line 6 through "Act" in line 7 and insert "medicaid reimbursement rates to be established for each therapy"; and in line 27 strike "for the demonstration sites" and show as stricken.

6. On page 18, line 23, after "amount", insert "that would have been reimbursed with state general funds to the school district," and after "administrator" insert an underscored comma; and in line 26 after "Act" insert "and other related early intervention services".

(Signed) Don Wesely, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 472. Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

Judiciary

LEGISLATIVE BILL 435. Placed on General File.

LEGISLATIVE BILL 262. Placed on General File as amended.
Standing Committee amendment to LB 262:
AM0357

1. Strike original sections 1 and 2 and insert the following new section:

"Section 1. That section 25-218, Revised Statutes Supplement, 1992, be amended to read as follows:

25-218. Every claim and demand against the state shall be forever barred unless action is brought thereon within ~~two~~ four years after the claim arose. Every claim and demand on behalf of the state, except for revenue, or upon official bonds, or for loans or money belonging to the school funds, or loans of school or other trust funds, or to lands or interest in lands thereto belonging, shall be barred by the same lapse of time as is provided by the law in case of like demands between private parties. This section shall not apply to any claim or demand against the state regarding property taxes.".

2. On page 2, strike beginning with "13-907" in line 18 through "81-8,214" in line 19 and insert "25-218"; and in line 20 strike "13-922" and insert "13-921".

3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 133. Indefinitely postponed.
LEGISLATIVE BILL 142. Indefinitely postponed.
LEGISLATIVE BILL 400. Indefinitely postponed.
LEGISLATIVE BILL 405. Indefinitely postponed.
LEGISLATIVE BILL 535. Indefinitely postponed.
LEGISLATIVE BILL 549. Indefinitely postponed.
LEGISLATIVE BILL 550. Indefinitely postponed.
LEGISLATIVE BILL 691. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 705	Tuesday, March 9, 1993 (cancel)	1:30 p.m.
LB 705	Tuesday, March 16, 1993 (reset)	1:30 p.m.

LB 823	Tuesday, March 16, 1993 (cancel)	1:30 p.m.
LB 823	Tuesday, March 9, 1993 (reset)	1:30 p.m.

(Signed) David Landis, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 43. Introduced by Dierks, 40.

WHEREAS, the Neligh Warriors won their first state high school wrestling championship by taking the 1993 Class C title; and

WHEREAS, Coach Bob Deter's team won its title with 154 points, 42 points more than Class C runner-up David City; and

WHEREAS, Jeremy Johnson and Richy Evans won individual titles, while their teammates achieved four third-place finishes and one fourth-place finish.

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

1. That the Neligh Warriors be congratulated for their achievements in the 1992-93 wrestling season.

2. That a copy of this resolution be sent to the Neligh-Oakdale Public High School.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 332 in the Journal. No objections. So ordered.

AM0484

1. On page 3, line 15, strike "shall" and insert "may" and after "licensee" insert ", in the amount of actual damages,"; and in line 17 after "removed" insert "and such tampering, alteration, or removal has been reported to a law enforcement officer pursuant to section 3 of this act".

BILLS ON FIRST READING

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

LEGISLATIVE BILL 513A. Introduced by Wesely, 26; Robak, 22.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 513, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 498A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 498, Ninety-third Legislature, First Session, 1993.

MOTION - Suspend Rules

Mr. Will moved to suspend the rules, Rule 8, Section 5, to permit consideration of LB 138 and LB 138A on Final Reading.

Laid over.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 93010

DATE: February 19, 1993

SUBJECT: State-Owned Vehicles; Authority of the Transportation Services Bureau of the Department of Administrative Services to Acquire Motor Vehicles for use by State Agencies.

REQUESTED BY: Senator Rex Haberman
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Fredrick F. Neid, Assistant Attorney General

This is in response to your request for an opinion of this Office regarding the authority of the Transportation Services Bureau of the Department of Administrative Services to acquire vehicles by lease rather than purchase. You have referenced Neb. Rev. Stat. § 81-1010 (Reissue 1987) which includes the term, state-owned motor vehicles, within its provisions. Your specific question is whether vehicles acquired by lease "can be considered ownership for purposes of the above-referenced statute." You have indicated that you are considering proposing legislation concerning this subject.

After review of pertinent statutes, it is our opinion that motor vehicles acquired by lease may not be considered to be "state-owned motor vehicles" as that term is used and defined in Nebraska statutes. Accordingly, the Transportation Services Bureau lacks requisite authority to lease rather than purchase motor vehicles for use by state agencies, boards and commissions.

It is the duty of the Transportation Services Bureau to acquire motor vehicles by purchase, centralize the title to state-owned passenger vehicles, and provide efficient utilization, operation and maintenance of state-owned vehicles. See Neb. Rev. Stat. §§ 81-1008 to 81-1010

(1987). The term, state-owned vehicles, is defined in Neb. Rev. Stat. § 81-1011 (1987) which states:

> State-owned vehicles are defined for the purpose of sections 81-1008 to 81-1017 as all vehicles acquired primarily for the purpose of transporting state employees in their official capacities from one job location to another, but shall not include special-use vehicles, such as buses, laundry trucks, mail trucks, airport security vehicles, military trucks, and cars; vehicles which are considered a duty station, such as vehicles used by the Nebraska State Patrol, the Nebraska Oil and Gas Conservation Commission, or game wardens; or those vehicles which, by nature of their usage, require the installation or carrying of special equipment which precludes the use of such vehicles for multiple agency transportation usage.

While property that is leased is partially owned at least to the extent of the leasehold interest, ownership usually connotes more than mere possession and includes legal or rightful title to the property. Further, direct ownership of state-owned vehicles and holding title to the vehicles by the Transportation Services Bureau is expressly required. Neb. Rev. Stat. § 81-1015 (1987) states:

> Subject to the provisions of section 81-1013, the transportation services bureau shall own and hold title, in the name of the State of Nebraska, to all state owned licensable passenger vehicles. All purchases of state-owned passenger vehicles and automotive equipment shall be made or approved by the transportation services bureau. The Director of Administrative Services shall not approve any voucher for the purchase of any passenger car unless submitted by the transportation services bureau.

(Emphasis added).

Use of the word, shall, in Section 81-1015 makes ownership and holding title in the name of the State of Nebraska to the vehicles by the Transportation Service Bureau mandatory. Nebraska rules of statutory construction attach mandatory action to the word, shall, used in statutes. Neb. Rev. Stat. § 49-802(1) (1988) in relevant part states: ". . . When the word shall appears, mandatory or ministerial action is presumed." Further our Supreme Court has similarly construed the word "shall" and determined that use of the word disclosed legislative intent that mandatory action was intended. See Bank of Gering v. Glover, 192 Neb. 575, 223 N.W.2d 56 (1974); Anderson v. Carlson, 171 Neb. 741, 107 N.W.2d 535 (1961).

For these reasons, we conclude that the Transportation Services Bureau is authorized to acquire state-owned vehicles by purchase only and is not authorized to lease motor vehicles for use by state agencies, boards and commissions for the conduct of official business.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Fredrick F. Neid
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
21-395-6.93d

Opinion No. 93011

DATE: February 19, 1993

SUBJECT: Constitutionality of LB 301, an Act Relating to Water

REQUESTED BY: Senator Carol Hudkins, 21st District

WRITTEN BY: Don Stenberg, Attorney General
Marie C. Pawol, Assistant Attorney General

You have inquired whether two specific provisions of LB 301, introduced in the first session of the Ninety-Third Legislature, violate the Takings, Due Process or Equal Protection clauses of the United States Constitution.

In our opinion, the back-dating of water priorities for instream flow appropriation for public water supplies is an unconstitutional taking of private property for public use unless provision is made for just compensation to those existing users who are deprived of water under this bill. Even if the back-dating of water priorities were not an unconstitutional taking without just compensation under the Fifth Amendment to the U.S. Constitution and Article I, §21 of the Nebraska Constitution, it would violate Article XV, §6 of the Nebraska Constitution which provides that, "No inferior right to the use of the waters of this state shall be acquired by a superior right without just compensation therefor to the inferior user."

As a preliminary matter, we note that a statute is presumed constitutional, and all reasonable doubts will be resolved in favor of its constitutionality. In re Application A-16642, 236 Neb. 671, 463 N.W.2d 591 (1990). Further, the party claiming a statute to be unconstitutional has the burden of clearly establishing its unconstitutionality. Haman v. Marsh, 237 Neb. 699, 467 N.W.2d 836 (1991). The Nebraska Supreme Court is also obligated to endeavor to interpret a challenged statute in a manner consistent with the Constitution. In re Application U-2, 226 Neb. 594, 413 N.W.2d 290 (1987).

The first provision under question concerns an amendment to Neb. Rev. Stat. § 46-204 (1988). LB 301 proposes to add the following language:

> No reduction of any lawful diversion because of the operation of the appropriation system shall be required unless such reduction would increase the amount of water available to and required by senior appropriations.

This language appears to be an attempt to codify the Nebraska Supreme Court's holding in State ex rel. Cary v. Cochran, 138 Neb. 163, 292 N.W. 239 (1940). In that case, the relators complained that state officials, in administering and enforcing irrigation laws, had continuously permitted junior appropriators to take and use water for irrigation, storage, and other purposes without regard to priority and to the prejudice of the relators. In its opinion, the Nebraska Supreme Court acknowledged that it is "the policy of the law that junior appropriators may use available water within the limits of their own appropriations so long as the rights of senior appropriators are not injured or damaged." 138 Neb. at 172-3. The court concluded by adopting the following rule:

> It is the duty of the administrative officers of the state to recognize this right and to give force to relators' priority. This requires that junior appropriators be restrained from taking water from the stream so long as such water can be delivered in useable quantities {to senior appropriators}. If it appears that all the available water in the stream would be lost before its arrival {for use by senior appropriators}, it would, of course, be an unjustified waste of water to attempt delivery.

138 Neb. at 173. Although the wisdom of the Nebraska Supreme Court's strict interpretation of the prior appropriation doctrine has been the subject of debate, statutory codification of the foregoing rule does not implicate concerns under the Takings, Due Process or Equal Protection clauses of the United States Constitution. Prior appropriation is constitutionally protected by Neb. Const. art. XV, §§ 4, 5, and 6. Wasserburger v. Coffee, 180 Neb. 149, 141 N.W.2d 738 (1966). However, we suggest that LB 301 be revised to clarify that a senior appropriator is entitled to water as against an upstream junior appropriator as long as water in useable quantities can be delivered downstream.

Other provisions of LB 301 would grant public water suppliers, in addition to the Game and Parks Commission and each natural resources district, the opportunity to apply for an instream flow appropriation, as defined in Neb. Rev. Stat. § 46-2,108 (1988). Such appropriations would be limited to natural streams with an average annual discharge of 500 cubic feet per second. The second LB 301 provision under scrutiny pertains to an amendment to Neb. Rev. Stat. § 46-2,115 (1988) providing that:

> (3)The director {of the Department of Water Resources} shall assign as the priority date for the instream appropriation the date of the application, except that if the application is for public water supply purposes, the priority date shall be the earlier of the date of application or the date the applicant's public water supply well was constructed.

In any challenge to a statute under the Fourteenth Amendment's Equal Protection Clause, heightened scrutiny is invoked only if suspect classifications are created or if the legislation impinges upon a fundamental constitutional right. Dallas v. Stanglin, 490 U.S. 19, 23,

109 S.Ct. 1591 (1989). When a fundamental right or suspect classification is not involved in legislation, the legislative act is a valid exercise of the state's police power if the act is rationally related to a legitimate governmental purpose. Cleburne v. Cleburne Living Center, Inc., 473 U.S. 432, 440, 105 S.Ct. 3249 (1985); State ex rel Spire v. Northwestern Bell Tel. Co., 233 Neb. 262, 445 N.W.2d 284 (1989). The Nebraska Constitution has identical requirements. Neb. Const. art. III, § 18; Haman v. Marsh, 237 Neb. 699, 712, 467 N.W.2d 836 (1991); Robotham v. State, 241 Neb. 379, 385, 488 N.W.2d 533 (1992).

The LB 301 provision at issue implicates neither fundamental rights explicitly or implicitly protected by the Constitution nor suspect classifications. Therefore, it would be upheld in the face of an equal protection challenge unless it bears no rational relationship to a legitimate governmental interest. The introducer's statement of intent identifies the ends sought to be achieved by LB 301:

> Public water suppliers using groundwater have no recognized surface water rights under current Nebraska law even though public water suppliers serve the water needs of approximately three out of every four Nebraskans. Cities with river wellfields (particularly Platte River wellfields) depend on streamflow to recharge their wellfields and cleanse the aquifer -- even though technically, they are ground water users.
>
> The approach of LB 301, is to grant public water suppliers a surface water appropriative right to surface waters for ground water recharge. The ground water appropriation rights created by this bill would be administered by the Department of Water Resources through the instream appropriation system currently in place. The current instream appropriation system allows such appropriations to be obtained for the limited purposes of recreation, fish and wildlife. LB 301 would add another purpose, that of public water supply. The burden of showing what amount of water is reasonable {sic} necessary for such appropriation would be on the public water supplier.
>
> The instream appropriations system was chosen to administer such public water supply rights because consideration of induced recharge for municipal water systems is already something the Department of Water Resources is required to consider in granting instream appropriations for the other users; recreation, fish and wildlife.
>
> * * *
>
> The priority date assigned to each public water supplier's {sic} would result in more water actually reaching the public water suppliers {sic} wellfield.

Introducer's Statement of Intent, LB 301, Before the Commission on Natural Resources, Ninety-Third Legislature, 1st Sess. (statement of Senator Chris Beutler, Chairman).

In our view, the proposed legislation is rationally connected to an important and legitimate governmental interest, that of assuring an

adequate public water supply for the health, safety, comfort and overall economic benefit of the rural and urban inhabitants and communities of this state. To this end, the legislation seeks to protect the economic investments made by public water suppliers in the construction of their wellfields. Further, although public water suppliers furnish water for a variety of purposes, domestic uses are not insignificant. The public policy of this state, as evidenced in Neb. Const. art. XV, § 6, provides that "those using the water for domestic purposes shall have preference over those claiming it for any other purpose . . . ." Given this public policy, which has been reaffirmed in Neb. Rev. Stat. §§ 46-204 and 46-613 (1988), it is unlikely that the proposed legislation violates equal protection principles.

The Fifth Amendment to the United States Constitution, as incorporated against the states by the Fourteenth Amendment, provides in relevant part: "No person shall . . . be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." Neb. Const. art. I, § 21 further provides: "The property of no person shall be taken or damaged for public use without just compensation therefor."

To determine whether the proposed legislation violates any of the foregoing constitutional provisions requires, first, an examination of the affected property interests at stake. In Enterprise Irrigation District v. Willis, 135 Neb. 827, 831-32, 284 N.W. 326 (1939), the Nebraska Supreme Court stated:

> That an appropriator of public water, who has complied with existing statutory requirements, obtains a vested property right has been announced by this Court on many occasions.

Nevertheless, "a vested right to the use of the waters appropriated, {is} subject to the law at the time the vested interest was acquired and such reasonable regulations subsequently adopted by virtue of the police power of the state." State v. Birdwood Irrigation District, 154 Neb. 52, 55, 46 N.W.2d 884 (1951); See also, State, ex rel. Cary v. Cochran, 138 Neb. 163, 175, 292 N.W. 239 (1940).

For those reasons previously articulated under our equal protection analysis, we do not believe that the proposed legislation would contravene substantive due process requirements:

> As related to legislation, it is generally held that due process is satisfied if the legislature had the power to act on the subject matter, if that power was not exercised in an arbitrary, capricious, or unreasonably discriminatory manner, and if the act, being definite, had a reasonable relationship to a proper legislative purpose.

Rein v. Johnson, 149 Neb. 67, 82, 30 N.W.2d 548 (1947), cert. denied 335 U.S. 814, 69 S.Ct. 31 (1948).

Nor, in our judgment, is the proposed legislation inimical to procedural due process guarantees. Neb. Rev. Stat. § 46-2,114 (Cum. Supp. 1992) requires that notice of any instream appropriation application be published at least once a week for three consecutive weeks in a newspaper of general circulation in the area of the

particular stream segment affected and also in a newspaper of state-wide circulation. The notice is required to state that any person having an interest may in writing object to and request a hearing on the application. Pursuant to Neb. Rev. Stat. § 46-210 (Cum. Supp. 1992), any dissatisfied party may institute proceedings to appeal any order or decision upon which a hearing has been had before the Department of Water Resources. We believe these procedures satisfy procedural due process requirements.

It must be noted, however, that while a state regulation which deprives one of a property interest, or diminishes its value, may be a valid exercise of police power, just compensation may still be required. As stated by the United States Supreme Court, in Nollan v. California Coastal Com'n, 483 U.S. 825, 836 n. 4, 107 S.Ct. 3141 (1987):

> One of the principal purposes of the Takings Clause is 'to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole.' Armstrong v. United States, 364 U.S. 40, 49, 80 C.Ct. 1563, 1569 (1960).

Yet not every regulation which interferes with property interests results in a compensable taking. In Pennsylvania Coal Co. v. Mahon, 260 U.S. 393, 413, 415, 43 S.Ct. 158 (1922), the United States Supreme Court stated:

> Government hardly could go on if to some extent values incident to property could not be diminished without paying for every such change in the general law. As long recognized some values are enjoyed under an implied limitation and must yield to the police power. But obviously the implied limitation must have its limits . . . When it reaches a certain magnitude, in most if not all cases there must be an exercise of eminent domain and compensation to sustain the act. * * * The general rule at least is that while property may be regulated to a certain extent, if regulation goes too far it will be recognized as a taking.

In Penn Central Transportation Co. v. New York City, 438 U.S. 104, 98 S.Ct. 2646 (1978), the Court further characterized the inquiry as requiring an examination of many significant factors, including the extent of economic damages inflicted, the nature of the economic interests affected, the object of the regulation, and the public policy it serves.

More recently, in Lucas v. South Carolina Coastal Council, _____ U.S. _____, 112 S.Ct. 2886, 2893 (1992), the Court acknowledged the difficulties involved in determining when property has been taken:

> . . . {O}ur decision in Mahon offered little insight into when, and under what circumstances, a given regulation would be seen as going too "far" for purposes of the Fifth Amendment. In 70-odd years of succeeding "regulatory takings" jurisprudence, we have generally eschewed any " 'set formula' " for determining how far is too far, preferring to "engag{e} in . . . essentially ad hoc, factual inquiries," Penn Central Transportation Co. v. New York City, 438 U.S. 104, 124, 98 S.Ct. 2646, 2659 57 L.Ed.2d 631

(1978) (quoting Goldblatt v. Hempstead, 369 U.S. 590, 594, 82 S.Ct. 987, 990, 8 L.Ed.2d 130 (1962)).

In Lucas, the Court reviewed legislation in South Carolina which in 1988 prohibited new construction along beachfront property. Lucas' land was within the prohibited zone. When the petitioner purchased his two lots in 1986 at a cost of $975,000, the property was zoned for development as residential homesites. Lucas did not contest the validity of the legislation as a lawful exercise of the police power but maintained that because the construction ban rendered his property valueless, he was entitled to compensation. The South Carolina Supreme Court held that, because the legislation sought to prevent serious public harm, no compensation was owed regardless of the regulation's effect on property values.

The United States Supreme Court reversed the judgment of the state supreme court and remanded the case for further proceedings. The Court reiterated that there are:

> . . . at least two discrete categories of regulatory action as compensable without case-specific inquiry into the public interest advanced in support of the restraint. The first encompasses regulations that compel the property owner to suffer a physical "invasion" of his property.
>
> * * *
>
> The second situation in which we have found categorical treatment appropriate is where regulation denies all economically beneficial or productive use of land.

112 S.Ct. at 2893.

The Minnesota Supreme Court had occasion to apply these espoused principles in Pratt v. State Department of Natural Resources, 309 N.W.2d 767 (1981). In that case, the court fashioned the following test:

> . . . where the regulation only serves an arbitration function, regulating between competing private users for the general welfare, ordinarily no taking is involved; but where the regulation is for the benefit of a governmental enterprise, where a few individuals must bear the burden for a public use, then a taking occurs.

309 N.W.2d at 773.

In the matter presently at issue, we believe that valid arguments can be advanced both to support and refute a claim that provisions of LB 301 result in a compensable taking of property for a public use. On the one hand, it may be argued that the proposed legislation is merely a reasonable administrative regulation, designed to effect an orderly supervision and allocation of a common water supply among competing interests and users. Specifically, some existing surface water users may be suffering administrative regulation, in part, because of the current unrestricted consumption of groundwater by some public water suppliers. By recognizing the hydrologic connection between groundwater and surface water, and by subjecting such users to a system of regulation that respects the time when each actually began making use of the resource, all users are protected to some extent.

The back-dating of water priorities, moreover, is not without legal and historical precedent. With the passage of the Irrigation Act of 1895, Nebraska entered the prior appropriation system of water administration. Under the Act, all rights to water which had vested prior to its passage were required to be adjudicated by the state, by quantifying the water right and by the assignment of a priority date relating back to the time the right had vested. The Nebraska Supreme Court in Enterprise Irrigation District v. Willis, 135 Neb. 827, 831, 284 N.W. 326 (1939) noted: "Such provisions have generally been sustained as part of the police power of the state."

The Enterprise case is also significant because the court addressed the issue of whether state legislation can reduce an appropriation that vested prior to enactment of that legislation. The court held:

> While vested water rights may be interfered with within reasonable limits under the police power of the state to secure a proper regulation and supervision of them for the public good, any interference that limits the quantity of water or changes the date of its priority to the material inquiry of its holder is more than regulation and supervision and extends into the field generally referred to as a deprivation of vested right.

135 Neb. at 834. Some may argue that pursuant to LB 301, existing surface water appropriations would not expressly be reduced by the legislation because appropriators would retain their specific priority dates and specified rates of low.

However, we note that as a consequence of granting back-dated priorities to public water suppliers, some existing surface water appropriators would be displaced in their priority ranking, resulting in less water available to them in times of shortage. Furthermore, the plan approved in Enterprise to back-date water rights is distinguishable from LB 301. In the former case, the state simply sought to integrate water appropriators into the prior appropriation system who had already obtained vested water rights. In contrast, the public water suppliers benefited by LB 301 have no recognizable vested interest in surface flows for purposes of groundwater recharge. We also believe that by granting only public water suppliers the opportunity to obtain a back-dated priority, the governmental enterprise function is predominant. There is no question that the use of water by a municipality or other public water supplier for human needs is a "public use." Metropolitan Utilities Dist. v. Merritt Beach Co., 179 Neb. 783, 740 N.W.2d 626 (1966).

For these reasons, and as previously stated, in our opinion, the back-dating of water priorities for instream flow appropriation for public water supplies is an unconstitutional taking of private property for public use unless provision is made for just compensation to those existing users who are deprived of water under this bill. Even if the back-dating of water priorities were not an unconstitutional taking without just compensation under the Fifth Amendment to the U.S. Constitution and Article I, 21 of the Nebraska Constitution, it would violate Article XV, 6 of the Nebraska Constitution which provides

that, "No inferior right to the use of the waters of this state shall be acquired by a superior right without just compensation therefor to the inferior user."

In Loop River Public Power District v. North Loop Public Power and Irrigation District, 147 Neb. 949, 25 N.W.2d 813 (1942), the defendant district contended that it had a right to take water for irrigation ahead of the plaintiff's right to use the water for power production even though the plaintiff district had an earlier appropriation date.

The Nebraska Supreme Court examined this contention in light of Article XV, 6 of the Nebraska Constitution which provides as follows:

> The right to divert unappropriated waters of every natural stream for beneficial use shall never be denied except when such denial is demanded by the public interest. Priority of appropriation shall give the better right as between those using the water for the same purpose, but when the waters of any natural stream are not sufficient for the use of all those desiring to use the same, those using the water for domestic purposes shall have preference over those claiming it for any other purpose, and those using the water for agricultural purposes shall have the preference over those using the same for manufacturing purposes. Provided, no inferior right to use the waters of this state shall be acquired by a superior right without just compensation therefor to the inferior user.

The Court interpreted this provision of the Constitution as follows:

> It was clearly the intention of the framers of our Constitution to provide that water previously appropriated for power purposes may be taken and appropriated for irrigation use upon the payment of just compensation therefor. It never was the intention of the framers of the Constitution to provide that water appropriated for power purposes could thereafter arbitrarily be appropriated for irrigation without the payment of compensation. Historically the purpose for which an appropriation was obtained had no bearing upon its priority. Until the advent of the constitutional provision and statutory law, priority of appropriation conferred superiority of right without regard to the character of the use. The maxim, "He who is first in time is first in right," thus became fundamental doctrine in determining the priorities of appropriators, irrespective of use. A right of appropriation, under our Constitution, whether for irrigation or for power purposes, is a property right which is entitled to the same protection as any other property right. The right of property therein cannot be violated with impunity anymore than that in any other type of property.

142 Neb. at 152-53.

Sincerely,
DON STENBERG
Attorney General

(Signed) Marie C. Pawol
Assistant Attorney General

REPORT

Received minutes from the Nebraska Department of Roads of the Board of Public Roads Classifications and Standards for December 1992.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 754. Placed on General File.

LEGISLATIVE BILL 255. Indefinitely postponed.

(Signed) Chris Abboud, Chairperson

MOTION - Return LB 46 to Select File

Ms. Schimek moved to return LB 46 to Select File for her specific amendment, AM0379, found in the Journal on page 726.

MR. SCHELLPEPER PRESIDING

The Schimek motion to return prevailed with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 46. The Schimek specific amendment, AM0379, found in the Journal on page 726, was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 16. E & R amendment, AM5348, found in the Journal on page 512, was adopted.

Mrs. Hudkins withdrew her pending amendment, AM0105, found in the Journal on page 438.

Messrs. Lynch and Wesely renewed their pending amendment, AM0440, found in the Journal on page 704.

The Lynch-Wesely amendment was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 16A. Mr. Lynch renewed his pending amendment, AM0444, found in the Journal on page 706.

The Lynch amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 384. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 369. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 187. Title read. Considered.

Standing Committee amendment, AM0236, found in the Journal on page 528, was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

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

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 319. Title read. Considered.

Standing Committee amendment, AM0245, found in the Journal on page 528, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Wesely renewed his pending amendment, AM0385, found in the Journal on page 669.

The Wesely amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 443. Title read. Considered.

Standing Committee amendment, AM0154, found in the Journal on page 529, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

SPEAKER BAACK PRESIDING

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 306. Title read. Considered.

Standing Committee amendment, AM0198, found in the Journal on page 531, was considered.

Mr. Wickersham renewed his pending amendment, AM0408, found in the Journal on page 669, to the Standing Committee amendment.

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

The Wickersham amendment was adopted with 23 ayes, 14 nays, 7 present and not voting, and 5 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS

Transportation

LEGISLATIVE BILL 414. Placed on General File as amended.
Standing Committee amendment to LB 414:
AM0475

1. On page 19, line 9, reinstate the stricken "shall" and strike "may".
2. On page 21, line 13, strike "may" and insert "shall".
3. On page 41, line 19, after "radius" insert "except carriers of hazardous materials who are subject to section 75-364".

(Signed) Doug Kristensen, Chairperson

Natural Resources

LEGISLATIVE BILL 527. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 524	Wednesday, March 3, 1993	1:30 p.m.
LB 773	Wednesday, March 3, 1993	1:30 p.m.
LB 237	Thursday, March 4, 1993	1:30 p.m.
LB 512	Thursday, March 4, 1993	1:30 p.m.
LB 574	Thursday, March 4, 1993	1:30 p.m.
LB 570	Friday, March 5, 1993	1:30 p.m.
LB 674	Friday, March 5, 1993	1:30 p.m.

(Signed) Chris Beutler, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 708A. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 708, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 249A. Introduced by Landis, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 249, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 522A. Introduced by Rasmussen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 522, Ninety-third Legislature, First Session, 1993.

GENERAL FILE

LEGISLATIVE BILL 306. Mr. Beutler offered the following amendment to the Standing Committee amendment:
AM0498

1. Strike the Wickersham amendment, AM0408.
2. In the Standing Committee amendments, AM0198:
a. On page 4, line 21, strike "For" and insert "Effective July 1, 1994, for"; and
b. On page 5, line 1, after "24-810" insert ", however, the judicial resources commission may meet prior to

January 1, 1994, for the purpose of making recommendations to the Legislature with respect to the change in judgeships.".

The Beutler amendment lost with 14 ayes, 22 nays, 8 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 7 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Messrs. Kristensen, Byars, and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 27. Title read. Considered.

Standing Committee amendment, AM0226, found in the Journal on page 541, was considered.

Mrs. Pirsch renewed the Witek pending amendment, AM0227, found in the Journal on page 581, to the Standing Committee amendment.

Messrs. Dierks, Pedersen, and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

ANNOUNCEMENT

Mr. Schellpeper announced the General Affairs Committee will hold an Executive Session on Wednesday, February 24th at 8:45 a.m. in Room 2022.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 536 in the Journal. No objections. So ordered.

AM0496

1. On page 36, strike beginning with "and" in line 21 through "vehicle" in line 24, show the old matter as stricken, and insert "of such size or weight as not to require special highway movement permits when towed by a motorized vehicle and of gross trailer area less than three hundred twenty square feet".

2. On page 37, strike lines 26 and 27 and show the old matter as stricken; and in line 28 strike "(d)", show as

stricken, and insert "(c)".

3. ON page 38, line 3, strike "(e)", show as stricken, and insert "(d)".

Mr. Horgan and Mrs. Rasmussen asked unanimous consent to print the following amendment to LB 377 in the Journal. No objections. So ordered.

AM0502

1. Strike original section 4 and insert the following new section:

"Sec. 4. That section 72-1122, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~72-1122.~~ The ~~Public Buildings Safety Advisory Committee~~ State Fire Marshal, with the advice of the Accessibility Advisory Committee, shall adopt and promulgate standards and specifications ~~may promulgate and implement codes pursuant to sections 72-1101 to 72-1119~~ which are consistent with the most current ~~the~~ uniform ~~building codes~~ guidelines and standards set by the ~~American Standards Association, Inc.~~ federal Americans with Disabilities Act of 1990, as amended, for (1) buildings and facilities used by the public which are newly constructed for first occupancy and (2) alterations of existing buildings and facilities used by the public. For purposes of this section, alterations of an existing building or facility used by the public shall include remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangements in the plan or configuration of the height of walls or partitions. Normal maintenance, reroofing, painting, wallpapering, asbestos removal, or changes to mechanical and electrical systems shall not be considered alterations.".

2. On page 6, lines 17 and 18 strike "newly constructed and remodeled" and insert "(1) buildings and facilities used by the public which are newly constructed for first occupancy and (2) alterations of existing"; and in line 18 after "facilities" insert "used by the public".

3. On page 7, lines 2 and 3, strike the new matter; in line 7 strike "ninety", show as stricken, and insert "one hundred twenty"; and in line 18 strike "newly constructed and remodeled public" and insert "(a) buildings and facilities used by the public which are newly constructed for first occupancy and (b) alterations of existing" and after "facilities" insert "used by the public".

MOTION - Adjournment

Mr. Robinson moved to adjourn until 9:00 a.m., Wednesday, February 24, 1993. The motion lost with 6 ayes, 16 nays, 17 present and not voting, and 10 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 27. Mrs. Bohlke moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Bernard-Stevens requested a record vote on the Witek pending amendment, AM0227, found in the Journal on page 581 and referred to in this day's Journal, to the Standing Committee amendment.

Voting in the affirmative, 2:

Jones	Pirsch

Voting in the negative, 21:

Abboud	Chambers	Lindsay	Robak	Wesely
Baack	Crosby	McKenzie	Schimek	Wickersham
Bernard-Stevens	Day	Preister	Warner	Will
Bohlke	Horgan	Rasmussen	Wehrbein	Withem
	Janssen			

Present and not voting, 17:

Ashford	Coordsen	Hartnett	Lynch	Schellpeper
Avery	Elmer	Hohenstein	Moore	Schmitt
Beutler	Fisher	Hudkins	Robinson	Vrtiska
Bromm	Haberman			

Excused and not voting, 9:

Byars	Dierks	Hillman	Landis	Witek
Cudaback	Hall	Kristensen	Pedersen	

The Witek amendment lost with 2 ayes, 21 nays, 17 present and not voting, and 9 excused and not voting.

Pending.

VISITORS

Visitors to the Chamber were 36 seniors and sponsor from Elmwood-Murdock School, Murdock; George Reed from Omaha, Jim

Pospisil from Plattsmouth, and Jim Picconi from Elkhorn; 20 juniors, seniors, and sponsor from Omaha Westside, and 14 guests from Pskov, Russia; ten students from Japan, two international students from the University of Nebraska, Lincoln, and sponsors; 25 Japanese students and sponsor from Creighton University, Omaha; and Kim Thompson, Bill Rauert, Jim Alcorn, Tom, Kelly, and Sherry Hutson from Western.

The Doctor of the Day was Lynne Holz from Aurora.

ADJOURNMENT

At 12:08 p.m., on a motion by Mr. Will, the Legislature adjourned until 9:00 a.m., Wednesday, February 24, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-SECOND DAY - FEBRUARY 24, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 24, 1993

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Avery, Bernard-Stevens, Byars, Hall, Landis, Lindsay, Moore, Robinson, Warner, Withem, and Mrs. Hillman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-first day was approved.

UNANIMOUS CONSENT - Member Excused

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 216. Placed on Select File as amended.
E & R amendment to LB 216:
AM5383

1. In the Landis amendment, AM0257, on page 1, line 3, before "and" insert an underscored comma.

2. In the Standing Committee amendment, AM0134, on page 1, line 5, before "and" insert an underscored comma.

3. On page 21, line 3, after "instituted" insert an underscored comma.

4. On page 39, line 3, strike "act" and insert "Securities Act of Nebraska".

5. On page 42, line 1, strike "with" and insert "within"; and in line 10 strike "occur" and insert "occurred".

LEGISLATIVE BILL 218. Placed on Select File as amended.
E & R amendment to LB 218:
AM5380

1. In the Standing Committee amendments, AM0135, on page 1, line 3, before "and" insert an underscored comma.

2. On page 1, line 4, strike ", 59-1751"; in line 10 strike "impose" and insert "provide for"; and in line 16 after the semicolon insert "and".

3. On page 4, line 18, strike the first "or".

4. On page 5, line 4, strike the first comma.

5. On page 8, line 14, after "Nebraska" insert an underscored comma; and in line 19 strike "Prohibition" and insert "Prohibitions".

6. On page 10, line 24, strike the second comma.

7. On page 11, line 2, after "regulation" insert an underscored comma; and in line 12 after "person" insert an underscored comma.

8. On page 12, line 1, strike "he or she" and insert "the director"; and in line 28 after "showing" insert an underscored comma.

9. On page 13, line 5, strike "department" and insert "Department of Banking and Finance"; in lines 8 and 13 after "section" insert an underscored comma; in line 9 strike the second "of"; in line 12 strike "the act" and insert "sections 59-1701 to 59-1761 and sections 6, 7, 10, 24, and 25 of this act"; in line 18 after "request" insert an underscored comma; in line 22 after "director" insert an underscored comma; and in line 25 after "ordered" insert an underscored comma.

10. On page 14, line 4, after "order" insert ". The appeal shall be"; in line 14 strike "F.T.C." and insert "Federal Trade Commission" and after "436" insert an underscored comma; and in line 18 after "appear" insert an underscored comma.

11. On page 15, line 1, strike "59-1734" and insert "59-1735"; and in line 10 strike "F.T.C." and insert "Federal Trade Commission" and after "436" insert an underscored comma.

12. On page 17, line 12, strike the colon and show as stricken; and in line 13 strike "The", show as stricken, and insert "the" and after "plans" insert an underscored comma.

13. On page 20, line 8, strike "such", reinstate

the stricken matter, and after the reinstated "59-1761" insert "and sections 6, 7, 10, 24, and 25 of this act".

14. On page 23, line 14, after the last comma insert "or"; and in line 18 strike the comma.

15. On page 24, line 12, after "seller" insert an underscored comma.

16. On page 25, line 24, strike the first "or" and insert "of".

17. On page 27, line 9, strike ", 59-1751".

LEGISLATIVE BILL 230. Placed on Select File as amended.
E & R amendment to LB 230:
AM5379

1. On page 1, line 2, strike "a provision" and insert "provisions"; and in line 3 strike "property" and insert "contracts and accounts".

LEGISLATIVE BILL 270. Placed on Select File as amended.
E & R amendment to LB 270:
AM5381

1. In the Standing Committee amendment, AM0136, on page 1, line 3, before "and" insert an underscored comma.

2. On page 1, line 7, strike "a fee" and insert "fees".

3. On page 4, line 5, strike "an" through the first "broker" and insert "a loan brokerage agreement,"; and in line 25 strike "any".

4. On page 7, line 21, strike "moneys" and insert "money".

5. On page 8, line 13, after "director" insert an underscored comma.

6. On page 11, line 12, after "request" insert an underscored comma; and in line 26 after "order" insert ". The appeal shall be".

7. On page 12, line 1, strike the comma; and in line 5 strike "section" and insert "sections".

LEGISLATIVE BILL 283. Placed on Select File as amended.
E & R amendment to LB 283:
AM5382

1. In the Standing Committee amendments, AM0137, on page 1, line 3, before "and" insert an underscored comma.

2. On page 1, line 8, strike "and criminal".

3. On page 5, line 13, strike "Any" and insert "A".

4. On page 8, line 12, after "section" insert an underscored comma; and in line 13 strike the second "of".

5. On page 9, line 7, strike "code" and insert "Commodity Code"; in line 19 strike the second "(1)"; in line 20 strike "(a)" and insert "(1)"; and in line 26 strike "(b)"

and insert "(2)".

(Signed) Kurt A. Hohenstein, Chairperson

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 594. Placed on General File as amended.
Standing Committee amendment to LB 594:
AM0490

1. On page 4, strike beginning with "A" in line 14 through line 28, show the old matter as stricken, and insert "A settlement of any lawsuit commenced under this section shall be void unless (1) such settlement is agreed upon in writing by the employee or his or her personal representative and the insurer of the employer if there is one, and if there is no insurer, then by the employer, or (2) in the absence of such agreement, the court before which the action is pending determines that the settlement offer is fair and reasonable considering liability, damages, and the ability of the third person and his or her liability insurance carrier to satisfy any judgment.

If the employee or his or her personal representative and the insurer of the employer if there is one, and if there is no insurer, then the employer, do not agree in writing upon distribution of the proceeds of any judgment or settlement, the court upon application shall order a fair and equitable distribution of the proceeds of any judgment or settlement".

2. On page 5, line 1, strike the new matter.

(Signed) Chris Abboud, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 407. Placed on General File as amended.
Standing Committee amendment to LB 407:
AM0495

1. On page 2, lines 15 and 16, strike "valuation" and insert "taxable value of all taxable property".

(Signed) DiAnna R. Schimek, Chairperson

Judiciary

LEGISLATIVE BILL 353. Placed on General File.
LEGISLATIVE BILL 693. Placed on General File.

LEGISLATIVE BILL 379. Placed on General File as amended.

Standing Committee amendment to LB 379:
AM0477
1. On page 3, after line 21, insert the following new subsection:
"(5) Once aggregated and filed, no separate prosecution for an offense arising out of the same series of offenses aggregated and filed shall be allowed in any county.".

LEGISLATIVE BILL 490. Placed on General File as amended.
Standing Committee amendment to LB 490:
AM0478
1. On page 2, line 22, strike "Evidence" and insert "Credible evidence".

LEGISLATIVE BILL 642. Placed on General File as amended.
Standing Committee amendment to LB 642:
AM0446
1. On page 6, strike beginning with "real" in line 5 through "Act" in line 6 and insert "person"; in line 8 strike "the" and insert "that"; and in line 9 strike "licensee" and insert "person".

LEGISLATIVE BILL 12. Indefinitely postponed.
LEGISLATIVE BILL 457. Indefinitely postponed.
LEGISLATIVE BILL 466. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

Business and Labor

LEGISLATIVE BILL 124. Placed on General File.
LEGISLATIVE BILL 608. Placed on General File.

LEGISLATIVE BILL 525. Placed on General File as amended.
Standing Committee amendment to LB 525:
AM0504
1. On page 2, lines 11 and 13 after "employee" insert "or bargaining unit".

LEGISLATIVE BILL 403. Indefinitely postponed.

(Signed) Chris Abboud, Chairperson

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 687	Wednesday, March 3, 1993	1:30 p.m.
LB 661	Wednesday, March 3, 1993	1:30 p.m.

LB 397	Wednesday, March 3, 1993	1:30 p.m.
LB 551	Wednesday, March 3, 1993	1:30 p.m.
LB 552	Wednesday, March 3, 1993	1:30 p.m.
LB 601	Thursday, March 4, 1993	1:30 p.m.
LB 312	Thursday, March 4, 1993	1:30 p.m.
LB 621	Thursday, March 4, 1993	1:30 p.m.
LB 682	Thursday, March 4, 1993	1:30 p.m.
LB 409	Thursday, March 4, 1993	1:30 p.m.
LB 241	Friday, March 5, 1993	1:30 p.m.
LB 74	Friday, March 5, 1993	1:30 p.m.
LB 281	Friday, March 5, 1993	1:30 p.m.
LB 170	Friday, March 5, 1993	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

Judiciary

LB 253	Wednesday, March 3, 1993	1:30 p.m.
LB 294	Wednesday, March 3, 1993	1:30 p.m.
LB 343	Wednesday, March 3, 1993	1:30 p.m.
LB 494	Wednesday, March 3, 1993	1:30 p.m.
LB 610	Wednesday, March 3, 1993	1:30 p.m.
LB 272	Thursday, March 4, 1993	1:30 p.m.
LB 546	Thursday, March 4, 1993	1:30 p.m.
LB 665	Thursday, March 4, 1993	1:30 p.m.
LB 703	Thursday, March 4, 1993	1:30 p.m.
LB 252	Friday, March 5, 1993	1:30 p.m.
LB 295	Friday, March 5, 1993	1:30 p.m.
LB 476	Friday, March 5, 1993	1:30 p.m.
LB 780	Friday, March 5, 1993	1:30 p.m.
LB 781	Friday, March 5, 1993	1:30 p.m.

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hohenstein asked unanimous consent to print the following amendment to LB 579 in the Journal. No objections. So ordered.

AM0508

(Amendments to Standing Committee amendments, AM0434)

1. On page 2, after line 1 insert:

"The Executive Board of the Legislative Council

shall, at the conclusion of the audit performed, prepare a report detailing the amount of expenditures of public funds made by each member of the Legislature, the total amount of long-distance phone calls made by each member of the Legislature, and the total amount of such calls designated by a member as sensitive. Such report shall be reviewed by the member of the Legislature for accuracy and correctness. After such review, the report, including the information relating to long-distance phone calls, shall be made public by the Executive Board of the Legislative Council.".

2. On page 4, lines 20 and 21, after "sensitive" insert "or confidential"; in line 25 after "sensitive" insert "or confidential in nature"; and in line 26 after the period insert "No calls made to or by a member of the Legislature which are sensitive or confidential in nature shall be required to be disclosed except that such calls shall be so designated by the member, and only the amount of the call and such designation shall be made available to a person conducting an audit.

For purposes of this subsection, sensitive or confidential in nature shall mean that either the member of the Legislature or the caller would reasonably expect that the nature or the content of the call would not be disclosed to another person without the consent of the member or the caller.".

ANNOUNCEMENT

Mr. Fisher designates LB 155 as his priority bill.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 113.

A BILL FOR AN ACT relating to jails; to amend sections 47-501 and 47-502, Reissue Revised Statutes of Nebraska, 1943, and section 83-1,106, Revised Statutes Supplement, 1992; to change provisions relating to sentence reduction and delivery of an offender; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

Abboud Baack

Bernard-Stevens	Day	Janssen	Pedersen	Wehrbein
Bohlke	Dierks	Jones	Preister	Wesely
Chambers	Elmer	Kristensen	Rasmussen	Wickersham
Coordsen	Fisher	Lynch	Robak	Will
Crosby	Haberman	McKenzie	Schellpeper	Withem
	Hartnett			

Voting in the negative, 4:

Ashford	Beutler	Hohenstein	Witek

Present and not voting, 7:

Bromm	Horgan	Schimek	Schmitt	Vrtiska
Cudaback	Pirsch			

Excused and not voting, 10:

Avery	Hall	Hudkins	Lindsay	Robinson
Byars	Hillman	Landis	Moore	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 417. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2301, 23-2319, 23-2320, and 84-1323.01, Reissue Revised Statutes of Nebraska, 1943, and sections 23-2308, 23-2317, 84-1301, and 84-1321, Revised Statutes Supplement, 1992; to redefine a term; to change provisions relating to membership and benefits of county and state employees; to authorize a late fee; to eliminate a provision relating to a lump-sum settlement option; to harmonize provisions; to repeal the original sections, and also section 84-1323.02, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud	Chambers	Fisher	Jones	Preister
Ashford	Coordsen	Haberman	Kristensen	Rasmussen
Baack	Crosby	Hall	Landis	Robak
Bernard-Stevens	Cudaback	Hartnett	Lynch	Schellpeper
Beutler	Day	Hohenstein	McKenzie	Schimek
Bohlke	Dierks	Horgan	Pedersen	Schmitt
	Elmer	Janssen	Pirsch	Vrtiska

Wehrbein	Wickersham	Will	Witek	Withem
Wesely				

Voting in the negative, 0.

Present and not voting, 1:

Bromm

Excused and not voting, 8:

Avery	Hillman	Lindsay	Robinson	Warner
Byars	Hudkins	Moore		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Suspend Rules

Mr. Will renewed his pending motion, found in the Journal on page 737, to suspend the rules, Rule 8, Section 5, to permit consideration of LB 138 and LB 138A on Final Reading.

Mr. Will moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

The Will motion to suspend the rules prevailed with 30 ayes, 13 nays, and 6 excused and not voting.

MOTION - Return LB 138 to Select File

Mr. Wesely moved to return LB 138 to Select File for his specific amendment, AM0322, found in the Journal on page 629.

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

Mr. Will moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Mr. Chambers requested a record vote on the Wesely motion to return.

Voting in the affirmative, 12:

Ashford	Coordsen	Jones	Preister	Schmitt
Chambers	Dierks	Landis	Schimek	Vrtiska

Wehrbein Wesely

Voting in the negative, 22:

Abboud	Day	Hohenstein	Kristensen	Robak
Baack	Elmer	Horgan	McKenzie	Schellpeper
Bohlke	Fisher	Hudkins	Pirsch	Will
Bromm	Hall	Janssen	Rasmussen	Witek
Crosby	Hartnett			

Present and not voting, 10:

Bernard-Stevens	Byars	Haberman	Moore	Wickersham
Beutler	Cudaback	Lynch	Pedersen	Withem

Excused and not voting, 5:

Avery	Hillman	Lindsay	Robinson	Warner

The Wesely motion to return lost with 12 ayes, 22 nays, 10 present and not voting, and 5 excused and not voting.

Mr. Chambers moved to return LB 138 to Select File for the following specific amendment:
AM0519

(Amendments to Final Reading copy)

1. On page 35, strike beginning with "For" in line 3 through "age" in line 5, show as stricken, and insert "It shall be unlawful for a person to purchase a lottery ticket for a person under nineteen years of age, and it shall be unlawful for a person to purchase a lottery ticket for the benefit of a person under nineteen years of age".

Mr. Will moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Mr. Chambers requested a record vote on his motion to return.

Voting in the affirmative, 15:

Abboud	Crosby	Jones	Schimek	Warner
Ashford	Dierks	Pedersen	Schmitt	Wehrbein
Chambers	Hudkins	Preister	Vrtiska	Wesely

Voting in the negative, 23:

Baack	Beutler	Bohlke	Bromm	Byars

Cudaback	Hall	Kristensen	Robak	Will
Day	Hohenstein	Landis	Schellpeper	Witek
Elmer	Horgan	Lindsay	Wickersham	Withem
Fisher	Janssen	Pirsch		

Present and not voting, 8:

Bernard-Stevens	Coordsen	Hartnett	McKenzie	Rasmussen
	Haberman	Lynch	Moore	

Excused and not voting, 3:

Avery	Hillman	Robinson

The Chambers motion to return lost with 15 ayes, 23 nays, 8 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 631. Placed on General File.

LEGISLATIVE BILL 733. Placed on General File as amended.
Standing Committee amendment to LB 733:
AM0485

1. Insert the following new sections:

"Sec. 14. The powers conferred by the Local Option Municipal Economic Development Act shall be in addition and supplemental to the powers conferred by any other law and shall be independent of and in addition to any other provisions of the law of Nebraska, including the Community Development Law. The act and all grants of power, authority, rights, or discretion to a city or village under the act shall be liberally construed, and all incidental powers necessary to carry into effect the act are hereby expressly granted to and conferred upon a city or village.

Sec. 16. That section 18-2705, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-2705. Economic development program shall mean any project or program utilizing funds derived from local sources of revenue for the purpose of providing direct or indirect financial assistance to a qualifying business or the payment of related costs and expenses or both, without regard to whether that business is identified at the time the project or program is initiated or is to be determined by specified means at some time in the future. An economic development program may include, but shall not be limited to, the following activities: Direct loans or grants to qualifying businesses for fixed assets or working capital or both; loan

guarantees for qualifying business; grants for public works improvements which are essential to the location or expansion of a qualifying business; grants or loans for job training; the purchase of real estate, options for such purchases, and the renewal or extension of such options; the issuance of bonds as provided for in the Local Option Municipal Economic Development Act; and payments for salaries and support of city staff to implement the economic development program or the contracting of such to an outside entity. An economic development program may be conducted jointly by two or more cities after the approval of the program by the voters of each participating city.

Sec. 17. That section 18-2710, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-2710. The governing body of any city proposing to adopt an economic development program shall prepare a proposed plan to be adopted by resolution and filed with the city clerk who shall make it available for public review at city hall during regular business hours. The proposed plan shall include:

(1) A description of the city's general community and economic development strategy;

(2) A statement of purpose describing the city's general intent and proposed goals for the establishment of the economic development program;

(3) A description of the types of businesses and economic activities that will be eligible under the program for the city's assistance;

(4) A statement specifying the total amount of money that is proposed to be collected from local sources of revenue by the city to finance the program, whether the city desires the authority to issue bonds pursuant to the Local Option Municipal Economic Development Act to provide funds to carry out the economic development program, the length of time during which the program will be in existence, and a basic preliminary proposed budget for the program;

(5) A description of the manner in which a qualifying business will be required to submit an application for financial assistance, including the type of information that will be required from the business, the process that will be used to verify the information, and the steps that will be taken to insure the privacy and confidentiality of business information provided to the city;

(6) A description of the administrative system that will be established to administer the economic development program, including a description of the personnel structure that will be involved and the duties and responsibilities of those persons involved; and

(7) A description of how the city will assure that

all applicable laws, regulations, and requirements are met by the city and the qualifying businesses which receive assistance.

Sec. 18. That section 18-2713, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-2713. Before adopting an economic development program, a city shall submit the question of its adoption to the registered voters at an election. The governing body of the city shall order the submission of the question by filing a certified copy of the resolution proposing the economic development program with the election commissioner or county clerk not later than forty-one days prior to the election. The question on the ballot shall briefly set out the terms, conditions, and goals of the proposed economic development program, including the length of time during which the program will be in existence, the year or years within which the funds from local sources of revenue are to be collected, the source or sources from which the funds are to be collected, ~~and~~ the total amount to be collected for the program from local sources of revenue, and whether the city proposes to issue bonds pursuant to the Local Option Economic Development Act to provide funds to carry out the economic development program. The ballot question shall also specify whether additional funds from other noncity sources will be sought beyond those derived from local sources of revenue. In addition to all other information, if the funds are to be derived from the city's property tax, the ballot question shall state the present annual cost of the economic development program per ten thousand dollars of assessed valuation based upon the most recent valuation of the city certified to the Tax Commissioner pursuant to section 77-1613.01. The ballot question shall state: "Shall the city of (name of the city) establish an economic development program as described here by appropriating annually $..... for ..... years?". If a majority of those voting on the issue vote in favor of the question, the governing body may implement the proposed economic development program upon the terms set out in the resolution. If a majority of those voting on the issue vote against the question, the governing body shall not implement the economic development program.

Sec. 19. That section 18-2718, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-2718. (1) Any city conducting an economic development program shall establish a separate economic development fund. All funds derived from local sources of revenue for the economic development program, any earnings from the investment of such funds, any loan payments, any proceeds from the issuance and sale of bonds pursuant to the Local Option Municipal Economic Development Act to provide

funds to carry out the economic development program except as provided in section 9 of this act, any proceeds from the sale by the city of assets purchased by the city under its economic development program, or any other money received by the city by reason of the economic development program shall be deposited into the economic development fund. Except as provided in this section, subsection (4) of section 18-2714, and subsection (7) of section 18-2722, no money in the economic development fund shall be deposited in the general fund of the city. The city shall not transfer or remove funds from the economic development fund other than for the purposes prescribed in the Local Option Municipal Economic Development Act, and the money in the economic development fund shall not be commingled with any other city funds.

(2) Any money in the economic development fund not currently required or committed for purposes of the economic development program shall be invested as provided for in section 77-2341.

(3) In the event that the city's economic development program is terminated as provided in subsection (4) of section 18-2714 or subsection (7) of section 18-2722, the balance of money in the economic development fund not otherwise committed by contract under the program shall be deposited in the general fund of the city. Any funds received by the city by reason of the economic development program after the termination of such program shall be transferred from the economic development fund to the general fund of the city as such funds are received. The economic development fund shall not be terminated until such time as all projects and contracts related to the program have been finally completed and all funds related to them fully accounted for, with no further city action required, and after the completion of a final audit pursuant to section 18-2721.

(4) When the economic development program is terminated, the governing body of the city shall by resolution certify the amount of money to be transferred from the economic development fund to the general fund of the city and the amount that is anticipated will be received by the city between such time and the final audit of the economic development fund. The sum of those two amounts shall be divided by the number of years in which funds for the economic development program were collected from local sources of revenue. The resulting figure shall constitute the amount to be applied against the budgeted expenditures of the city during each succeeding year until all funds from the economic development program have been expended. The installments shall be used to reduce the property tax levy of the city by that amount in each year in which they are expended.

(5) If, after five full budget years following

initiation of the approved economic development program, less than fifty percent of the money collected from local sources of revenue is spent or committed by contract for the economic development program, the governing body of the city shall place the question of the continuation of the city's economic development program on the ballot at the next regular election.".

2. On page 2, strike beginning with "Any" in line 1 through the period in line 8 and insert "Any city which has received voter approval to conduct an economic development program pursuant to the Local Option Municipal Economic Development Act, which program as presented to the voters included the authority to issue bonds pursuant to the act, may from time to time issue bonds as provided in sections 1 to 13 of this act. Such bonds shall be in such principal amounts as the city's governing body deems necessary to provide sufficient funds to carry out any of the purposes of and powers granted pursuant to the economic development program, including the establishment or increase of reserves and the payment of all other costs or expenses of the city incident to and necessary or convenient to carry out the economic development program."; and in line 14 strike "Local Option Municipal Economic Development Act" and insert "act".

3. On page 9, line 8, strike "13" and insert "14"; in line 11 strike "section 18-2701" and insert "sections 18-2701, 18-2705, 18-2710, 18-2711, and 18-2718"; and in line 12 strike "is" and insert "are".

4. Renumber the remaining sections accordingly.

(Signed) D. Paul Hartnett, Chairperson

NOTICE OF COMMITTEE HEARING
Appropriations

Monday, March 8, 1993, Room 1520 1:30 p.m.
State College Board Bond Issue - Wayne State College

(Signed) Scott Moore, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 63, 131, 131A, 163, and 182.

Enrollment and Review Change to LB 131

The following changes, required to be reported for publication in the Journal, have been made:
ER7206

1. In the Beutler amendment, AM0393, on page 5, line 17, "46-1201," has been struck.

2. In the Hartnett amendment, AM0305, on page 1, line 2, "33, 56, 60, 61, and 63" has been struck and "38, 61, 63, 64, and 66" inserted.

3. On page 1, line 5, "46-675, 46-677, 46-678, 46-680, 46-684," has been inserted before "46-1208"; in line 8 "and" has been inserted before "sections"; and the matter beginning with the last comma in line 9 through "1992" in line 16 has been struck.

4. On page 2, the matter beginning with "to" in line 9 through the semicolon in line 10 has been struck; in line 11 "and" has been struck and "to provide operative dates;" inserted; and in line 13 "; and to declare an emergency" has been inserted after "1943".

Enrollment and Review Change to LB 182

The following changes, required to be reported for publication in the Journal, have been made:
ER7205

1. On page 1, line 3, "are" has been struck and "may be considered" inserted.

(Signed) Kurt Hohenstein, Chairperson

MOTION - Return LB 138 to Select File

Mr. Preister moved to return LB 138 to Select File for the following specific amendment:
AM0527

(Amendments to Final Reading copy)

1. On page 57, line 10, after "sold" insert "(a) at a place where government food stamps are used to procure food or (b)".

Mr. Will moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Chambers requested a roll call vote on the Preister motion to return.

Voting in the affirmative, 23:

Abboud	Bromm	Crosby	Landis	Preister
Ashford	Byars	Dierks	Lynch	Robinson
Bernard-Stevens	Chambers	Hudkins	Pedersen	Schimek
	Coordsen	Jones	Pirsch	Schmitt

Vrtiska	Warner	Wehrbein	Wesely

Voting in the negative, 20:

Baack	Elmer	Hartnett	Kristensen	Schellpeper
Bohlke	Fisher	Hohenstein	Lindsay	Wickersham
Cudaback	Haberman	Horgan	McKenzie	Will
Day	Hall	Janssen	Robak	Witek

Present and not voting, 4:

Beutler	Hillman	Rasmussen	Withem

Absent and not voting, 1:

Moore

Excused and not voting, 1:

Avery

The Preister motion to return lost with 23 ayes, 20 nays, 4 present and not voting, 1 absent and not voting, and 1 excused and not voting.

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

Mr. Preister moved to return LB 138 to Select File for the following specific amendment:
AM0528

(Amendments to Final Reading copy)

1. On page 56, line 27, strike "and" and show as stricken.

2. On page 57, line 4, after the underscored semicolon insert "and"; and after line 5 insert the following new subdivision:

"(h) The reporting of lottery winners shall clearly indicate the number of tickets sold during the drawing and the number of persons who did not win;".

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

The Preister motion to return lost with 13 ayes, 26 nays, 9 present and not voting, and 1 excused and not voting.

MOTION - Bracket LB 138

Mr. Chambers moved to bracket LB 138 until March 10, 1993.

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Will moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Chambers motion to bracket lost with 15 ayes, 26 nays, 7 present and not voting, and 1 excused and not voting.

MOTION - Return LB 138 to Select File

Mr. Abboud moved to return LB 138 to Select File for the following specific amendment:
FA26
Strike the enacting clause.

Mr. Abboud withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 138. With Emergency.

A BILL FOR AN ACT relating to the State Lottery Act; to amend sections 9-1,104, 9-204, 9-226, 9-312, 9-315, 9-322, 9-402, 9-411, 9-415, 9-422, 9-502, 9-507, 9-509, 9-607, 9-620, 9-629, 9-801 to 9-806, 9-808 to 9-811, 9-813, 9-814, 9-816 to 9-822, 9-824 to 9-830, 9-832 to 9-841, 15-258, 16-226, 17-120, 17-207, 77-27,160, 77-27,166 to 77-27,169, 77-27,171, and 77-27,172, Reissue Revised Statutes of Nebraska, 1943, sections 9-812, 9-823, 14-102, 28-1101, 28-1105, 28-1113, 77-27,161, 81-15,170, 81-15,171, 81-15,175, and 81-15,176, Revised Statutes Supplement, 1992, section 9-807, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 14, Ninety-second Legislature, Third Special Session, 1992, and section 77-2701, Revised Statutes Supplement, 1992, as amended by section 22, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992; to change and reenact provisions of Laws 1991, LB 849; to create a division and a commission; to create and rename funds; to change penalty provisions; to provide a sales and use tax exemption; to provide for setoffs for child support debts; to change provisions relating to membership of the Nebraska Environmental Trust Board; to provide restrictions on priorities for allocation of funds; to eliminate an operative date provision, a provision on use of General Funds, and compensation provisions for lottery game retailers; to harmonize provisions; to repeal the original sections, and also sections

9-815, 9-831, and 9-842, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 28:

Avery	Bromm	Fisher	Horgan	Robak
Baack	Byars	Haberman	Janssen	Robinson
Bernard-Stevens	Coordsen	Hall	Lindsay	Schellpeper
Beutler	Day	Hartnett	Lynch	Wickersham
Bohlke	Dierks	Hillman	Pirsch	Withem
	Elmer	Hohenstein	Rasmussen	

Voting in the negative, 20:

Abboud	Cudaback	Landis	Preister	Warner
Ashford	Hudkins	McKenzie	Schimek	Wehrbein
Chambers	Jones	Moore	Schmitt	Wesely
Crosby	Kristensen	Pedersen	Vrtiska	Witek

Present and not voting, 1:

Will

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 30:

Avery	Byars	Haberman	Janssen	Robak
Baack	Coordsen	Hall	Lindsay	Robinson
Bernard-Stevens	Day	Hartnett	Lynch	Schellpeper
Beutler	Dierks	Hillman	McKenzie	Wickersham
Bohlke	Elmer	Hohenstein	Pirsch	Will
Bromm	Fisher	Horgan	Rasmussen	Withem

Voting in the negative, 19:

Abboud	Cudaback	Landis	Schimek	Wehrbein
Ashford	Hudkins	Moore	Schmitt	Wesely
Chambers	Jones	Pedersen	Vrtiska	Witek
Crosby	Kristensen	Preister	Warner	

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

MOTION - Reconsider Action on LB 138

Mr. Will moved to reconsider the Final Reading vote on LB 138 with the emergency clause.

Mr. Chambers requested a record vote on the Will motion to reconsider action.

Voting in the affirmative, 34:

Ashford	Bromm	Haberman	Lindsay	Robinson
Avery	Byars	Hall	Lynch	Schellpeper
Baack	Coordsen	Hartnett	McKenzie	Wesely
Bernard-Stevens	Day	Hillman	Moore	Wickersham
Beutler	Dierks	Hohenstein	Pirsch	Will
Bohlke	Elmer	Horgan	Rasmussen	Witek
	Fisher	Janssen	Robak	Withem

Voting in the negative, 14:

Abboud	Cudaback	Kristensen	Preister	Warner
Chambers	Hudkins	Landis	Schmitt	Wehrbein
Crosby	Jones	Pedersen	Vrtiska	

Present and not voting, 1:

Schimek

The Will motion to reconsider prevailed with 34 ayes, 14 nays, and 1 present and not voting.

BILLS ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 138. With Emergency.

Mr. Chambers requested a roll call vote in reverse order.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Ashford	Bromm	Haberman	Lindsay	Robinson
Avery	Byars	Hall	Lynch	Schellpeper
Baack	Coordsen	Hartnett	McKenzie	Wickersham
Bernard-Stevens	Day	Hillman	Moore	Will
Beutler	Dierks	Hohenstein	Pirsch	Witek
Bohlke	Elmer	Horgan	Rasmussen	Withem
	Fisher	Janssen	Robak	

Voting in the negative, 16:

Abboud	Hudkins	Landis	Schimek	Warner
Chambers	Jones	Pedersen	Schmitt	Wehrbein
Crosby	Kristensen	Preister	Vrtiska	Wesely
Cudaback				

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 138A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate and transfer funds to aid in carrying out the provisions of Legislative Bill 138, Ninety-third Legislature, First Session, 1993; to state intent; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Ashford	Byars	Hall	Lynch	Schimek
Avery	Coordsen	Hartnett	McKenzie	Warner
Baack	Cudaback	Hillman	Moore	Wesely
Bernard-Stevens	Day	Hohenstein	Pirsch	Wickersham
Beutler	Dierks	Horgan	Rasmussen	Will
Bohlke	Elmer	Janssen	Robak	Witek
Bromm	Fisher	Kristensen	Robinson	Withem
	Haberman	Lindsay	Schellpeper	

Voting in the negative, 7:

Abboud	Crosby	Jones	Preister	Schmitt
Chambers	Hudkins			

Present and not voting, 4:

Landis	Pedersen	Vrtiska	Wehrbein

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 113, 417, 138, and 138A.

BILL ON FIRST READING

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

LEGISLATIVE BILL 240A. Introduced by Landis, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 240, Ninety-third Legislature, First Session, 1993.

NOTICE OF COMMITTEE HEARING
Appropriations

Thursday, March 4, 1993, Room 1003 (Cancelled) 1:30 p.m.
Agency 23 - Department of Labor

Thursday, March 18, 1993, Room 1003 (Rescheduled) 1:30 p.m.
Agency 23 - Department of Labor

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Vrtiska asked unanimous consent to print the following amendment to LB 593 in the Journal. No objections. So ordered.

AM0324

1. On page 2, line 21, strike the second "and"; and in line 23 after "proceedings" insert "; and

(5) Supplies including forms, paper goods, and recording tapes, cost of postage, expenses related to copying or reproduction of documents, telephone service including

long-distance telephone service, publications not intended to become a part of a county law library, and office equipment used exclusively by the county court".

Mr. Vrtiska asked unanimous consent to print the following amendment to LB 593 in the Journal. No objections. So ordered.

AM0511

1. On page 2, line 25, after the period insert "All property purchased by the county as a county court expense before the effective date of this act shall remain the property of the county.".

Messrs. Hohenstein, Chambers, and Hall asked unanimous consent to print the following amendment to LB 579 in the Journal. No objections. So ordered.

AM0549

1. On page 2, after line 1 insert:

"The Executive Board of the Legislative Council shall, at the conclusion of the audit performed, prepare a report detailing the amount of expenditures of public funds made by each member of the Legislature, the total amount of long-distance phone calls made by each member of the Legislature, and the total amount of such calls designated by a member as sensitive or confidential in nature. Such report shall be reviewed by the member of the Legislature for accuracy and correctness. After such review, the report, including the information relating to long-distance phone calls, shall be made public by the Executive Board of the Legislative Council.".

2. On page 4, lines 20 and 21, after "sensitive" insert "or confidential"; in line 25 after "sensitive" insert "or confidential in nature"; and in line 26 after the period insert "No calls made to or by a member of the Legislature which are sensitive or confidential in nature shall be required to be disclosed except that such calls shall be so designated by the member, and only the amount of the call and such designation shall be made available to a person conducting an audit.

For purposes of this subsection, sensitive or confidential in nature shall mean that either the member of the Legislature or the caller would reasonably expect that the nature or the content of the call would not be disclosed to another person without the consent of the member and the caller.".

ANNOUNCEMENT

Mr. Wehrbein designates LB 364 as his priority bill.

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 53. Placed on General File.
LEGISLATIVE BILL 231. Placed on General File.
LEGISLATIVE BILL 561. Placed on General File.

(Signed) Stan Schellpeper, Chairperson

Agriculture

LEGISLATIVE BILL 267. Placed on General File.
LEGISLATIVE BILL 406. Placed on General File.

(Signed) Merton L. Dierks, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Jones asked unanimous consent to have his name added as cointroducer to LB 241. No objections. So ordered.

Mrs. Rasmussen asked unanimous consent to have her name added as cointroducer to LB 241. No objections. So ordered.

VISITORS

Visitors to the Chamber were Floyd Hansen, Bill Fisher, and Chuck Wendt from North Platte; members of AFL-CIO from across Nebraska; and Gordon Michaels from Wymore, Dennis Schroeder, Rich Kerr, and Bruce Sejkora from Beatrice.

The Doctor of the Day was Andrew Blankenau from Bloomfield.

ADJOURNMENT

At 12:33 p.m., on a motion by Mr. Dierks, the Legislature adjourned until 9:00 a.m., Thursday, February 25, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-THIRD DAY - FEBRUARY 25, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 25, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Horgan and Wesely who were excused; and Messrs. Abboud, Bernard-Stevens, Kristensen, Landis, Lindsay, Warner, Will, Mmes. Bohlke, Hillman, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 48, 57, 109, 226, 247, 261, 316, and 439.

Enrollment and Review Change to LB 48

The following changes, required to be reported for publication in the Journal, have been made:
ER7210
1. On page 5, line 16, "3" has been struck and "4" inserted.

Enrollment and Review Change to LB 226

The following changes, required to be reported for publication in the Journal, have been made:
ER7204

1. In the Crosby amendment, AM0404, on page 2, line 5, "licensed" has been struck, shown as stricken, and "registered" inserted.

2. In the E & R amendment, AM5357:

a. On page 1, the matter beginning with "provisions" in line 7 through the comma in line 8 has been struck, shown as stricken, and "Barber Act" inserted;

b. On page 9, line 27, "sections 71-201 to 71-248" has been struck and "the Barber Act" inserted; and

c. On page 15, lines 13 and 20, "71-202.01," has been inserted after "71-202,"; and in lines 15 and 21 "71-224," has been inserted after "71-223.02,".

(Signed) Kurt Hohenstein, Chairperson

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 478. Placed on General File.
LEGISLATIVE BILL 547. Placed on General File.

LEGISLATIVE BILL 30. Indefinitely postponed.
LEGISLATIVE BILL 214. Indefinitely postponed.

(Signed) David Landis, Chairperson

General Affairs

LEGISLATIVE BILL 193. Placed on General File as amended.
Standing Committee amendment to LB 193:
AM0546

1. On page 3, line 15, after "board" insert ". For purposes of this subdivision, persons who are not engaged in the installation, alteration, or repair of electrical wiring and apparatus, either inside or outside buildings, shall not be considered apprentice electricians"; and in line 28 after the second "and" insert "to supervise apprentice electricians and".

2. On page 7, line 24, after the first comma insert "well pump wiring,".

3. On page 9, line 27, after "record" insert ". The board shall adopt and promulgate rules and regulations establishing wiring standards which protect public safety and health and property and which shall apply to all electrical wiring installed by licensees".

4. On page 10, lines 3 and 18, after "Code" insert "as adopted pursuant to subdivision (5) of this section"; and in line 11 strike "or the act".

5. On page 15, line 3, after the period insert "Such supervision shall include both on-the-job training and related classroom training as approved by the board."; and in line 5 after "licensee" insert ", except that such ratio and the other requirements of this section shall not be applicable to a teacher-student relationship within a classroom of a community college".

6. On page 17, line 10; page 28, lines 22 and 23; and page 29, line 23, strike "set forth in the National Electrical Code", show as stricken, and insert "adopted by the board pursuant to section 81-2104".

7. On page 25, line 27, after "the" insert "local electrical code or".

8. On page 32, strike lines 16 through 21, show the old matter as stricken, and insert:

"Any person who knowingly and willfully violates the act shall be guilty of a Class I misdemeanor.".

(Signed) Stan Schellpeper, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 24, 1993, at 1:25 p.m., were the following bills: 113, 417, 138, and 138A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MESSAGE FROM THE GOVERNOR

February 24, 1993

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 138 and 138A were received in my office on February 24, 1993.

These bills were signed by me on February 24, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson

Governor

REPORTS

Received documents from the Department of Agriculture in accordance with the provisions of Section 89-186: copy of the standards of the National Conference on Weights and Measures published in the National Institute of Standards and Technology, Handbook 44; copy of the Uniform Regulation for the Method of Sale of Commodities and a copy of the Uniform Packaging and Labeling Regulation of the National Institute of Standards and Technology, Handbook 130; and a copy of the procedures designated in National Institute of Standards and Technology, Handbook 133, as it exists on June 30, 1992.

GENERAL FILE

LEGISLATIVE BILL 579. Title read. Considered.

Special Committee amendment, AM0434, found in the Journal on page 678, was considered.

Mr. Hohenstein withdrew his pending amendment, AM0508, found in the Journal on page 760.

Messrs. Hohenstein, Chambers, and Hall renewed their pending amendment, AM0549, found in the Journal on page 777, to the Special Committee amendment.

The Hohenstein-Chambers-Hall amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Mr. Hall requested a record vote on the adoption of the Special Committee amendment, as amended.

Voting in the affirmative, 43:

Abboud	Chambers	Hartnett	Moore	Schmitt
Ashford	Coordsen	Hillman	Pedersen	Vrtiska
Avery	Cudaback	Hohenstein	Pirsch	Warner
Baack	Day	Hudkins	Preister	Wehrbein
Bernard-Stevens	Dierks	Janssen	Rasmussen	Wickersham
	Elmer	Jones	Robak	Will
Beutler	Fisher	Kristensen	Robinson	Witek
Bohlke	Haberman	Lynch	Schellpeper	Withem
Bromm	Hall	McKenzie	Schimek	

Voting in the negative, 1:

Crosby

Present and not voting, 2:

Byars Lindsay

Excused and not voting, 3:

Horgan Landis Wesely

The Special Committee amendment, as amended, was adopted with 43 ayes, 1 nay, 2 present and not voting, and 3 excused and not voting.

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

Advanced to E & R for review with 39 ayes, 1 nay, 5 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 28. Placed on General File as amended.
Standing Committee amendment to LB 28:
AM0530

1. On page 8, line 25, after the period insert "(1)".

2. On page 9, line 12, strike "not" and strike "but" and insert "and"; in line 14 after "purposes" insert ":

(2) The funds used to arm the carrier enforcement officers shall be solely from the Nebraska State Patrol Cash Fund. Such amount shall be determined by the Superintendent of Law Enforcement and Public Safety".

LEGISLATIVE BILL 211. Placed on General File as amended.
Standing Committee amendment to LB 211:
AM0529

1. On page 4, line 9, strike "medical professionals" and insert "health care providers"; and strike beginning with line 13 through "disorders" in line 14 and insert "ophthalmology".

2. On page 5, line 16, strike "board" and insert "director".

3. On page 7, strike beginning with "render" in line 10 through line 11 and insert "have up to forty-five days from the day a medical or vision problem is referred to him or

her to consult with members of the board to obtain the medical opinion necessary to make a decision and shall render a prompt finding not later than ten days following receipt of the medical opinion.".

LEGISLATIVE BILL 662. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

Education

LEGISLATIVE BILL 318. Indefinitely postponed.
LEGISLATIVE BILL 336. Indefinitely postponed.

LEGISLATIVE RESOLUTION 13CA. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 24, 1993. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Erickson & Sederstrom, P.C.	
Thone, Charles - Lincoln	Saint Joseph Hospital
Milner, James - Washington, DC	National Rifle Association
Rogers, Carson - Ord	Nebraskans for HealthCare Equity
Ruge, Dustin - Lincoln	Nebraska Rifle & Pistol Association
Vickers, Tom - Lincoln	Omaha Tribal Council

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 190A in the Journal. No objections. So ordered.

AM0562

1. Insert the following new section:

"Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, line 3, after "1993" insert "; and to declare an emergency".

ANNOUNCEMENT

Mr. Jones designates LB 246 as his priority bill.

UNANIMOUS CONSENT - Member Excused

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

MOTION - Reconsider Action on LB 83

Mr. Hall renewed his pending motion, found in the Journal on page 726, to reconsider the vote on the motion to place LB 83 on General File notwithstanding the action of the committee.

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

Mr. Hall requested a roll call vote on his motion to reconsider action.

Mr. Byars requested the roll call vote be taken in reverse order.

Voting in the affirmative, 22:

Abboud	Chambers	Hillman	Pirsch	Schimek
Ashford	Crosby	Kristensen	Preister	Warner
Baack	Day	Lindsay	Rasmussen	Wehrbein
Beutler	Hall	Lynch	Robinson	Will
Byars	Hartnett			

Voting in the negative, 21:

Avery	Coordsen	Hudkins	Pedersen	Vrtiska
Bernard-Stevens	Cudaback	Janssen	Robak	Wickersham
Bohlke	Elmer	Jones	Schellpeper	Witek
Bromm	Fisher	McKenzie	Schmitt	Withem
	Hohenstein			

Present and not voting, 1:

Moore

Excused and not voting, 5:

Dierks	Haberman	Horgan	Landis	Wesely

The Hall motion to reconsider action lost with 22 ayes, 21 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 520. Title read. Considered.

Standing Committee amendment, AM0460, found in the Journal on page 734, was considered.

Mrs. McKenzie and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BAACK PRESIDING

The Standing Committee amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 187A. Introduced by Robinson, 16.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 187, Ninety-third Legislature, First Session, 1993.

STANDING COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 563. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0472.)

(Signed) Stan Schellpeper, Chairperson

Agriculture

LEGISLATIVE BILL 246. Placed on General File.

LEGISLATIVE BILL 139. Placed on General File as amended.
Standing Committee amendment to LB 139:
AM0420
1 1. On page 2, line 15, after the period insert "The

charge for collection of assessments shall be used to cover administrative costs of the brand committee but such charge shall not exceed five percent of the assessments collected.".

(Signed) Merton L. Dierks, Chairperson

Judiciary

LEGISLATIVE BILL 652. Placed on General File.

LEGISLATIVE BILL 436. Placed on General File as amended.
Standing Committee amendment to LB 436:
AM0548

1. On page 2, line 4, strike the new matter and reinstate the stricken matter; and in line 19 after "section" insert "43-258 or".

2. On page 3, line 2, after "section" insert "43-258 or".

LEGISLATIVE BILL 68. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 218 in the Journal. No objections. So ordered.

AM0561

1. Insert the following new section:

"Section 1. Sections 59-1701 to 59-1761 and sections 7, 8, 11, 25, and 26 of this act shall be known and may be cited as the Seller-Assisted Marketing Plan Act.".

2. On page 3, lines 22 and 23; page 4, lines 10 and 11; page 7, lines 4 and 5; page 19, lines 7 and 8, 15 and 16, and 22 and 23; page 21, lines 12 and 13; page 22, lines 7 and 8 and 27 and 28; page 23, lines 4 and 5; page 25, lines 4 and 5; page 26, lines 11 and 12 and 20 and 21; and page 27, lines 3 and 4, strike "sections 59-1701 to 59-1761 and sections 6, 7, 10, 24, and 25 of this act", show the old matter as stricken, and insert "the Seller-Assisted Marketing Plan Act".

3. On page 3, line 25; page 11, line 5; page 20, lines 9, 14, and 17; page 23, lines 7 and 8; page 24, line 15; and page 25, line 5, strike "such sections", show the old matter as stricken, and insert "the act".

4. On page 4, lines 5 and 6, strike "Such sections" and insert "The act"; and in line 13 strike "6" and insert "7".

5. On page 10, lines 22 and 23; page 12, lines 3

and 4, 17 and 18, and 25 and 26; page 23, lines 26 and 27, page 24, lines 24 and 25; and page 25, lines 23 and 24 and 27 and 28, strike "sections 59-1701 to 59-1761 and sections 6, 7, 10, 24, and 25 of this act" and insert "the Seller-Assisted Marketing Plan Act".

6. On page 10, lines 25 and 26; page 11, line 2; page 24, lines 2 and 28; and page 26, lines 2 and 6 and 7, strike "such sections" and insert "the act".

7. On page 12, line 6, strike "of" and insert "upon"; in line 11 strike the second "(2)"; and strike beginning with "sections" in line 26 through "this" in line 27 and insert "the".

8. On page 13, line 17, strike "of" and insert "after".

9. On page 14, line 27, strike "this act" and insert "sections 59-1733 to 59-1740".

10. On page 15, line 22; and page 20, line 2, strike the semicolon, show as stricken, and insert ", and".

11. On page 17, line 8, after "secured" insert an underscored comma; and in line 15 after "of" insert "such".

12. On page 20, line 8, strike "such sections", show "sections" as stricken, and insert "the Seller-Assisted Marketing Plan Act".

13. On page 21, line 8, after "If" insert "(1)" and strike "(1)" and show as stricken; in line 9 after "(2)" insert "a seller"; and in line 25 after "seller" insert an underscored comma.

14. On page 22, strike beginning with "sections" in line 21 through "this" in line 22, show the old matter as stricken, and insert "the".

15. On page 24, line 16, strike "59-1725", show as stricken, and insert "11 of this act".

16. On page 26, lines 13 and 14 and 15, strike "section of such sections", show the old matter as stricken, and insert "provision of the act"; and in line 24 strike "such sections", show "sections" as stricken, and insert "the Seller-Assisted Marketing Plan Act".

17. In the E & R amendments, AM5380:

a. Strike amendment 13 and renumber the remaining amendments accordingly; and

b. On page 1, strike beginning with "in" in line 21 through the semicolon in line 23.

18. Renumber the remaining sections accordingly.

Messrs. Withem, Avery, and Hohenstein asked unanimous consent to print the following amendment to LB 112 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0569.)

MESSAGE FROM THE GOVERNOR

February 18, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Educational Telecommunications Commission, requiring legislative approval.

APPOINTEE: Sharon Rankin, 901 Parry Drive, Chadron, NE 69337

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

UNANIMOUS CONSENT - Add Cointroducers

Mr. Pedersen asked unanimous consent to have his name added as cointroducer to LB 294 and LB 546. No objections. So ordered.

Mrs. McKenzie asked unanimous consent to have her name added as cointroducer to LB 520. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Cointroducer

Mr. Vrtiska asked unanimous consent to have his name withdrawn as cointroducer to LB 679. No objections. So ordered.

VISITORS

Visitors to the Chamber were eight students and teachers from Sidney Public School; 20 sixth, seventh, and eighth grade students and sponsor from Christ Lutheran School, Columbus; and Greg Madrigal and Mary Benak from Omaha.

ADJOURNMENT

At 11:49 a.m., on a motion by Mr. Bromm, the Legislature adjourned until 9:00 a.m., Tuesday, March 2, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-FOURTH DAY - MARCH 2, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 2, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Father William L'Heureux, St. James Catholic Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Byars who was excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Chambers, Cudaback, Hartnett, Kristensen, Lindsay, Pedersen, Warner, Wickersham, Mrs. Rasmussen, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-third day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 452. Placed on Select File as amended.
E & R amendment to LB 452:
AM5384
1. On page 1, line 3, strike "a duty" and insert "duties".

LEGISLATIVE BILL 363. Placed on Select File.

LEGISLATIVE BILL 471. Placed on Select File as amended.
E & R amendment to LB 471:

AM5385

1. On page 1, strike beginning with "sections" in line 1 through line 7 and insert "section 2-1228, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to application for an interstate simulcast facility license; and to repeal the original section.".

LEGISLATIVE BILL 410. Placed on Select File as amended.
E & R amendment to LB 410:
AM5386

1. On page 1, strike beginning with "change" in line 2 through "material" in line 4 and insert "adopt updated federal motor carrier safety regulations and additional and updated federal hazardous material regulations".

LEGISLATIVE BILL 106. Placed on Select File as amended.
E & R amendment to LB 106:
AM5390

1. On page 1, line 4, after "fines" insert "and probation".
2. On page 5, line 2, strike "or", show as stricken, and insert an underscored comma.

LEGISLATIVE BILL 200. Placed on Select File.

LEGISLATIVE BILL 367. Placed on Select File as amended.
E & R amendment to LB 367:
AM5387

1. Strike original section 1 and all amendments thereto and insert the following new section:

"Section 1. (1) A city of the metropolitan class shall provide written notice of any properly filed request for a change in the zoning classification of a subject property to the owners of adjacent property in the manner set out in this section.

(2) Initial notice of the proposed zoning change on the subject property shall be sent to the owners of adjacent property by regular United States mail, postage prepaid, to the owner's address as it appears in the records of the office of the county assessor or the register of deeds at the option of the city, postmarked at least ten working days prior to the planning board public hearing on the proposed change with a certified letter to any registered neighborhood association when the subject property is located within the boundary of the area of concern of such association. Each neighborhood association desiring to receive such notice shall register with the city the area of concern of such association and the name and address of the individual who is to receive notice on behalf of such association. The registration shall be in

accordance with any rules adopted and promulgated by the city. Such notice shall describe the subject property or give its address, describe the nature of the zoning change requested, and contain the date, time, and location of the planning board hearing.

(3) A second notice of the proposed zoning change on the subject property shall be sent to the same owners of adjacent property who were provided with notice under subsection (2) of this section. Such notice shall be sent by regular United States mail, postage prepaid, to the owner's address as it appears in the records of the office of the county assessor or the register of deeds at the option of the city, postmarked at least ten working days prior to the city council public hearing on the proposed change. Such notice shall describe the subject property or give its address, describe the nature of the zoning change requested, and contain the date, time, and location of the city council public hearing.

(4) No additional or further notice beyond that required by subsections (2) and (3) of this section shall be necessary in the event that the scheduled planning board or city council public hearing on the proposed zoning change is adjourned, continued, or postponed until a later date.

(5) The requirements of this section shall not apply to proposed changes in the text of the zoning code itself or any proposed changes in the zoning code affecting whole classes or classifications of property throughout the jurisdiction of the city.

(6) Except for a willful or deliberate failure to cause notice to be given, no zoning decision made by a city of the metropolitan class either to accept or reject a proposed zoning change with regard to a subject property shall be void, invalidated, or affected in any way because of any irregularity, defect, error, or failure on the part of the city or its employees to cause notice to be given as required by this section if a reasonable attempt to comply with this section was made. No action to challenge the validity of the acceptance or rejection of a proposed zoning change on the basis of this section shall be filed more than one year following the date of the formal acceptance or rejection of the zoning change by the city council.

(7) Except for a willful or deliberate failure to cause notice to be given, the city and its employees shall not be liable for any damage to any person resulting from any failure to cause notice to be given as required by this section when a reasonable attempt was made to provide such notice. No action for damages resulting from the failure to cause notice to be provided as required by this section shall be filed more than one year following the date of the formal

acceptance or rejection of the proposed zoning change by the city council.

(8) For purposes of this section:

(a) Adjacent property shall mean any piece of real property any portion of which is located within three hundred feet of the nearest boundary line of the subject property or within one thousand feet of the nearest boundary line of the subject property if the proposed zoning change involves a heavy industrial district classification;

(b) Owner shall mean the owner of a piece of adjacent property as indicated on the records of the office of the county assessor or the register of deeds at the option of the city as provided to or made available to the city no earlier than the last business day before the twenty-fifth day preceding the planning board public hearing on the zoning change proposed for the subject property; and

(c) Subject property shall mean any tract of real property located within the boundaries of a city of the metropolitan class or within the zoning jurisdiction of a city of the metropolitan class which is the subject of a properly filed request for a change of its zoning classification.".

LEGISLATIVE BILL 119. Placed on Select File as amended.
E & R amendment to LB 119:
AM5388

1. In the Standing Committee amendment, AM0178, on page 2, line 3, after "streets" insert an underscored comma; and in line 12 strike the second "of" and show as stricken.

2. On page 1, line 1, strike "class" and insert "and second classes"; in lines 1 and 4 strike "section" and insert "sections"; and in line 2 after "16-238" insert "and 17-121".

3. On page 2, line 4, strike the stricken comma and insert an underscored comma.

LEGISLATIVE BILL 390. Placed on Select File as amended.
E & R amendment to LB 390:
AM5389

1. On page 1, line 3, strike "expand" and insert "change provisions relating to".

2. On page 2, line 4, reinstate the stricken comma; and in line 7 strike the comma.

LEGISLATIVE BILL 508. Placed on Select File as amended.
E & R amendment to LB 508:
AM5391

1. On page 1, line 9, strike "and" and after "sections" insert "; and to declare an emergency".

2. On page 2, line 27, strike "any" and insert

"the".

3. On page 4, line 5, strike "such section" and insert "section 2 of this act"; in line 16 strike "include" and insert "includes"; and in line 23 strike "adopting" and insert "adoption".

4. On page 4, line 15; page 5, line 23; and page 12, line 19, strike "group" and insert "combination".

5. On page 8, line 28, strike "(3)", show as stricken, and insert "(4)".

6. On page 9, line 5, strike the comma.

7. On page 11, line 19, strike "to", show as stricken, and insert "through".

LEGISLATIVE BILL 43. Placed on Select File.

LEGISLATIVE BILL 240. Placed on Select File as amended.
E & R amendment to LB 240:
AM5392

1. For purposes of correlation with section 69, LB 138:

a. Strike original section 1 and insert the following new section:

"Section 1. That section 77-2701, Revised Statutes Supplement, 1992, as amended by section 22, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, and section 69, Legislative Bill 138, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

77-2701. Sections 77-2701 to 77-27,135 and sections 24, 25, and 34 of this act and section 70 of this act and section 6 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967."; and

b. On page 1, line 7; and page 10, line 2, after "1992" insert ", and section 69, Legislative Bill 138, Ninety-third Legislature, First Session, 1993".

2. On page 4, line 18, after "$23,375" insert an underscored comma.

Correctly Engrossed

The following bills were correctly engrossed: 25, 31, 36, 162, 217, 271, 278, 334, and 360.

Enrollment and Review Change to LB 162

The following changes, required to be reported for publication in the Journal, have been made:
ER7207

1. On page 1, the matter beginning with "amend" in line 1 through "exemptions" in line 3 has been struck and "provide an exemption" inserted; and the matter beginning with the first semicolon in line 5 through "section" in line 6 has been struck.

(Signed) Kurt Hohenstein, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 348. Placed on General File as amended.
Standing Committee amendment to LB 348:
AM0098

1. Strike original section 10 and insert the following new sections:

"Sec. 29. Sections 20 to 24 and 30 of this act shall become operative on July 1, 1993, and the remaining sections shall become operative on their effective date.

Sec. 30. That original sections 79-3403, 79-3405, 79-3406, 79-3408, and 79-3410, Revised Statutes Supplement, 1992, are repealed.".

2. On page 3, line 27, strike "contract" and insert "context".

3. On page 5, lines 27 and 28, strike the new matter and reinstate the stricken matter.

4. On page 6, line 2, strike the new matter and reinstate the stricken matter; and in line 9 strike "earlier" and insert "later".

5. On page 9, line 16, strike "an" and insert "a joint"; and in line 18 after "the" insert "joint".

6. On page 10, line 9, strike "an" and insert "a joint" and after "the" insert "joint"; and in line 13 after "the" insert "joint".

7. On page 12, line 14, strike "(a)" and show as stricken; strike beginning with "or" in line 16 through "grades" in line 19 and show as stricken; in line 19 before "The" insert paragraphing and insert "(2)"; and in line 25 strike the new matter and reinstate the stricken matter.

8. On page 13, lines 7, 21, 22, and 27, strike the new matter and reinstate the stricken matter; and in line 25 strike "all", show as stricken, and insert "the additional".

9. On page 14, reinstate the stricken matter beginning with "this" in line 10 through "agreement" in line 11; and in line 12 reinstate the stricken matter beginning with "for" through the period.

10. On page 19, line 22, reinstate the stricken "publish"; and in line 23 before "develop" insert "or cause to be published," and after "developed" insert "acquire, and distribute".

11. On page 20, line 2, reinstate the stricken "publishing"; and in line 3 strike "the" and insert an underscored comma and after "development" insert ", acquisition, and distribution".

12. On page 26, line 19, after "a" insert "Class I" and after "which" insert "has not affiliated and which".

13. On page 27, line 20, strike "(1)"; in line 27 strike the new matter; and in line 28 strike the old matter and show as stricken.

14. On page 28, strike lines 1 and 2 and show as stricken; in line 5 strike "a" and show as stricken; in line 8 strike "option school district and of the" and show as stricken; and in line 16 after "students" insert "who do not actually attend the option district".

15. On page 29, line 18, strike "or the resident school district", show as stricken, and strike "(1)"; in line 19 reinstate the stricken matter and strike the new matter; in line 20 strike "if applicable," and show as stricken and reinstate the stricken "and the State Department of Education"; in line 21 reinstate the stricken "whether" and strike "if"; strike beginning with "and" in line 21 through "Education" in line 23; and in line 23 after "rejected" insert "by the option district or by the resident district".

16. On page 30, line 20, before "district" insert "option"; and in line 25 strike "a", show as stricken, and insert "the option".

17. On page 38, strike beginning with "79-3403" in line 2 through the first comma in line 3.

18. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 349. Placed on General File as amended.
Standing Committee amendment to LB 349:
AM0261

1. Strike original sections 7 and 9 and insert the following new sections:

"Sec. 6. A private postsecondary career school may include references to the Tuition Recovery Revolving Fund in advertising or information provided to students or prospective students. Any such reference shall clearly describe the protection and limitations prescribed in section 5 of this act and the rules and regulations.

Sec. 7. That section 79-2804, Revised Statutes Supplement, 1992, be amended to read as follows:

79-2804. The following education and schools are exempted from the provisions of the Private Postsecondary Career School Act:

(1) Schools exclusively offering instruction at any or all levels from preschool through the twelfth grade;

(2) Education sponsored by a bona fide trade,

business, professional, or fraternal organization which is offered solely for that organization's membership or offered without charge;

(3) Education solely avocational or recreational in nature as determined by the department;

(4) Educational programs offered by a charitable institution, organization, or agency as long as such education or training is not advertised or promoted as leading toward occupational objectives;

(5) Public postsecondary schools established, operated, and governed by this state or its political subdivisions;

(6) Schools or organizations offering education or instruction which are licensed and regulated by agencies of this state other than the department as of September 2, 1977, except that such schools or organizations shall not be exempt from the provisions of the act with respect to agents' permits and the Tuition Recovery Revolving Fund;

(7) Schools or organizations which offer education or instruction and which are licensed and regulated solely by an agency of the federal government with respect to curriculum and qualifications of instructional staff; and

(8) Private colleges and universities which award baccalaureate or higher degrees and which maintain and operate educational programs for which credit is given.".

2. On page 2, line 3, strike "5" and insert "6"; in line 14 strike "a board of directors" and insert "the State Board of Education and an advisory committee"; in line 19 strike "board of directors" and insert "State Board of Education"; strike beginning with "subject" in line 20 through "Education" in line 21 and insert "and for evaluation and approval of claims pursuant to section 5 of this act"; strike beginning with "board" in line 22 through "Fund" in line 23 and insert "State Board of Education"; in line 25 strike "fund" and insert "Tuition Recovery Revolving Fund"; and strike beginning with "At" in line 27 through line 28.

3. On page 3, line 1, strike "directors" through the period; in lines 2, 4, 6, and 17 strike "board of directors" and insert "State Board of Education"; in line 11 after "operate" insert "from the commissioner or any other agency"; in line 12 after "operation" insert "but shall be assessed each year thereafter until the fund reaches the minimum level required by section 4 of this act and shall maintain a surety bond pursuant to section 79-2842 until such time"; after line 12 insert the following new subsection:

"(4) The authorization to operate of any private postsecondary career school which fails to comply with this section shall be subject to revocation."; in line 16 after "tuition" insert "and fees"; in line 18 strike beginning with

"of" through "guidelines" and insert "shall adopt rules and regulations"; and in line 21 after "operations" insert "and there are sufficient funds available in the fund to pay the claim".

4. On page 8, line 15, strike "or agent" and insert "contributing to the fund except as specified for any private postsecondary career school applying for authorization to operate from the commissioner or any other agency after the effective date of this act"; in line 16 after the first comma insert "79-2804," and strike "79-2822,"; and in line 17 strike "to" and insert ", 79-2844,".

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 445. Placed on General File as amended.
Standing Committee amendment to LB 445:
AM0438

1. On page 2, line 2, strike "student organizations"; and in line 3 strike beginning with "such" through "may" and insert "FFA, Future Homemakers of America, Future Business Leaders of America, Vocational Industrial Clubs of America, DECA - An Association of Marketing Students, Health Occupation Student Association, Young Farmers and Ranchers Educational Association, Technology Students Association, and Phi Beta Lambda. The duties of the department may include, but need not be limited to, the following".

(Signed) Ron Withem, Chairperson

Health and Human Services

LEGISLATIVE BILL 431. Placed on General File as amended.
Standing Committee amendment to LB 431:
AM0595

1. On page 2, line 10, after "causes" insert "when applicable"; and in line 12 after "to" insert "certain".

2. On page 7, after line 1, insert the following new subsection:

"The Director of Health shall have the authority to issue subpoenas to compel production of any of the records and information specified in subdivisions (1) and (2) of this section, except records and information on any child death under active investigation by a law enforcement agency or which is at the time the subject of a criminal prosecution, and shall provide such records and information to the team."; and in line 14 after "civil" insert "administrative, licensure,".

LEGISLATIVE BILL 510. Placed on General File as amended.

Standing Committee amendment to LB 510:
AM0594

1. Insert the following new section:

"Sec. 2. The provisional, probationary, or operating license shall be displayed by the licensee in a prominent place so that it is clearly visible to parents and others.".

2. On page 4, line 17, strike "one year" and insert "two years".

3. On page 5, line 27, strike "shall" and insert "may".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 761. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

Education

LEGISLATIVE BILL 186. Placed on General File as amended.
Standing Committee amendment to LB 186:
AM0584

1. Strike original sections 4 and 5.

2. On page 2, strike beginning with "The" in line 3 through "is" in line 4, show the old matter as stricken, and insert "It is the intent of the Legislature"; in line 17 strike "79-201.05" and insert "79-201.03 upon an affirmative vote of at least seventy-five percent of the board. The vote shall be taken at a public meeting of the board following a special public hearing called for the purpose of receiving testimony on such conversion. The board shall give at least seven calendar days' notice of the time, place, and purpose of such hearing and shall publish such notice at least once in a newspaper of general circulation in the district"; and in line 26 strike "79-201.05" and insert "79-201.03".

3. On page 4, line 2, strike "79-201.05" and insert "79-201.03"; and in line 4 strike "79-201.06" and insert "79-201.04".

4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 392. Placed on General File as amended.
Standing Committee amendment to LB 392:
AM0581

1. Strike original sections 4, 6, and 8 and insert the following new sections:

"Sec. 2. Child with a disability shall mean a handicapped child.

Sec. 5. The primary goal of the Special Education Accountability Commission shall be to identify strategies for

accomplishing cost containment in special education that will result in average special education costs increasing at a rate no greater than the average annual education growth rate.

Sec. 6. (1) The Special Education Accountability Commission shall develop an accountability system which adequately measures efficiency and effectiveness of special education programs in a cost-effective manner. The commission shall:

(a) Review all applicable federal and state laws;

(b) Examine the funding mechanism;

(c) Review any regulatory or procedural changes to determine compatibility with existing law, fiscal impact, and impact on student outcomes;

(d) Review findings of previous committees which have conducted similar studies;

(e) Develop broad frameworks for special education program standards;

(f) Establish a system for assessing student outcomes;

(g) Focus efforts on the establishment of a system for management and monitoring of special education costs and their impact on total education costs; and

(h) Select demonstration sites for the purpose of pilot implementation of program models which can document cost containment while maintaining appropriate services to children with disabilities. Demonstration sites shall be exempt from the provisions of the Special Education Act but shall comply with the federal Americans with Disabilities Act of 1990, 20 U.S.C. 1400 et seq. The State Department of Education shall monitor each demonstration site to determine how such site would differ if it were not exempt from the Special Education Act.

(2) The commission shall annually report its activities and recommendations to the Education Committee of the Legislature, the Appropriations Committee of the Legislature, and the State Board of Education and shall make its final report on or before November 1, 1996, except that initial recommendations for statutory or procedural changes in the funding mechanism shall be made on or before November 1, 1994.".

2. On page 2, lines 11 and 25 and 26, strike "handicapped children" and insert "children with disabilities"; in line 17 strike "standards for" and insert "educational standards for children with disabilities, including"; strike beginning with "handicapped" in line 18 through line 19 and insert "children with disabilities;" and in line 22 after "programs" insert an underscored semicolon, paragraphing, and:

"(f) Current accountability systems do not

adequately measure the efficiency and effectiveness of special education programs in a cost-effective manner; and

(g) Local school boards should retain responsibility for the content of instructional programs within the broad program framework developed under section 6 of this act".

3. On page 3, line 3, strike "eleven" and insert "thirteen"; in line 4 strike "(1)"; in line 9 strike "and"; in line 10 after the comma insert "and four representatives not directly related to the administration, delivery, or receipt of special education services,"; strike beginning with the underscored semicolon in line 13 through "designees" in line 15; strike beginning with "three-year" in line 16 through "Governor" in line 18 and insert "one three-year term"; and strike beginning with "The" in line 21 through the period in line 23.

4. On page 5, line 1, after the period insert "The commission shall consult with the members of the School Finance Review Committee and the Nebraska Schools Accountability Commission to ensure compatibility of effort."; in line 2 strike "commission" and insert "Special Education Accountability Commission"; and strike beginning with "The" in line 2 through line 5.

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 643. Placed on General File as amended.
Standing Committee amendment to LB 643:
AM0580

1. On page 2, line 21, strike "persons" and insert "students"; and in line 22 strike "program" and insert "plan".

LEGISLATIVE BILL 647. Placed on General File as amended.
Standing Committee amendment to LB 647:
AM0583

1. Strike original sections 3 and 4 and insert the following new sections:

"Sec. 3. For school year 1997-98 and each school year thereafter, each school district or educational service unit serving or contracting with a school district to provide such services shall identify learners with high ability and provide programs or services that will address the educational needs of the identified students at levels appropriate for the abilities of those students. The programs or services shall meet the standards of quality for programs for learners with high ability established by the department. Any school district or educational service unit shall be eligible to apply for funds from the Education Innovation Fund to be used for development and improvement of the approved programs or services of the district or unit.".

2. On page 2, lines 1 and 6, strike "5" and insert

"4"; in lines 4 and 8 strike "high-ability students" and insert "learners with high ability"; in line 7 strike the first "program" and insert "programs or services" and strike "a program that serves" and insert "programs or services that serve"; and strike lines 12 through 16 and insert:

"(3) Learner with high ability shall mean a student who gives evidence of high performance capability in such areas as intellectual, creative, or artistic capacity or in specific academic fields and who requires services or activities not ordinarily provided by the school in order to develop those capabilities fully.".

3. On page 3, line 1, strike beginning with "to" through "programs" and insert "and educational service units to implement approved programs and services".

4. On page 6, line 6, after "programs" insert "or services" and strike "5" and insert "4".

(Signed) Ron Withem, Chairperson

Natural Resources

LEGISLATIVE BILL 364. Placed on General File as amended.
Standing Committee amendment to LB 364:
AM0599

1. Insert the following new section:

"Sec. 21. That section 66-4,124, Revised Statutes Supplement, 1992, be amended to read as follows:

66-4,124. Every recipient of a permit described in section 66-4,122 shall be regarded as a purchaser and claimant if he or she has at least one supply tank with a capacity of forty gallons or more and has paid for any one purchase the excise tax to a seller upon forty or more gallons of gasoline or motor vehicle fuel, which gasoline or motor vehicle fuel was or is to be used solely and exclusively by such person for propelling or operating a stationary gas engine, tractor, combine, or machinery used solely for agricultural, quarrying, or industrial purposes in the state or for some purpose not involving the use of any highways in this state. As such purchaser and claimant he or she shall be entitled to a credit against the purchaser's Nebraska income tax liability for the amount of tax so paid during the taxable year of purchase of the fuel by the taxpayer less ~~one and three-fourths~~ two and one-quarter cents per gallon of the tax paid upon compliance with sections 66-4,118 to 66-4,132 and not otherwise. Each purchaser and claimant shall be entitled to a credit against the purchaser's Nebraska income tax liability for the amount of the taxes imposed by sections 66-4,140, 66-4,145, and 66-4,146 on motor vehicle fuel purchased during the taxable year, which tax credit shall be established by the department.

No credit shall be made to anyone other than the actual purchaser of such tax credit gasoline or motor vehicle fuel.".

2. On page 7, line 18, strike "Two" and insert "One member"; in line 19 strike "members" and after the period insert "One member shall represent labor interests in this state."; strike beginning with "one" in line 22 through "business" in line 23 and insert "the member representing labor interests"; and in line 27 strike "one" and insert "the".

3. On page 9, line 4, strike "three" and insert "four"; and in line 6 strike "and" and after "Agriculture" insert ", and the State Energy Office".

4. On page 22, line 6, strike "one-half" and insert "one-quarter".

5. On page 23, line 8, after the second comma insert "66-4,124,".

6. Renumber the remaining sections accordingly.

(Signed) Chris Beutler, Chairperson

Revenue

LEGISLATIVE BILL 555. Placed on General File.
LEGISLATIVE BILL 734. Placed on General File.

LEGISLATIVE BILL 763. Placed on General File as amended.
Standing Committee amendment to LB 763:
AM0588

1. Insert the following new sections:

"Sec. 2. That section 77-3438, Revised Statutes Supplement, 1992, be amended to read as follows:

77-3438. (1) Except as provided in sections 77-3438.01, 77-3439, and 77-3440, no governing body shall adopt a budget statement pursuant to section 13-506 or pursuant to the charter or ordinance of a city with a home rule charter in which the anticipated aggregate receipts from property taxes for any fiscal year exceed the anticipated aggregate receipts from property taxes for the prior fiscal year or, for a governing body which budgeted no revenue to be received from the levy of taxes on real and personal property in such year, the most recent fiscal year prior to such year for which the governing body did budget to receive property taxes.

(2) A governing body may increase property taxes by a specific dollar amount greater than that permitted by subsection (1) of this section if a final order of a court or the State Board of Equalization from which no appeal is taken requires reimbursement by the governing body of property taxes to a taxpayer. The increase shall not exceed the amount of

the reimbursement.

(3) A county board may increase property taxes by a specific dollar amount greater than that permitted by subsection (1) of this section not to exceed the dollar amount of reduction in state aid to the county resulting from the changes made to section 77-27,136 by Laws 1992, LB 1063.

(4) For political subdivisions that have annexed property or have consolidated after December 15, 1989, or for a new educational service unit organized pursuant to section 79-2202.06 or an existing educational service unit, which new or existing unit has added or received a school district or portion thereof, the anticipated aggregate receipts from property taxes shall be computed based on the combined aggregate property taxes of each subdivision in the fiscal year immediately preceding consolidation, annexation, or addition. The estimated amount of property taxes for the immediately preceding fiscal year from the annexed, added, or consolidated property to be added to the property taxes of the political subdivision shall be computed by multiplying the property tax levy of the political subdivision for the immediately preceding fiscal year by the taxable valuation of the annexed, added, or consolidated property for the immediately preceding fiscal year.

Sec. 3. That section 79-3819, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3819. (1) A district may exceed its applicable allowable growth rate by a specific dollar amount in the situations described in this section.

(2) A district demonstrates to the satisfaction of the state board that a new program is required by state or federal law or an existing program mandated by state or federal law has been expanded as a result of changes in state or federal law. For purposes of this subsection, a final order of a court <u>or the State Board of Equalization</u> from which no appeal is taken which requires reimbursement by a district of property taxes to a taxpayer shall be considered a new program required by state or federal law but shall not be included as part of the general fund budget of expenditures for purposes of section 79-3814.

(3) The district projects an increase in formula students in the district over the current school year greater than twenty-five students or greater than those listed in the schedule provided in this subsection, whichever is less. Districts shall project increases in formula students on forms prescribed by the department. The state board shall approve, deny, or modify the projected increases.

Average daily membership of district	Projected increase of formula student by percentage

0 - 50	10
50.01 - 250	5
250.01 - 1,000	3
1,000.01 and over	1

The department shall compute the district's estimated allowable budget per pupil using the budgeted general fund expenditures found on the budget statement for the current school year divided by the number of formula students in the current school year and multiplied by the district's applicable allowable growth rate. The resulting allowable budget per pupil shall be multiplied by the projected formula students to arrive at the estimated budget needs for the ensuing year. The department shall allow the district to increase its general fund budget of expenditures for the ensuing school year by the amount necessary to fund the estimated budget needs of the district as computed pursuant to this subsection. On or before July 1 of each year, the department shall make needed revisions in the applicable allowable growth rate of districts which have been allowed additional growth pursuant to this subsection to reflect the actual formula students of such district and shall certify such revisions to each district.

(4) Construction, expansion, or alteration of district buildings will cause an increase in building operation and maintenance costs of at least five percent. The department shall document the projected increase in building operation and maintenance costs and may allow a district to exceed its applicable allowable growth percentage by the amount necessary to fund such increased costs. The department shall compute the actual increased costs for the school year and shall, if needed, modify the district's applicable allowable growth rate for the ensuing school year.

(5) A district demonstrates to the satisfaction of the state board that as a result of an order entered into by the Commission of Industrial Relations pursuant to section 48-818 establishing rates of pay, benefits, and other terms and conditions of employment, the district will exceed its applicable allowable growth rate. The department shall compute the amount by which the increase in employee costs exceeds the district's applicable allowable growth rate and shall allow the district to increase its general fund budget of expenditures by such amount.

(6) A district demonstrates to the satisfaction of the state board that it will exceed its applicable allowable growth rate as a result of a contested, but settled, contract dispute, claim, or breach or uninsured risk or as a result of any final judgment of any court of competent jurisdiction, requiring or obligating the district to pay such judgment. The department shall compute the amount by which the increased

cost of the settlement or judgment exceeds the district's applicable allowable growth rate and shall allow the district to increase its general fund budget of expenditures by such amount.

Sec. 4. That original sections 77-3438 and 79-3819, Revised Statutes Supplement, 1992, are repealed.".

2. On page 2, line 1, strike "school district" and insert "political subdivision which has the power or duty to levy a property tax"; in line 2 after "court" insert "or the State Board of Equalization"; in lines 4, 7, 10 and 11, 12, 14, 18, and 20 strike "school district" and insert "political subdivision"; and in line 6 strike "school board" and insert "governing body".

3. Insert underscoring to section 1.

LEGISLATIVE BILL 24. Indefinitely postponed.
LEGISLATIVE BILL 89. Indefinitely postponed.
LEGISLATIVE BILL 180. Indefinitely postponed.
LEGISLATIVE BILL 189. Indefinitely postponed.
LEGISLATIVE BILL 386. Indefinitely postponed.
LEGISLATIVE BILL 534. Indefinitely postponed.
LEGISLATIVE BILL 572. Indefinitely postponed.
LEGISLATIVE BILL 721. Indefinitely postponed.
LEGISLATIVE BILL 822. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

CORRECTED STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 608. Corrected Standing Committee amendment:
AM0576

1. Insert the following new section:

"Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Chris Abboud, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 72	Wednesday, March 10, 1993	1:30 p.m.
LB 748	Wednesday, March 10, 1993	1:30 p.m.
LB 148	Thursday, March 11, 1993	1:30 p.m.
LB 149	Thursday, March 11, 1993	1:30 p.m.

LB 391	Thursday, March 11, 1993	1:30 p.m.
LB 625	Thursday, March 11, 1993	1:30 p.m.

(Signed) Chris Beutler, Chairperson

ANNOUNCEMENT

Mr. Ashford designates LB 629 as his priority bill.

MESSAGE FROM THE GOVERNOR

February 25, 1993

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 113 and 417e were received in my office on February 24, 1993.

These bills were signed by me on February 25, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

RESOLUTION

LEGISLATIVE RESOLUTION 44. Introduced by Withem, 14.

WHEREAS, the Papillion-La Vista High School academic decathlon team has achieved first place in state competition; and

WHEREAS, the Papillion-La Vista team members have demonstrated their capacity for hard work, perseverance, and discipline to attain this distinction for the second straight year; and

WHEREAS, the members of the decathlon team have demonstrated their proficiency in literature, math, social sciences, fine arts, speech, language, economics, and physical science; and

WHEREAS, this team will participate in national competition in Phoenix in April of this year.

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

1. That the Legislature congratulate team members James Bang, Carlos Chavez, Brian Hansen, James Lee, Marie Naumann, Branden

Ray, Pam Richards, Bryan Stove, Karen Sycuro, Carrie Torkelson, and Chris Wroten.

2. The the Legislature congratulates team coach Paul Kunes.

3. That the Legislature extends best wishes and good luck to the team at the national competition in April.

4. That a copy of this resolution be forwarded to the members of the Papillion-La Vista High School Academic Decathlon Team.

Laid over.

ANNOUNCEMENT

The Banking, Commerce and Insurance Committee designates LB 583 as its priority bill.

MESSAGE FROM THE GOVERNOR

February 25, 1993

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

Dear Pat:

I am withdrawing the letter informing the Legislature of the appointment of Allan Abbott to the Nebraska Railway Council. The statutes (74-1413) name the Director-State Engineer as an ex officio member of the Council and thus no confirmation by the Legislature is needed.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

cc: Doug Kristensen

REPORTS

Received report from the Nebraska Investment Finance Authority (NIFA) of the notice on the 1993 State Revolving Fund Issue pursuant to Neb.Rev.Stat. § 58-270(3).

Received biennial report from the Nebraska Public Service Commission for the period of July 1, 1990 through June 30, 1992.

RESOLUTION

LEGISLATIVE RESOLUTION 43. Read. Considered.

MR. HALL PRESIDING

LR 43 was adopted with 25 ayes, 0 nays, and 24 not voting.

GENERAL FILE

LEGISLATIVE BILL 240A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 187A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

ANNOUNCEMENT

The Chair announced today is Senator Horgan's birthday.

GENERAL FILE

LEGISLATIVE BILL 588. Title read. Considered.

Standing Committee amendment, AM0342, found in the Journal on page 632, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

PRESIDENT MOUL PRESIDING

Messrs. Baack and Beutler offered the following amendment:
AM0593

1. On page 11, line 11, after "ordinances" insert "and resolutions"; and in line 23 after "quality" insert ". Nothing in the act shall be interpreted in any way to affect the powers of any other state agency or of any natural resources district to regulate for ground water quality or surface water quality as otherwise provided by law".

2. On page 12, line 5, after the period insert "The department shall cooperate with and use existing expertise in other state agencies when developing a state management plan and shall not hire a hydrologist within the department for such purpose.".

3. On page 17, line 18 after "warrant" insert "if probable cause exists".

4. On page 18, line 9, after "Act" insert ". The department may delegate its administrative responsibilities under the act to cities of the metropolitan and primary

classes if it reasonably believes that such cities can perform the responsibilities in a manner consistent with the act and the rules and regulations adopted and promulgated under it".

5. On page 25, line 24, strike "weighing ten pounds or less" and insert "holding fifty pounds or less by weight or one gallon or less by volume".

6. On page 42, strike beginning with "(1)" in line 25 through line 28 and insert "Notwithstanding any other provision of the Pesticide Act, the duties and responsibilities of the department under the act shall be subject to adequate federal, cash, and general funding appropriation being made by the Legislature. If adequate funds are not made available under the act, the department shall submit a revised state pesticide plan to the federal agency outlining the current program.".

6. On page 43, strike lines 1 through 13.

The Baack-Beutler amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler offered the following amendment:
FA27
"Strike Section 32"

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

Mr. Beutler withdrew his amendment.

Advanced to E & R for review with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 105, 105A, 130, 176, 198, 205, and 311.

Enrollment and Review Change to LB 176

The following changes, required to be reported for publication in the Journal, have been made:
ER7209

1. On page 6, line 5, "of this section" has been struck and shown as stricken.

Enrollment and Review Change to LB 205

The following changes, required to be reported for publication in the Journal, have been made:
ER7203

1. On page 1, line 2, "43-146.11," has been inserted after the first comma; and in line 4 "relatives of" has been struck.

2. On page 2, line 27, "or agency" has been inserted after "department".

(Signed) Kurt Hohenstein, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Schmitt asked unanimous consent to print the following amendment to LB 410 in the Journal. No objections. So ordered.

AM0572

1. Insert the following new sections:

"Section 1. Any officer of the carrier enforcement division of the Nebraska State Patrol or any officer of the Nebraska State Patrol may conduct a safety review or safety compliance audit of a motor carrier.

Sec. 2. Following a safety review or safety compliance audit of an intrastate motor carrier by an officer of the carrier enforcement division of the Nebraska State Patrol or any officer of the Nebraska State Patrol, the Nebraska State Patrol shall issue a safety rating of that motor carrier. The safety rating shall be based upon factors prescribed in 49 C.F.R. part 385 of the federal Motor Carrier Safety Regulations adopted in section 75-363, the federal Hazardous Material Regulations adopted in section 75-364, and insurance requirements for intrastate motor carriers set forth by the Public Service Commission pursuant to section 75-307. The motor carrier shall be notified by the Nebraska State Patrol of such safety rating by certified or registered mail.

Sec. 3. The Superintendent of Law Enforcement and Public Safety may issue an order imposing a civil penalty against an interstate motor carrier for violation of section 75-307, 75-352, 75-363, or 75-364 based upon an inspection conducted pursuant to section 75-366 in an amount which shall not exceed five hundred dollars for any single violation in any proceeding or series of related proceedings against any person, motor carrier, common carrier, contract carrier, exempt carrier, or private carrier as defined in 49 C.F.R. part 390.5 of the federal Motor Carrier Safety Regulations as

adopted in section 75-363. Upon the discovery of any violation by an interstate motor carrier of section 75-307, 75-352, 75-363, or 75-364 based upon an inspection conducted pursuant to section 75-366, the superintendent shall immediately refer such violation to the appropriate federal agency for disposition.

Sec. 4. Any order issued by the Superintendent of Law Enforcement and Public Safety under section 3 of this act shall include at least (1) the date of the order, (2) a description of each act or omission upon which the violation is based, (3) the manner in which and the place where the respondent may pay the civil penalty or request a hearing within fifteen business days after receipt of the order, and (4) a notice that if the respondent fails to respond to the order within fifteen business days after receipt of the order, the order shall automatically become final and the civil penalty may be collected by civil action in the district court of Lancaster County.

Sec. 5. Civil penalties assessed pursuant to section 3 of this act and unpaid shall constitute a debt to the State of Nebraska which may be collected in the form of a lien foreclosure or recovered in a proper form of action in the name of the State of Nebraska in the district court of Lancaster County. Any civil penalty collected shall be remitted on a monthly basis to the State Treasurer for credit to the permanent school fund.

Sec. 6. (1) If no hearing is requested and none is ordered by the superintendent, the summary order shall automatically become a final order after fifteen business days after receipt of the order.

(2) If a hearing is requested or ordered, the superintendent shall appoint as hearing officer an attorney licensed to practice law in Nebraska. Every hearing pursuant to sections 1 to 6 of this act shall be conducted in accordance with the Administrative Procedure Act.

(3) Every hearing in an administrative proceeding under this section shall be public unless the hearing officer grants a request joined in by all the respondents that the hearing be conducted privately.

(4) Upon agreement by all the parties any time before or during the hearing under this section the hearing officer may compromise, mitigate, or aggravate any civil penalty. In determining the amount of the civil penalty, the hearing officer shall consider the appropriateness of the civil penalty in light of the gravity of the violation and the good faith of such violator in attempting to achieve compliance after notification of the violation.

(5) The hearing officer, within ten days after the conclusion of the hearing, shall make written findings of fact

and conclusions of law to the superintendent. Such findings of fact and conclusions of law shall not be binding upon the superintendent.

(6) If a hearing is requested or ordered, the superintendent, after notice of and opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination.

(7) No final order or order after hearing may be returned by the superintendent without (a) appropriate notice to all interested persons, (b) opportunity for hearing to all interested persons, and (c) entry of written findings of fact and conclusions of law. Any order may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act.

Sec. 9. Sections 1 to 6 of this act shall become operative three calendar months after the adjournment of this legislative session. The other sections of this act shall become operative on their effective date.

Sec. 11. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Renumber the remaining sections accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 110 in the Journal. No objections. So ordered.

AM0618

(Amendments to Standing Committee amendments, AM0223)

1. On page 1, line 10, after the comma insert "agencies and services for prevention of future unintended pregnancies, and agencies and services through which the materials described in subdivision (1)(b) of this section can be obtained,"; and after "which" insert "geographically indexed".

MOTION - Withdraw LB 620

Mr. Warner moved to withdraw LB 620.

Laid over.

MOTION - Place LB 12 on General File

Mr. Kristensen moved to place LB 12 on General File notwithstanding the vote of the Judiciary Committee.

Laid over.

MOTION - Suspend Rules

Messrs. Landis and Wesely moved to suspend the rules, Rule 3, Section 13, to permit cancelling and resetting of public hearing by the Banking, Commerce and Insurance Committee.

The Landis-Wesely motion prevailed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 27. The pending Standing Committee amendment, AM0226, found in the Journal on page 541 and considered on page 751, was renewed.

Mrs. Witek offered the following amendment to the Standing Committee amendment:
AM0515

(Amendments to Standing Committee amendments, AM0226)

1. On page 2, line 18, after the period insert "The collection of baseline data for evaluating the implementation and effectiveness of each multicultural education program shall not include the testing, assessment, or evaluation of individual students' attitudes or beliefs.".

The Witek amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mrs. Witek renewed her pending amendment, AM0228, found in the Journal on page 580, to the Standing Committee amendment.

Messrs. Moore, Beutler, Hall, Haberman, and Mrs. Hudkins asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Lindsay asked unanimous consent to print the following amendment to LB 112 in the Journal. No objections. So ordered.

AM0622

1. Insert the following new sections:

"Sec. 2. That section 18-1738, Revised Statutes Supplement, 1992, be amended to read as follows:

18-1738. (1) The clerk of any city of the primary class, first class, or second class or village or the county clerk of any county in which a city of the metropolitan class is located may take an application from a handicapped or

disabled person or temporarily handicapped or disabled person or his or her parent, legal guardian, or foster parent for a permit which will entitle the holder thereof or a person driving a motor vehicle for the purpose of transporting such holder to park in those spaces provided for by sections 18-1736 to 18-1741.

(2) For the purpose of such sections, handicapped or disabled person shall mean any individual with a severe visual or physical impairment which limits personal mobility and results in an inability to travel unassisted more than two hundred feet without the use of a wheelchair, crutch, walker, or prosthetic, orthotic, or other assistant device, any individual whose personal mobility is limited as a result of respiratory problems, and any individual who has permanently lost all or substantially all the use of one or more limbs. Temporarily handicapped or disabled person shall mean any handicapped or disabled person whose personal mobility is expected to be limited in such manner for no longer than one year.

(3) Persons applying for a permit shall complete such forms as are provided to the clerk by the Department of Motor Vehicles and shall demonstrate to the satisfaction of the clerk that he or she is handicapped or disabled. The clerk may require medical certificates and proof of a handicap or disability. The clerk shall issue a permit, as provided to the clerk by the department, to approved applicants. Before issuing such permit, the clerk shall enter all information required pursuant to section 18-1739. The clerk shall submit to the department the name, address, and license number of all persons receiving a permit pursuant to this section.

(4) If a county board of any county in which a city of the metropolitan class is located consolidates services pursuant to section 1 of this act:

(a) The county treasurer shall take applications and issue permits pursuant to subsections (1) and (3) of this section; and

(b) The department shall provide application forms and permits to the county treasurer.

Sec. 3. That section 18-1738.01, Revised Statutes Supplement, 1992, be amended to read as follows:

18-1738.01. (1) The clerk of any city of the primary class, first class, or second class or village or the county clerk of any county in which a city of the metropolitan class is located may take an application from any person for a motor vehicle permit which will entitle the holder thereof or a person driving the motor vehicle for the purpose of transporting handicapped or disabled persons or temporarily handicapped or disabled persons to park in those spaces provided for by sections 18-1736 to 18-1741 if the motor

vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. Such parking permit shall be used only when the motor vehicle for which it was issued is being used for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. Persons applying for permits pursuant to this section shall apply for a permit for each motor vehicle used for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, shall complete such forms as are provided to the clerk by the Department of Motor Vehicles, and shall demonstrate to the clerk that each such motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. The clerk shall issue a permit, as provided to the clerk by the department, to approved applicants. Before issuing such permit, the clerk shall enter all information required pursuant to section 18-1739. The clerk shall submit to the department the name, address, and license number of all persons receiving a permit pursuant to this section.

(2) If a county board of any county in which a city of the metropolitan class is located consolidates services pursuant to section 1 of this act:

(a) the county treasurer shall take applications and issue permits pursuant to subsection (1) of this section; and

(b) the department shall provide application forms and permits to the county treasurer.".

2. On page 2, line 5, after the first "of" insert "parking permits for handicapped or disabled persons,"; in line 6 after the first comma insert "and"; and in line 7 after "sections" insert "18-1738, 18-1738.01,".

3. On page 6, strike beginning with "who" in line 15 through "clerk" in line 16; strike lines 17 through 19; in line 20 strike "(c)" and insert "(b)"; strike beginning with "and" in line 21 through "clerk" in line 22; in line 23 strike "(d)" and insert "(c)"; and in line 26 strike "(e)" and insert "(d)".

4. On page 8, line 8, strike "subsection (1)" and insert "subsections (1), (2), and (3)".

5. On page 15, line 4, after "(a)" insert "The county treasurer may issue to the applicant a certificate of title upon surrender of the prior certificate of title or a manufacturer's certificate or, when that is not possible, upon presentation of satisfactory proof of ownership and right of possession;

(b)"; and in line 7 strike "(b)" and insert "(c)".

6. On page 16, line 20, after the semicolon insert:

"(b) If the record of title has been destroyed pursuant to section 60-107, the county treasurer shall issue a

duplicate certificate of title upon a showing the county treasurer deems sufficient;" and in line 21 strike "(b)" and insert "(c)".

7. On page 22, line 18, after "sections" insert "18-1738, 18-1738.01,".

8. Renumber the remaining sections accordingly.

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 53 in the Journal. No objections. So ordered.

AM0551

1. Strike the original sections and insert the following new sections:

"Section 1. That section 53-123.02, Revised Statutes Supplement, 1992, be amended to read as follows:

53-123.02. An alcoholic liquor wholesale license, except beer, shall (1) allow the wholesale purchase, importation, and storage of alcoholic liquor and sale of alcoholic liquor, except beer, to licensees in this state and to ~~such~~ persons outside the state as may be permitted by law and (2) allow the sampling of tax-paid alcoholic liquor, except beer, upon the premises of the licensed wholesaler by a licensed retailer or allow the sampling of tax-paid wine upon the premises of a licensed retailer as provided in subsection (2) of section 53-123.04 in the manner prescribed by the commission. ~~Such sampling~~ The sampling authorized under this section shall be limited to ~~such~~ persons licensed as wholesalers and retailers and their employees and agents.

Sec. 2. That section 53-123.04, Revised Statutes Supplement, 1992, be amended to read as follows:

53-123.04. (1) A retail license shall allow the licensee to sell and offer for sale at retail either in the original package or otherwise, as prescribed in the license, ~~in~~ on the premises specified in the license or ~~in~~ on the premises where catering is occurring, alcoholic liquor or beer for use or consumption but not for resale in any form except as provided in section 53-175, except that in all counties a holder of a bottle club license shall be authorized to sell alcoholic liquor for consumption on the premises without complying with that part of subdivision (23) of section 53-103 pertaining to membership and maintaining membership lists.

(2) Nothing in the Nebraska Liquor Control Act shall prohibit a holder of a Class D or Class K license from allowing the sampling of tax-paid wine for consumption on the premises by such licensee or his or her employees in cooperation with a licensed wholesaler in the manner prescribed by the commission.

Sec. 3. That section 53-124, Revised Statutes Supplement, 1992, be amended to read as follows:

53-124. At the time application is made to the commission for a license of any type, the applicant shall pay the fee provided in this section. The fees for annual licenses finally issued by the commission shall be as follows:

(1) For a license to manufacture alcohol and spirits $1,000.00;

(2) For a license to manufacture beer and wine or to operate a farm winery or brewpub:

(a) Manufacture of beer, excluding beer produced by a brewpub:

(i) 1 to 100 barrel daily capacity, or any part thereof $100.00

(ii) 100 to 150 barrel daily capacity 200.00

(iii) 150 to 200 barrel daily capacity 350.00

(iv) 200 to 300 barrel daily capacity 500.00

(v) 300 to 400 barrel daily capacity 650.00

(vi) 400 to 500 barrel daily capacity 700.00

(vii) 500 barrel daily capacity, or more 800.00;

(b) Operation of a brewpub $250.00;

(c) Manufacture of wines $250.00;

(d) Operation of a farm winery ..... $250.00.

For purposes of subdivision (2)(a) of this section, daily capacity shall mean the average daily barrel production for the previous twelve months of manufacturing operation. If no such basis for comparison exists, the manufacturing licensee shall pay in advance for the first year's operation a fee of five hundred dollars;

(3) Alcoholic liquor wholesale license, for the first and each additional wholesale place of business operated in this state by the same licensee and wholesaling alcoholic liquor, except beer and wines produced from farm wineries $500.00;

(4) Beer wholesale license, for the first and each additional wholesale place of business operated in this state by the same licensee and wholesaling beer only $250.00;

(5) For a retail license:

(a) Class A: Beer only except for brewpubs, inside the corporate limits of cities and villages, for consumption on the premises, the sum of ten dollars in villages having a population of five hundred inhabitants or less; twenty-five dollars in villages or cities having a population of more than five hundred inhabitants and not more than twenty-five hundred

inhabitants; fifty dollars in cities having a population of more than twenty-five hundred inhabitants and less than ten thousand inhabitants; and one hundred dollars in cities having a population of ten thousand inhabitants or more;

(b) Class B: Beer only except for brewpubs, for consumption off the premises, sales in the original packages only, the sum of twenty-five dollars;

(c) Class C: Alcoholic liquor inside the corporate limits of cities and villages, for consumption on the premises and off the premises, sales in original packages only, the sum of two hundred fifty dollars, except for farm winery or brewpub sales outlets. If a Class C license is held by a nonprofit corporation, it shall be restricted to consumption on the premises only;

(d) Class D: Alcoholic liquor, including beer, inside the corporate limits of cities and villages, for consumption off the premises, sales in the original packages only, except as provided in subsection (2) of section 53-123.04, the sum of one hundred fifty dollars, except for farm winery or brewpub sales outlets;

(e) Class E: Alcoholic liquor outside the corporate limits of cities and villages in any county in which there is no incorporated city or village or in which the county seat is not located in an incorporated city or village, for consumption off the premises, sales in the original packages only, not less than one hundred fifty dollars for each license, except for farm winery or brewpub sales outlets;

(f) Class F: Beer only except for brewpubs, outside the corporate limits of cities and villages, for consumption on the premises, not less than twenty-five dollars for each license, the precise amount in each case to be such sum as equals the amount of license fee fixed in this section plus the occupation tax fixed by ordinance, if any, in the nearest incorporated city or village in the same county;

(g) Class H: Alcoholic liquor, including beer, issued to a nonprofit corporation, for consumption on the premises:

(i) Inside the corporate limits of cities and villages, regardless of alcoholic content, the sum of twenty dollars in villages having a population of five hundred inhabitants or less; fifty dollars in villages or cities having a population of more than five hundred inhabitants and not more than twenty-five hundred inhabitants; one hundred dollars in cities having a population of more than twenty-five hundred inhabitants and less than ten thousand inhabitants; and two hundred dollars in cities having a population of ten thousand inhabitants or more; and

(ii) Outside the corporate limits of cities and villages, not less than two hundred fifty dollars for each

license, the precise amount in each case to be such sum as equals the amount of license fee fixed in this section plus the occupation tax fixed by ordinance, if any, in the nearest incorporated city or village in the same county. If the incorporated city or village does not have an occupation tax for nonprofit corporation licenses, then the licensee shall pay an amount equal to a Class C license occupation tax for such city or village.

A Class H license shall not be issued to any corporation authorized by law to receive a Class C license unless the nonprofit corporation is open for sale of alcoholic liquor, including beer, for consumption on the premises not more than two days in any week;

(h) Class I: Alcoholic liquor, inside the corporate limits of cities and villages, for consumption on the premises, the sum of two hundred dollars, except for farm winery or brewpub sales outlets;

(i) Class J: Beer and wine only except for brewpubs, inside the corporate limits of cities and villages, for consumption on the premises of restaurants only, the sum of fifty dollars in villages having a population of five hundred inhabitants or less; seventy-five dollars in villages or cities having a population of more than five hundred inhabitants and not more than twenty-five hundred inhabitants; one hundred twenty-five dollars in cities having a population of more than twenty-five hundred inhabitants and less than ten thousand inhabitants; and two hundred twenty-five dollars in cities having a population of ten thousand inhabitants or more; and

(j) Class K: Wine only, for consumption off the premises, sales in original packages only, <u>except as provided in subsection (2) of section 53-123.04,</u> the sum of one hundred twenty-five dollars.

All applicable license fees shall be paid by the applicant or licensee directly to the city or village treasurer in the case of premises located inside the corporate limits of a city or village and directly to the county treasurer in the case of premises located outside the corporate limits of a city or village, except that the fee for a Class D license shall be paid directly to the commission;

(6) For a railroad license ..... $100.00 and $1.00 for each duplicate;

(7) For a boat license $50.00;

(8) For a nonbeverage user's license:

Class 1 ..... $5.00
Class 2 ..... 25.00
Class 3 ..... 50.00
Class 4 ..... 100.00
Class 5 ..... 250.00;

(9) For a bottle club license, two hundred fifty dollars in any county having a population of less than five thousand five hundred inhabitants and five hundred dollars in any county having a population of five thousand five hundred inhabitants or more. No such license shall be issued within the corporate limits of any city or village when a license as provided in subdivision (5)(c) of this section has been issued in such city or village. The applicable fee shall be paid by the applicant or licensee directly to the city or village treasurer in the case of a bottle club license within the corporate limits of a city or village and directly to the county treasurer in the case of a bottle club license outside the limits of any city or village;

(10) For an airline license ..... $100.00 and $1.00 for each duplicate; and

(11) For a shipping license ..... $200.00.

The license year, unless otherwise provided in the Nebraska Liquor Control Act, shall commence on May 1 of each year and shall end on the following April 30, except that the license year for a Class C license shall commence on November 1 of each year and shall end on the following October 31. During the license year, no license shall be issued for a sum less than the amount of the annual license fee as fixed in this section, regardless of the time when the application for such license has been made.

Sec. 4. That original sections 53-123.02, 53-123.04, and 53-124, Revised Statutes Supplement, 1992, are repealed.".

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 125. Placed on General File.

LEGISLATIVE BILL 155. Placed on General File as amended.
Standing Committee amendment to LB 155:
AM0552

1. Strike original section 1 and insert the following new section:

"Section 1. That section 2-1588, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1588. Any money in the Nebraska Resources Development Fund may be allocated by the Nebraska Natural Resources Commission in accordance with ~~the provisions of~~ sections 2-1586 to 2-1595 for utilization by the commission, by any state office, agency, board, or commission, or by any political subdivision of the State of Nebraska to which has been granted the authority to develop the state's water and related land resources. Such money may be allocated in the

form of grants or loans or for acquiring state interests in water and related land resources programs and projects undertaken within the state. The allocation of funds to a program or project in one form shall not of itself preclude additional allocations in the same or any other form to the same program or project. Funds may also be allocated to assist natural resources districts in the preparation of management plans as provided in section 46-673.01. Funds so allocated shall not be subject to ~~the provisions of~~ sections 2-1589 to 2-1595.

Only projects with estimated total costs of less than ~~ten~~ fifteen million dollars, which shall not include operation and maintenance costs, shall be eligible for assistance from the Nebraska Resources Development Fund. If cost overruns during project construction cause the cost of a project to exceed ~~ten~~ fifteen million dollars, the commission may continue to participate in the project and may allocate additional funds to ensure project completion.

No project, including all related phases, segments, parts, or divisions, shall receive more than ten million dollars from the fund.

On July 1, 1994, and each year thereafter, the Director of Natural Resources shall adjust the project cost and payment limitation of this section by an amount equal to the average percentage change in the federal Department of Commerce, Bureau of the Census, Composite Construction Cost Index for the prior three years.

Prior to September 1 of each even-numbered year, a biennial report shall be made to the Governor and the Clerk of the Legislature describing the work accomplished by the use of such development fund during the immediately preceding two-year period. The ~~, which~~ report shall include a complete financial statement. Each member of the Legislature shall receive a copy of such report upon making a request for it to the director.".

LEGISLATIVE BILL 481. Placed on General File as amended.
Standing Committee amendment to LB 481:
AM0553

1. Insert the following new sections:

"Sec. 3. This act shall terminate on December 1, 1994.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Chris Beutler, Chairperson

Judiciary

LEGISLATIVE BILL 117. Placed on General File.
LEGISLATIVE BILL 529. Placed on General File.

LEGISLATIVE BILL 160. Placed on General File as amended.
Standing Committee amendment to LB 160:
AM0065

1. On page 2, line 25, after "parent" insert "when such review is required by Title IV-D of the Social Security Act, as amended. After review the department shall refer an order to a county attorney or authorized attorney".

2. On page 3, line 3, strike "six", show as stricken, and insert "three"; in line 10, before "An" insert "An order shall not be reviewed by the department if it has not been three years since the present child support obligation was ordered."; and in line 11, strike "two years", show as stricken, and insert "three years, except that an order may be reviewed after one year if the department's determination after the previous review was not to refer to the county attorney or authorized attorney for filing of an application for modification because financial circumstances had not lasted or were not expected to last for the time periods established by subdivision (1) of this section".

LEGISLATIVE BILL 509. Placed on General File as amended.
Standing Committee amendment to LB 509:
AM0604

1. Strike original section 1 and insert the following new section:

"Section 1. That section 24-201.01, Revised Statutes Supplement, 1992, be amended to read as follows:

24-201.01. On July 1, ~~1989~~ 1992, the salary of the Chief Justice and judges of the Supreme Court shall be ~~sixty-six~~ eighty-eight thousand ~~six~~ one hundred ~~eighty-eight~~ fifty-seven dollars and ~~eighty-four~~ thirty cents. On January 5, 1995, the salary shall be increased by three percent of the salary received immediately prior to such date. On January 1, 1996, the salary shall be increased by three percent of the salary authorized immediately prior to such date. ~~On July 1, 1990, the salary shall be increased by five percent of the salary received immediately prior to such date. On January 3, 1991, the salary shall be increased to seventy-seven thousand dollars. On July 1, 1991, the salary shall be increased by seven percent of the salary received immediately prior to such date. On July 1, 1992, the salary shall be increased by seven percent of the salary received immediately prior to such date.~~

The Chief Justice and the judges of the Supreme Court shall hold no other public office of profit or trust during their terms of office nor accept any public appointment

or employment under the authority of the government of the United States for which they receive compensation for their services.

Such salaries shall be payable in equal monthly installments.".

LEGISLATIVE BILL 523. Placed on General File as amended.
Standing Committee amendment to LB 523:
AM0573

1. On page 5, line 26, after "act" insert "or any law of another state which provides compensation and benefits for employees sustaining job-related injuries".

2. On page 6, line 1, after "43-512.03" insert "or garnishment for child support as defined in section 43-1705 by an obligee as defined in section 43-1713".

LEGISLATIVE BILL 629. Placed on General File as amended.
Standing Committee amendment to LB 629:
AM0578

1. On page 4, line 3, after "42" insert "except the Revised Uniform Reciprocal Enforcement of Support Act"; in line 23 before "state" insert "a"; strike beginning with the last underscored comma in line 23 through "practice" in line 24; and in line 25 after "court" insert ", or a mediator in private practice".

2. On page 5, line 14, strike "private"; and in line 28 after the period insert "If the court refers a case to mediation, the court may, if appropriate, order temporary support in order to meet the Nebraska Supreme Court rules for expedited process or case progression.".

3. On page 10, line 11, strike "court-based mediators or".

4. On page 15, line 14, after the period insert "The court may order temporary support pending the development of a parenting plan or determination of other issues.".

LEGISLATIVE BILL 711. Placed on General File as amended.
Standing Committee amendment to LB 711:
AM0587

1. On page 2, line 13, after the period insert "If both parents are parties to the action, such order shall provide that each be required to furnish to the clerk of the district court whether he or she has access to employer-related health insurance coverage and, if so, the health insurance policy information.".

2. On page 9, line 14, strike "ten dollars", show as stricken, and insert "two dollars and fifty cents".

LEGISLATIVE BILL 115. Indefinitely postponed.

LEGISLATIVE BILL 224. Indefinitely postponed.
LEGISLATIVE BILL 499. Indefinitely postponed.
LEGISLATIVE BILL 585. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

Transportation

LEGISLATIVE BILL 575. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0531.)

LEGISLATIVE BILL 86. Indefinitely postponed.
LEGISLATIVE BILL 101. Indefinitely postponed.
LEGISLATIVE BILL 164. Indefinitely postponed.
LEGISLATIVE BILL 282. Indefinitely postponed.
LEGISLATIVE BILL 297. Indefinitely postponed.
LEGISLATIVE BILL 434. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 382	Monday, March 8, 1993 (Cancelled)	1:30 p.m.
LB 382	Monday, March 22, 1993 (Reset)	1:30 p.m.
LB 557	Monday, March 8, 1993 (Cancelled)	1:30 p.m.
LB 557	Monday, March 22, 1993 (Reset)	1:30 p.m.

(Signed) David Landis, Chairperson

Appropriations

LB 649	Tuesday, March 9, 1993 (Cancelled)	1:30 p.m.
LB 649	Friday, March 19, 1993 (Reset)	1:30 p.m.

(Signed) Scott Moore, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 588A. Introduced by Baack, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 588, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 579A. Introduced by Hall, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 579, Ninety-third Legislature, First Session, 1993; to reduce an appropriation; and to declare an emergency.

LEGISLATIVE BILL 642A. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 642, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 377A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 377, Ninety-third Legislature, First Session, 1993.

UNANIMOUS CONSENT - Add Cointroducer

Ms. Schimek asked unanimous consent to have her name added as cointroducer to LB 241. No objections. So ordered.

VISITORS

Visitors to the Chamber were Jonathon Nelson from Kimball; 16 seventh, eighth, and ninth grade students and teacher from Culler Junior High, Lincoln; and Pat McPherson from Omaha.

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Robinson, the Legislature adjourned until 9:00 a.m., Wednesday, March 3, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-FIFTH DAY - MARCH 3, 1993

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 3, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Hugh Giesbrecht, First Baptist Church, Tecumseh, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Byars who was excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Beutler, Bromm, Chambers, Dierks, Hartnett, Kristensen, Landis, Lindsay, Moore, Pedersen, Will, Withem, Mmes. McKenzie, Pirsch, Rasmussen, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fourth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 332. Placed on Select File as amended.
E & R amendment to LB 332:
AM5393

1. For purposes of correlation with LB 183, section 1, on page 1, line 4; page 2, line 2; and page 4, line 22, after "1992" insert ", as amended by section 1, Legislative Bill 183, Ninety-third Legislature, First Session, 1993".

2. On page 4, line 20, strike the first "section".

LEGISLATIVE BILL 440A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 140, 140A, 158, 158A, 161, 320, 360A, and 412.

Enrollment and Review Change to LB 158

The following changes, required to be reported for publication in the Journal, have been made:
ER7211

1. On page 1, line 3, "to rename an act;" has been inserted after the semicolon; and in line 5 "to change a power to contract for assistance;" has been inserted after the first semicolon.

Enrollment and Review Change to LB 161

The following changes, required to be reported for publication in the Journal, have been made:
ER7208

1. In the Kristensen amendment, FA24, on page 1, line 4, the second "Chapter" has been struck; and in line 8 "powers and remedies" has been struck and "remedies and powers" inserted.

(Signed) Kurt Hohenstein, Chairperson

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

Governor Appointments Thursday, March 11, 1993 1:30 p.m.
Foster Care Review Board
David Perlman
Bob Ide
Christena Buttress

(Signed) Don Wesely, Chairperson

Judiciary

LB 250	Wednesday, March 10, 1993	1:30 p.m.
LB 315	Wednesday, March 10, 1993	1:30 p.m.
LB 464	Wednesday, March 10, 1993	1:30 p.m.
LB 467	Wednesday, March 10, 1993	1:30 p.m.
LB 497	Wednesday, March 10, 1993	1:30 p.m.
LB 514	Wednesday, March 10, 1993	1:30 p.m.
LB 362	Thursday, March 11, 1993	1:30 p.m.
LB 433	Thursday, March 11, 1993	1:30 p.m.
LB 458	Thursday, March 11, 1993	1:30 p.m.
LB 820	Thursday, March 11, 1993	1:30 p.m.

(Signed) John Lindsay, Chairperson

MESSAGE FROM THE GOVERNOR

March 2, 1993

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, NE 68508

Dear Pat:

I am withdrawing the letter requesting Legislative confirmation of the appointment of Vance Rogers to the Nebraska Educational Telecommunications Commission. Please do not act on this appointment. Thank you for your assistance in this matter.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

ANNOUNCEMENTS

The Transportation Committee designates LB 575 as its priority bill.

Mr. Hohenstein designates LB 346 as his priority bill.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 219. Placed on General File as amended.
Standing Committee amendment to LB 219:
AM0625

1. On page 2, line 9, strike "45-155", show as stricken, and insert "45-158".

2. On page 3, line 9, reinstate the stricken "or" and the stricken "secured by real estate"; in line 12 after "Finance" insert "except for licensees operating under sections 45-114 to 45-158"; strike lines 16 through 26 and insert the following new subdivision:

"(11) Loans secured solely by real estate when such loans are (a) made by licensees operating under sections 45-114 to 45-158 and (b) made to finance or refinance the purchase of the property or construction on or improvements to the property, provided the Department of Banking and Finance has the authority to examine such loans for compliance with sections 45-101.02 and 45-101.03. A licensee making a loan

pursuant to this subdivision may obtain an interest in any fixtures attached to such real estate and any insurance proceeds payable in connection with such real estate or the loan; or".

3. On page 4, line 6, after "45-138" insert "and subsection (6) of this section"; and in line 12 strike "45-155", show as stricken, and insert "45-158".

4. On page 9, line 5, strike "subsection (5)", show as stricken, and insert "subsections (5) and (6)".

5. On page 10, line 4, strike "A", show as stricken, and insert "Except as provided in subsection (6) of this section, a"; in lines 9 through 11 strike the new matter; after line 14 insert the following new subsection:

"(6)(a) Loans secured solely by real estate shall not be subject to the limitations on the rate of interest provided in subsection (1) of this section or the limitations on the nonrefundable loan origination fee under subsection (5) of this section if (i) the principal amount of the loan is seven thousand five hundred dollars or more and (ii) the sum of the principal amount of the loan and the balances of all other liens against the property do not exceed ninety percent of the appraised value of the property.

(b) An origination fee on such loan shall be computed only on the principal amount of the loan reduced by any portion of the principal that consists of the amount required to pay off another loan made by the same licensee.

(c) A prepayment penalty on such loan shall be permitted only if (i) the actual amount of the penalty to be assessed is stated in writing at the time the loan is made, (ii) the loan is prepaid in full within two years from the date of the loan, and (iii) the loan is prepaid with money other than the proceeds of another loan made by the same licensee. Such prepayment penalty shall not exceed six months interest on eighty percent of the original principal balance computed at the agreed rate of interest on the loan.

(d) A licensee making a loan pursuant to this subsection may obtain an interest in any fixtures attached to such real estate and any insurance proceeds payable in connection with such real estate or the loan."; in line 24 after "45-158" insert ", except for loans made pursuant to subsection (11) of section 45-101.04"; and in line 27 strike "45-155", show as stricken, and insert "45-158".

6. On page 12, line 14, after the period insert "(3)"; in line 15 after "licensees" insert ", including the expenses of travel incurred in the examination of books and records of licensees located outside Nebraska,"; and in line 20 after the period insert "The director may charge the costs of an investigation of a nonlicensed person to such person, and such costs shall be paid within thirty

13 days from receipt of billing.".

(Signed) David Landis, Chairperson

REPORTS

The following reports were received from the Nebraska Public Employees Retirement Systems for July 1, 1991, through June 30, 1992:

Forty-first Actuarial Valuation Report for the Nebraska School Retirement System.

Thirty-seventh Actuarial Valuation Report for the Nebraska State Patrolmen's Retirement System.

Twenty-seventh Actuarial Valuation Report for the Nebraska Judges' Retirement System.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 43.

UNANIMOUS CONSENT - Announcement

Mr. Wesely asked unanimous consent to permit the Health and Human Services Committee to conduct its hearings on March 3 and 4, 1993, in Room 1507, and to permit the Government, Military and Veterans Affairs Committee to meet in Room 1510. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 112. E & R amendment, AM5374, found in the Journal on page 685, was adopted.

Messrs. Hohenstein, Withem, and Avery renewed their pending amendment, AM0569, printed separately from the Journal and referred to on page 788.

The Hohenstein et al. amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Mr. Lindsay withdrew his pending amendment, AM0622, found in the Journal on page 815.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 370. E & R amendment, AM5378, found in the Journal on page 731, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 192. Advanced to E & R for engrossment.

LEGISLATIVE BILL 215. E & R amendment, AM5372, found in the Journal on page 733, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 122. Advanced to E & R for engrossment.
LEGISLATIVE BILL 288. Advanced to E & R for engrossment.
LEGISLATIVE BILL 356. Advanced to E & R for engrossment.

LEGISLATIVE BILL 91. E & R amendment, AM5376, found in the Journal on page 733, was adopted.

Messrs. Landis and Beutler renewed their pending amendment, AM0428, found in the Journal on page 720.

The Landis-Beutler amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 111. Advanced to E & R for engrossment.

LEGISLATIVE BILL 218. E & R amendment, AM5380, found in the Journal on page 756, was adopted.

Mr. Landis renewed his pending amendment, AM0561, found in the Journal on page 787.

The Landis amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 230. E & R amendment, AM5379, found in the Journal on page 757, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 270. E & R amendment, AM5381, found in the Journal on page 757, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 283. E & R amendment, AM5382, found in the Journal on page 757, was adopted.

Advanced to E & R for engrossment.

MOTION - Withdraw LB 620

Mr. Warner renewed his pending motion, found in the Journal on page 814, to withdraw LB 620.

MR. HALL PRESIDING

The Warner motion prevailed with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

MOTION - Return LB 190A to Select File

Mr. Baack moved to return LB 190A to Select File for his specific amendment, AM0562, found in the Journal on page 784.

The Baack motion to return prevailed with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 190A. The Baack specific amendment, AM0562, found in the Journal on page 784, was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Place LB 12 on General File

Mr. Kristensen renewed his pending motion, found in the Journal on page 814, to place LB 12 on General File notwithstanding the vote of the Judiciary Committee.

SPEAKER BAACK PRESIDING

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

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

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

Mr. Kristensen moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Kristensen requested a roll call vote on his motion to place LB 12 on General File.

Mr. Lindsay requested the roll call vote be taken in reverse order.

Voting in the affirmative, 29:

Ashford	Coordsen	Haberman	Jones	Robinson
Avery	Crosby	Hartnett	Kristensen	Schmitt
Baack	Cudaback	Hillman	McKenzie	Vrtiska
Bernard-Stevens	Day	Hohenstein	Moore	Warner
	Elmer	Hudkins	Pirsch	Wehrbein
Bromm	Fisher	Janssen	Robak	Witek

Voting in the negative, 14:

Abboud	Hall	Lindsay	Schimek	Will
Bohlke	Horgan	Lynch	Wesely	Withem
Chambers	Landis	Schellpeper	Wickersham	

Present and not voting, 1:

Preister

Excused and not voting, 5:

Beutler	Byars	Dierks	Pedersen	Rasmussen

The Kristensen motion lost with 29 ayes, 14 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 16, 16A, and 46.

Enrollment and Review Change to LB 46

The following changes, required to be reported for publication in the Journal, have been made:
ER7212

1. On page 3, line 23, "income" has been inserted after "joint".

(Signed) Kurt Hohenstein, Chairperson

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 582. Placed on General File.

(Signed) Doug Kristensen, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 398. Placed on General File as amended.
Standing Committee amendment to LB 398:
AM0613

1. On page 4, line 13, strike "first register" and insert "be registered"; strike beginning with "A" in line 14 through the period in line 18; and in line 23 strike "first".

LEGISLATIVE BILL 408. Placed on General File as amended.
Standing Committee amendment to LB 408:
AM0612

1. Insert the following new sections:

"Sec. 3. For purposes of sections 4 to 7 of this act, prescribed burning shall mean the controlled application of fire to existing vegetative fuels under specified environmental conditions and following appropriate precautionary measures, which causes the burning to be confined to a predetermined area, and accomplishes one or more planned land management objectives.

Sec. 4. Prescribed burning conducted pursuant to sections 3 to 7 of this act shall be:

(1) Considered a property right of the landowner; and

(2) Conducted in accordance with the procedures under sections 5 to 7 of this act.

Sec. 5. The fire chief of a local fire department or his or her designee shall waive an open burning ban under subsection (1) of section 81-520.01 by issuing a prescribed burning permit providing that:

(1) The prescribed burning shall be carried out under the supervision of the permitholder; and

(2) A plan for conducting the prescribed burning is submitted for evaluation to such fire chief by the applicant for such permit who shall be the landowner, tenant, or other landowner's agent of the land where such prescribed burning will take place. Such plan shall include:

(a) The name of the person who shall supervise the

prescribed burning;

(b) The land management objective to be accomplished;

(c) A map showing the areas to be burned, including natural and manmade firebreaks, and flammability of bordering areas;

(d) Procedures to be used to confine the fire in boundary areas without preexisting firebreaks;

(e) A list of equipment that will be on hand;

(f) A recognition of the presence of coniferous trees and other volatile fuels, if any;

(g) Identification of roads and habitations that may be affected by smoke; and

(h) A description of suitable weather conditions needed to safely and successfully conduct such prescribed burning, including wind speed and direction, temperature, and relative humidity.

Sec. 6. (1) Plans for conducting the prescribed burning shall be evaluated by the fire chief of a local fire department or his or her designee on an individual basis taking into account fuel types and quantities, flammability of surrounding areas, weather variables that may affect the plan, and other factors affecting the plan. No plan for conducting the prescribed burning shall be rejected unless the requirements in subdivision (2) of section 5 of this act are not met.

(2) After evaluation of such plan if the fire chief or his or her designee finds that all requirements in subdivision (2) of section 5 of this act are included, a prescribed burning permit shall be issued in accordance with the requirements in such plan.

(3) If the plan does not meet all such requirements, the plan shall be returned for correction of such defects, after which it may be returned for reevaluation by the local fire chief or his or her designee.

Sec. 7. Prescribed burning permits shall be valid for a specified fifteen-day period if all of the requirements set out in the approved plan are in effect at the time the prescribed burning is actually conducted. Before starting the prescribed burning, the permitholder shall notify the local fire department of the day or days of such burning.".

2. On page 2, line 7, after "ban" insert "pursuant to sections 3 to 7 of this act, or".

3. On page 3, line 1, after the period insert "No such fee shall be collected from any state or local political subdivision to which such a permit is issued to conduct open burning under subsection (2) of this section in the course of such state or local political subdivision's official duties."; and in line 5 after "81-520.01" insert "or violating section 7

of this act".

4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 637. Placed on General File as amended.
Standing Committee amendment to LB 637:
AM0611

1. Strike sections 2 to 6.

2. On page 2, lines 3 and 4, strike "7 and 10" and insert "2 and 5".

3. On page 8, line 16, strike "7" and insert "2"; in line 18 after "principal" insert an underscored period; strike beginning with "and" in line 18 through the period in line 19 and show as stricken; and in line 24 strike "19" and insert "14".

4. On page 11, line 2, strike "ten" and insert "five".

5. On page 12, strike lines 6 through 9.

6. On page 13, line 1, strike "7" and insert "2".

7. On page 17, lines 8, 16, and 19, strike "7" and insert "2"; in line 17 after after "act" insert "and any other funds received by the Clerk of the Legislature"; in line 19 after "act" insert "and may be used by the Clerk of the Legislature to carry out any other power or duty provided by law"; and strike beginning with "49-1449" in line 23 through the second comma in line 24.

8. Renumber the remaining sections accordingly.

(Signed) DiAnna R. Schimek, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Landis and Ashford asked unanimous consent to print the following amendment to LB 579 in the Journal. No objections. So ordered.

AM0619

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. It shall be the sole responsibility of the Executive Board of the Legislative Council to provide for an audit of the books, accounts, vouchers, records, and expenditures of the Legislature. A certified audit shall be made at such time as the board shall determine and shall be made at least once during each biennium.

The Executive Board of the Legislative Council shall contract with the Auditor of Public Accounts to conduct the audit and shall be responsible for the cost of the audit pursuant to the contract. The original copy of the report shall be filed in the Legislature's Accounting and Budgeting

Office, and one copy shall be filed with the Clerk of the Legislature.

If the Auditor of Public Accounts has reason to believe that statutes relating to the use of public property for personal use are being violated, he or she shall provide such information and records to the Executive Board of the Legislative Council for confidential review.

The records used and compiled pursuant to this section shall not be considered public records for purposes of sections 84-712 to 84-712.09.

The Executive Board of the Legislative Council shall, at the conclusion of the audit performed, prepare a report detailing the amount of expenditures of public funds made by each member of the Legislature, the total amount of long-distance phone calls made by each member of the Legislature, and the total amount of such calls designated by a member as sensitive or confidential in nature. Such report shall be reviewed by the member of the Legislature for accuracy and correctness. After such review, the report, including the information relating to long-distance phone calls, shall be made public by the Executive Board of the Legislative Council.

For purposes of this section, Legislature shall include the Legislative Council, the Executive Board of the Legislative Council, and members of the Legislature.

Sec. 2. That section 50-401.01, Revised Statutes Supplement, 1992, be amended to read as follows:

50-401.01. (1) The Legislative Council shall have an executive board, to be known as the Executive Board of the Legislative Council, which shall consist of a chairperson, a vice-chairperson, and six members of the Legislature, to be chosen by the Legislature at the commencement of each regular session of the Legislature when the speaker is chosen, and the Speaker of the Legislature. The Legislature at large shall elect two of its members from legislative districts Nos. 1, 2, 15, 16, 21, 23 to 30, 32, 34, 35, and 46, two from legislative districts Nos. 3 to 14, 20, 31, 39, and 45, and two from legislative districts Nos. 17 to 19, 22, 33, 36 to 38, 40 to 44, and 47 to 49. The Chairperson of the Committee on Appropriations shall serve as a nonvoting ex officio member of the executive board whenever the board is considering fiscal administration.

(2) The executive board shall:

(a) Supervise all services and service personnel of the Legislature and may employ and fix salaries for such personnel as may be needed to carry out the intent and activities of the Legislature or of the board, unless otherwise directed by the Legislature; and

(b) Appoint persons to fill the positions of

Legislative Fiscal Analyst, Director of Research, and Revisor of Statutes. The persons appointed to these positions shall have training and experience as determined by the executive board and shall serve at the pleasure of the executive board. Their respective salaries shall be set by the executive board.

(3) Except as provided in section 1 of this act, the executive board may contract to obtain legal, auditing, accounting, or other professional services or advice for or on behalf of the executive board, the Legislative Council, the Legislature, or any member of the Legislature. The providers of such services or advice shall meet or exceed the minimum professional standards or requirements established or specified by their respective professional organizations or licensing entities or by federal law. Such contracts, the deliberations of the executive board with respect to such contracts, and the work product resulting from such contracts shall not be subject to review or approval by any other entity of state government.

Sec. 3. That section 81-1120.27, Revised Statutes Supplement, 1992, be amended to read as follows:

81-1120.27. (1) The facilities of the state's telecommunications systems are provided for the conduct of state business. In addition, the state's telecommunications systems may be used by state employees and officials for local calls and ~~long-distance~~ long-distance calls to children at home, teachers, doctors, day care centers, and baby sitters, to family members to inform them of unexpected schedule changes, and for other essential personal business. The use of the state's telecommunications systems for essential personal business shall be kept to a minimum and shall not interfere with the conduct of state business. Essential personal ~~long-distance~~ long-distance calls shall be either collect, charged to a third-party, nonstate number, or charged to a personal credit card.

(2) A member of the Legislature, while engaged in legislative business, may make personal long-distance calls on the state telecommunications system or by using his or her state credit card. At the end of every month upon the member's receipt of his or her long-distance call record, the personal long-distance calls shall be designated by the member and the member billed for such calls. Reimbursement to the state for such personal long-distance calls by the member shall be made within thirty days from the date of designation.

(3) A member of the Legislature, at his or her own sole discretion, may designate any long-distance call as sensitive or confidential in nature. If a long-distance call is designated as sensitive or confidential in nature, any long-distance call record used in an audit shall contain only the date the long-distance call was made and the cost of the

call. In no case shall the Auditor of Public Accounts have access to a long-distance call number designated as sensitive or confidential in nature by the member without the written consent of the member. No calls made to or by a member of the Legislature which are sensitive or confidential in nature shall be required to be disclosed except that such calls shall be so designated by the member, and only the amount of the call and such designation shall be made available to the Auditor of Public Accounts.

For purposes of this subsection, sensitive or confidential in nature shall mean that either the member of the Legislature or the caller would reasonably expect that the nature or the content of the call would not be disclosed to another person without the consent of the member and the caller.

Sec. 4. That section 84-712.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-712.05. The following records, unless publicly disclosed in an open court, open administrative proceeding, or open meeting, or disclosed by a public entity pursuant to its duties, may be withheld from the public by the lawful custodian of the records:

(1) Personal information in records regarding a student, prospective student, or former student of any tax-supported educational institution maintaining such records, other than routine directory information;

(2) Medical records, other than records of births and deaths, in any form concerning any person, and also records of elections filed under section 44-2821;

(3) Trade secrets, academic and scientific research work which is in progress and unpublished, and other proprietary or commercial information which if released would give advantage to business competitors and serve no public purpose;

(4) Records which represent the work product of an attorney and the public body involved which are related to preparation for litigation, labor negotiations, or claims made by or against the public body; or which are confidential communications as defined in section 27-503;

(5) Records developed or received by law enforcement agencies and other public bodies charged with duties of investigation or examination of persons, institutions, or businesses, when the records constitute a part of the examination, investigation, intelligence information, citizen complaints or inquiries, informant identification, or strategic or tactical information used in law enforcement training;

(6) Appraisals or appraisal information and negotiation records, concerning the purchase or sale, by a

public body, of any interest in real or personal property, prior to completion of the purchase or sale;

(7) Personal information in records regarding personnel of public bodies other than salaries and routine directory information;

(8) Information solely pertaining to protection of the physical security of public property such as guard schedules or lock combinations;

(9) With respect to public utilities, personally identified private citizen account payment information, credit information on others supplied in confidence, and customer lists;

(10) Records or portions of records kept by a publicly funded library which, when examined with or without other records, reveal the identity of any library patron using the library's materials or services; and

(11) Correspondence, memoranda, and records of telephone calls related to the performance of duties by a member of the Legislature. The lawful custodian of such correspondence, memoranda, and records of telephone calls, whether created prior to, on, or after the effective date of this act, upon approval of the Executive Board of the Legislative Council, shall release such correspondence, memoranda, and records of telephone calls which are not designated as sensitive or confidential in nature pursuant to subsection (3) of section 81-1120.27 to the Auditor of Public Accounts pursuant to section 1 of this act. A member's correspondence, memoranda, and records of telephone calls related to the performance of his or her legislative duties shall only be released to any other person with the explicit approval of the member.

Sec. 5. That original section 84-712.05, Reissue Revised Statutes of Nebraska, 1943, and sections 50-401.01 and 81-1120.27, Revised Statutes Supplement, 1992, are repealed.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Landis asked unanimous consent to print the following amendment to LB 583 in the Journal. No objections. So ordered.

AM0564

1. Strike original sections 91 and 95 and all amendments thereto and insert the following new sections:

"Sec. 91. That section 44-3904, Revised Statutes Supplement, 1992, be amended to read as follows:

44-3904. ~~All licensees~~ (1) Licensees qualified to solicit property and casualty insurance shall be required to complete twenty-four hours of approved continuing education

activities in each two-year period. ~~All licensees~~ Licensees qualified to solicit assessment association insurance shall be required to complete twelve hours of approved continuing education activities in each two-year period. Licensees qualified to solicit only crop insurance or only fidelity and surety insurance shall be required to complete three hours of approved continuing education activities in each two-year period. Licensees qualified to solicit any other lines of insurance shall be required to complete six hours of approved continuing education activities in each two-year period for each line of insurance, including each miscellaneous line, in which he or she is licensed. Licensees who are neither agents nor brokers shall be required to complete twenty-four hours of continuing education activities in each two-year period. In each two-year period, every licensee shall furnish evidence to the director that he or she has satisfactorily completed the ~~required~~ hours of approved continuing education activities required under this subsection for each line of insurance in which he or she is licensed as a resident agent or broker, except that no licensee shall be required to complete more than twenty-four cumulative hours required under this subsection in any two-year period. ~~Licensees who are neither agents nor brokers shall be required to complete twenty-four hours of continuing education activities in each two-year period. Evidence~~

(2) In each two-year period commencing on or after January 1, 1994, licensees required to complete approved continuing education activities under subsection (1) of this section shall, in addition to such activities, be required to complete six hours of approved continuing education activities on insurance industry ethics, except that licensees qualified to solicit only crop insurance or only fidelity and surety insurance shall be required to complete three hours of approved continuing education activities on insurance industry ethics.

(3) When the requirements of this section have been met, the licensee shall furnish to the department evidence of completion for the current two-year period ~~shall be retained by each licensee and submitted to the department when the requirements of this section have been met~~ commencing before January 1, 1994, or commencing on or after January 1, 1994, and a filing fee as established by the director not to exceed five dollars.

Sec. 95. Except as otherwise provided by the Insurance Producers Licensing Act, no individual shall be eligible to apply for a license as an insurance agent unless he or she has completed the following prelicensing education requirements:

(1) An individual seeking a property and casualty

insurance license shall complete at least six hours of education on insurance industry ethics in addition to thirty-four hours of education in the area of property and casualty insurance;

(2) An individual seeking a life insurance and annuities license shall complete at least six hours of education on insurance industry ethics in addition to twenty-four hours of education in the area of life insurance and annuities;

(3) An individual seeking a sickness, accident, and health insurance license shall complete at least six hours of education on insurance industry ethics in addition to twenty-four hours of education in the area of sickness, accident, and health insurance of which at least six hours shall be in the area of medicare supplement insurance and long-term care insurance;

(4) An individual seeking a combined life insurance and annuities and sickness, accident, and health insurance license shall complete at least six hours of education on insurance industry ethics in addition to thirty-four hours of education in the area of life insurance and annuities and sickness, accident, and health insurance and of such thirty-four hours at least seventeen hours shall be in the area of life insurance and annuities and seventeen hours shall be in the area of sickness, accident, and health insurance, and of such seventeen hours in the area of sickness, accident, and health insurance at least six hours shall be in the area of medicare supplement insurance and long-term care insurance;

(5) An individual seeking a title insurance license shall complete at least six hours of education on insurance industry ethics in addition to six hours of education in the area of title insurance;

(6) An individual seeking an assessment association insurance license shall complete at least six hours of education on insurance industry ethics in addition to six hours of education in the area of the kinds of insurance issued by an assessment association; and

(7) An individual seeking a crop insurance license shall complete at least three hours of education on insurance industry ethics in addition to three hours in the area of crop insurance.".

2. On page 74, line 15, strike "October 1, 1993" and insert "January 1, 1994".

3. On page 76, line 15, after the first comma insert "the registered health underwriter designation, the certified employee benefit specialist designation,".

4. On page 102, line 17, strike the second "and" and after the last comma insert "and 44-3909 to 44-3916,".

Mr. Vrtiska asked unanimous consent to print the following amendment to LB 593 in the Journal. No objections. So ordered.

AM0571

1. On page 2, line 25, after the period insert "All property purchased by the county as a county court expense before the effective date of this act or on or after the effective date of this act shall remain the property of the county.".

ANNOUNCEMENT

The General Affairs Committee designates LB 231 as its priority bill.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans affairs

LB 545	Thursday, March 11, 1993	1:30 p.m.
LB 380	Thursday, March 11, 1993	1:30 p.m.
LB 355	Thursday, March 11, 1993	1:30 p.m.
LB 212	Thursday, March 11, 1993	1:30 p.m.

Governor Appointment Thursday, March 11, 1993 1:30 p.m.
Lora J. Villarreal - Nebraska State Personnel Board

(Signed) DiAnna R. Schimek, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 754A. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 754, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 291A. Introduced by Robak, 22.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 291, Ninety-third Legislature, First Session, 1993.

STANDING COMMITTEE REPORT
Education

The Committee on Education desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska State College Board of Trustees
Gerald A. Conway
Rick Kolkman

VOTE: Aye: Senators Withem, Warner, Beutler, McKenzie, and Wickersham. Nay: None. Absent: Senators Bohlke, Rasmussen, and Janssen.

(Signed) Ron Withem, Chairperson

GENERAL FILE

LEGISLATIVE BILL 579A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 27. The Witek pending amendment, AM0228, found in the Journal on page 580 and considered on page 815, to the pending Standing Committee amendment, was renewed.

Mrs. Witek withdrew her amendment.

The Standing Committee amendment, as amended, was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 44. Read. Considered.

LR 44 was adopted with 28 ayes, 0 nays, and 21 not voting.

GENERAL FILE

LEGISLATIVE BILL 377. Title read. Considered.

Standing Committee amendment, AM0238, found in the Journal on page 546, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

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

LEGISLATIVE BILL 536. Title read. Considered.

Standing Committee amendment, AM0237, printed separately from the Journal and referred to on page 547, was considered.

Mr. Wesely renewed his pending amendment, AM0377, found in the Journal on page 669 to the Standing Committee amendment.

The Wesely amendment was adopted with 19 ayes, 0 nays, 25 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Wesely renewed his pending amendment, AM0496, found in the Journal on page 751.

The Wesely amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 236. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 44. Title read. Considered.

Standing Committee amendment, AM0249, found in the Journal on page 547, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Cudaback asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Vrtiska asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 44A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 90. Title read. Considered.

Standing Committee amendment, AM0140, found in the Journal on page 547, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 256. Indefinitely postponed.
LEGISLATIVE BILL 257. Indefinitely postponed.
LEGISLATIVE BILL 415. Indefinitely postponed.
LEGISLATIVE BILL 475. Indefinitely postponed.
LEGISLATIVE BILL 504. Indefinitely postponed.
LEGISLATIVE BILL 641. Indefinitely postponed.

(Signed) David Landis, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 45. Introduced by Rasmussen, 20; Abboud, 12; Pirsch, 10; Withem, 14; Preister, 5; Chambers, 11; Lindsay, 9; Hall, 7; Will, 8.

WHEREAS, we acknowledge the importance of teaching our youth the needed skills to empower them with the knowledge for their future; and

WHEREAS, the Omaha Public School District has provided high school students with choices among the district's high schools for several years; and

WHEREAS, such choices have led to improved educational opportunities for students and integration of the district's high schools; and

WHEREAS, competition among the district's high schools has been a positive factor in encouraging technological and curricular innovation; and

WHEREAS, the Omaha Public School District has been recognized as "urban education's gem in the middle of the prairie" and as "the stop for most people looking around for new ideas" in a recent article in Newsweek magazine.

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

1. That the Legislature recognizes the Omaha Public School District for its innovation in school choice and for its development of educational opportunities for students.

2. That the Legislature congratulates and honors the Omaha Public School District for having gained national recognition in the February 15, 1993, issue of Newsweek magazine as a model for providing school choice.

3. That a copy of this resolution be sent to Norbert Schuerman, Superintendent of the Omaha Public Schools.

Laid over.

LEGISLATIVE RESOLUTION 46. Introduced by Bernard-Stevens, 42; Rasmussen, 20.

WHEREAS, it is imperative that substantive, fundamental reforms occur within the system providing services to Nebraska's children and families; and

WHEREAS, Nebraska cannot afford to absorb increases in state wards, increases in training school populations, and subsequent increases in our prison population when current interventions fail. The cost is not just financial but in lost human potential and in the well-being of our children and families; and

WHEREAS, the Legislature recognizes that Nebraska needs to develop a single, comprehensive plan for children and family services -- one providing for an integrated system of services encompassing child welfare, juvenile justice, mental health, health, education, and a system providing a focus on families and communities.

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

1. That the Legislature supports Governor Nelson's directives regarding coordination of the various statewide planning initiatives. All initiatives will be submitted to both the Governor's Children and Family Policy Advisor and to the Youth Services Planning Commission.

2. That the Legislature looks forward to the future development and passage of reform legislation providing a single comprehensive children and family services plan.

Laid over.

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 21	Thursday, March 11, 1993 (Cancelled)	1:30 p.m.
LB 21	Wednesday, March 17, 1993 (Reset)	2:30 p.m.
LB 22	Thursday, March 11, 1993	1:30 p.m.

LB 774	Wednesday, March 17, 1993	2:30 p.m.
LB 562	Wednesday, March 17, 1993	2:30 p.m.
LB 713	Wednesday, March 17, 1993	2:30 p.m.
LB 195	Thursday, March 18, 1993	2:30 p.m.
LB 745	Thursday, March 18, 1993	2:30 p.m.

(Signed) Jerome Warner, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 496A. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 496, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 124A. Introduced by Landis, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 124, Ninety-third Legislature, First Session, 1993.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on Governor appointments.

Anstine, Phyllis - Crime Victim's Reparations Committee -- Government, Military and Veterans Affairs

McClure, Harold F. - Nebraska Educational Telecommunications Commission -- Education

Rankin, Sharon - Nebraska Educational Telecommunications Commission -- Education

Rogers, Vance - Nebraska Educational Telecommunications Commission -- Education

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Print in Journal

Mr. Lindsay asked unanimous consent to print the following amendment to LB 363 in the Journal. No objections. So ordered.

AM0451

1. On page 2, line 18, after the period insert "Any judge who relied upon this section as it existed on July 15, 1992, and purchased service credit by paying into the retirement system the amount due plus interest on that amount due which would have accrued under the retirement system provided by sections 24-701 to 24-714 shall be entitled to a refund from the retirement system of the interest paid for the last year of payment, without interest thereon.".

UNANIMOUS CONSENT - Add Cointroducers

Mr. Elmer asked unanimous consent to have his name added as cointroducer to LB 241. No objections. So ordered.

Mr. Ashford asked unanimous consent to have his name added as cointroducer to LB 241. No objections. So ordered.

Mr. Haberman asked unanimous consent to have his name added as cointroducer to LB 627. No objections. So ordered.

Mr. Chambers asked unanimous consent to have his name added as cointroducer to LB 27. No objections. So ordered.

VISITORS

Visitors to the Chamber were Jim Sorenson from Omaha; and 45 members of PTA and students from across the state.

The Doctor of the Day was John Wilcox from Aurora.

ADJOURNMENT

At 12:04 p.m., on a motion by Mr. Schmitt, the Legislature adjourned until 9:00 a.m., Thursday, March 4, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-SIXTH DAY - MARCH 4, 1993

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 4, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Alvin Trucano, United Methodist Church, Table Rock, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Byars who was excused; and Messrs. Ashford, Beutler, Chambers, Landis, Lindsay, Moore, Pedersen, and Mrs. Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 384. Placed on Select File as amended.
E & R amendment to LB 384:
AM5394

1. On page 1, line 4, strike "relating to" and insert "for".

2. On page 2, lines 6 and 8; and page 3, lines 2 and 13, reinstate the stricken commas.

3. On page 2, line 25, strike the new matter and insert ". Any"; and strike "that any" and show as stricken.

LEGISLATIVE BILL 369. Placed on Select File.

(Signed) Kurt A. Hohenstein, Chairperson

ANNOUNCEMENTS

The Education Committee designates LB 348 as its priority bill.

Mr. Bernard-Stevens designates LB 495 as his priority bill.

UNANIMOUS CONSENT - Member Excused

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

MESSAGES FROM THE GOVERNOR

February 24, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Boiler Safety Code Advisory Board, requiring legislative approval.

APPOINTEE: Cindy Krom, 406 W. 20 Street, Bellevue, NE 68005

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

February 24, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Boiler Safety Code Advisory Board, requiring legislative approval.

APPOINTEE: Raymond F. Otter, 11510 Ruggles Street, Omaha, NE 68124

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

February 25, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Boiler Safety Code Advisory Board, requiring legislative approval.

APPOINTEE: Raymond O. Farris, P.E., Farris Engineers, Inc., 11239 Chicago Circle, Omaha, NE 68154

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

February 25, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Boiler Safety Code Advisory Board, requiring legislative approval.

APPOINTEE: Robert W. Allen, 3588 Nearpark Drive, Lincoln, NE 68506

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

REPORT

Received annual report from the Nebraska Energy Office for July 1, 1991, through June 30, 1992, in accordance with Section 81-1607, Nebraska Revised Statutes (1988 Supplement).

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 404. Placed on General File as amended.
Standing Committee amendment to LB 404:
AM0533

1. On page 6, line 3, after "Any" insert "nonprofit art club may contract with its artist members to waive liability for the loss of or damage to works of fine art. Any other".

LEGISLATIVE BILL 603. Placed on General File as amended.
Standing Committee amendment to LB 603:
AM0631

1. On page 2, strike lines 16 through 18 and insert "For purposes of this section, a sale to such failed bank of federal funds which are deemed to be unsecured for any reason shall be deemed to be deposits not otherwise secured, and the seller of such federal funds shall be deemed to be a depositor.".

LEGISLATIVE BILL 611. Placed on General File as amended.
Standing Committee amendment to LB 611:
AM0634

1. On page 3, strike beginning with "in" in line 16 through "section" in line 17; and strike lines 18 through 22 and insert "by the next regularly scheduled meeting of the board of directors, make a written report to the board of directors of the bank of which he or she is an executive officer stating the date and amount of such loan or indebtedness, the security therefor, and the purpose for which the proceeds have been or are to be used.".

(Signed) David Landis, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 44.

MOTION - Approve Appointments

Mr. Withem moved the adoption of the report of the Education Committee for the following Governor appointments found in the Journal on page 845: Gerald A. Conway and Rick Kolkman - Nebraska State College Board of Trustees.

Voting in the affirmative, 32:

Abboud	Coordsen	Hillman	Preister	Vrtiska
Avery	Crosby	Hohenstein	Robak	Wehrbein
Baack	Dierks	Horgan	Robinson	Wesely
Bernard-Stevens	Elmer	Hudkins	Schellpeper	Wickersham
	Fisher	Janssen	Schimek	Will
Bohlke	Hall	McKenzie	Schmitt	Withem
Bromm	Hartnett	Pirsch		

Voting in the negative, 0.

Present and not voting, 7:

Cudaback	Jones	Lynch	Warner	Witek
Day	Kristensen			

Excused and not voting, 10:

Ashford	Byars	Haberman	Lindsay	Pedersen
Beutler	Chambers	Landis	Moore	Rasmussen

These appointments were confirmed with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 63.

A BILL FOR AN ACT relating to plastic containers; to adopt the Plastic Container Coding Act; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud	Coordsen	Hillman	McKenzie	Vrtiska
Ashford	Crosby	Hohenstein	Pirsch	Warner
Avery	Cudaback	Horgan	Preister	Wehrbein
Baack	Day	Hudkins	Robak	Wesely
Bernard-Stevens	Dierks	Janssen	Robinson	Wickersham
Beutler	Elmer	Jones	Schellpeper	Will
Bohlke	Fisher	Kristensen	Schimek	Witek
Bromm	Hall	Lynch	Schmitt	Withem
	Hartnett			

Voting in the negative, 0.

Excused and not voting, 8:

Byars	Haberman	Lindsay	Pedersen	Rasmussen
Chambers	Landis	Moore		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 163.

A BILL FOR AN ACT relating to explosives; to amend sections 28-1213, 28-1229, 28-1233, and 28-1239, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to change provisions relating to the issuance of permits, recordkeeping, and notification of use or storage of explosives; to provide a penalty; to provide for the surrender of certain war trophies and other explosive materials as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Crosby	Hohenstein	Pedersen	Vrtiska
Ashford	Cudaback	Horgan	Pirsch	Warner
Avery	Day	Hudkins	Preister	Wehrbein
Baack	Dierks	Janssen	Robak	Wesely
Bernard-Stevens	Elmer	Jones	Robinson	Wickersham
Beutler	Fisher	Kristensen	Schellpeper	Will
Bohlke	Hall	Lynch	Schimek	Witek
Coordsen	Hartnett	McKenzie	Schmitt	Withem
	Hillman			

Voting in the negative, 0.

Present and not voting, 1:

Bromm

Excused and not voting, 7:

Byars	Haberman	Lindsay	Moore	Rasmussen
Chambers	Landis			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 182.

A BILL FOR AN ACT relating to public power and irrigation districts; to amend section 70-624.03, Reissue Revised Statutes of Nebraska, 1943; to provide that directors may be considered employees for insurance purposes; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 35:

Abboud	Cudaback	Horgan	Pedersen	Warner
Baack	Day	Hudkins	Preister	Wehrbein
Bernard-Stevens	Dierks	Janssen	Robak	Wesely
	Elmer	Jones	Robinson	Wickersham
Beutler	Hartnett	Kristensen	Schellpeper	Will
Bohlke	Hillman	Lynch	Schmitt	Witek
Coordsen	Hohenstein	McKenzie	Vrtiska	Withem
Crosby				

Voting in the negative, 1:

Hall

Present and not voting, 6:

Ashford	Bromm	Fisher	Pirsch	Schimek
Avery				

Excused and not voting, 7:

Byars	Haberman	Lindsay	Moore	Rasmussen
Chambers	Landis			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 48.

A BILL FOR AN ACT relating to massage therapy; to amend sections 71-101 and 71-1,278, Revised Statutes Supplement, 1992; to provide for issuance and revocation of a temporary license; to provide a fee; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Coordsen	Hillman	McKenzie	Vrtiska
Ashford	Crosby	Hohenstein	Pedersen	Warner
Avery	Cudaback	Horgan	Pirsch	Wehrbein
Baack	Day	Hudkins	Preister	Wesely
Bernard-Stevens	Dierks	Janssen	Robak	Wickersham
	Elmer	Jones	Robinson	Will
Beutler	Fisher	Kristensen	Schellpeper	Witek
Bohlke	Hall	Lindsay	Schimek	Withem
Bromm	Hartnett	Lynch	Schmitt	

Voting in the negative, 0.

Excused and not voting, 6:

Byars	Haberman	Landis	Moore	Rasmussen
Chambers				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 57.

A BILL FOR AN ACT relating to the Antique Farm Machinery and Equipment Commission; to amend section 51-601, Reissue Revised Statutes of Nebraska, 1943; to increase the membership of the commission; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Coordsen	Hillman	Lynch	Schmitt
Ashford	Crosby	Hohenstein	McKenzie	Vrtiska
Avery	Cudaback	Horgan	Pedersen	Warner
Baack	Day	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Dierks	Janssen	Preister	Wesely
	Elmer	Jones	Robak	Wickersham
Beutler	Fisher	Kristensen	Robinson	Will
Bohlke	Hall	Landis	Schellpeper	Witek
Bromm	Hartnett	Lindsay	Schimek	Withem

Voting in the negative, 0.

Excused and not voting, 5:

Byars	Chambers	Haberman	Moore	Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 109.

A BILL FOR AN ACT relating to state employees; to eliminate certain prohibitions on cross-employment; and to repeal sections 68-701.03, 83-101.09, and 83-903, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Abboud	Coordsen	Hillman	Lynch	Schmitt
Ashford	Crosby	Hohenstein	McKenzie	Vrtiska
Avery	Cudaback	Horgan	Pedersen	Warner
Baack	Day	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Dierks	Janssen	Preister	Wesely
	Elmer	Jones	Robak	Wickersham
Beutler	Fisher	Kristensen	Robinson	Will
Bohlke	Hall	Landis	Schellpeper	Witek
Bromm	Hartnett	Lindsay	Schimek	Withem

Voting in the negative, 0.

Excused and not voting, 5:

Byars	Chambers	Haberman	Moore	Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 226.

A BILL FOR AN ACT relating to barbers; to amend sections 71-201, 71-202, 71-202.01, 71-208.02, 71-208.07, 71-216, 71-219, 71-222, 71-223, 71-223.02, 71-224, 71-238, 71-239, and 71-242, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the practice of barbering, the licensure and registration of barbers, instructors, shops, and schools, fees set by the Board of Barber Examiners, per diems of the board, advertising by a barber school, and reciprocity; to eliminate provisions relating to apprentice barbers; to harmonize provisions; and to repeal the original sections, and also section 71-249, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Abboud	Coordsen	Hillman	Lynch	Schmitt
Ashford	Crosby	Hohenstein	McKenzie	Vrtiska
Avery	Cudaback	Horgan	Pedersen	Warner
Baack	Day	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Dierks	Janssen	Preister	Wesely
	Elmer	Jones	Robak	Wickersham
Beutler	Fisher	Kristensen	Robinson	Will
Bohlke	Hall	Landis	Schellpeper	Witek
Bromm	Hartnett	Lindsay	Schimek	Withem

Voting in the negative, 0.

Excused and not voting, 5:

Byars	Chambers	Haberman	Moore	Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 247.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-1576, 2-1579, 2-1584, and 2-1585, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to legislative intent; to provide for funding water quality projects and practices from the Nebraska Soil and Water Conservation Fund; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Crosby	Hohenstein	McKenzie	Schmitt
Ashford	Cudaback	Horgan	Pedersen	Vrtiska
Avery	Day	Hudkins	Pirsch	Warner
Baack	Dierks	Janssen	Preister	Wehrbein
Bernard-Stevens	Elmer	Jones	Rasmussen	Wesely
Beutler	Fisher	Kristensen	Robak	Wickersham
Bohlke	Hall	Landis	Robinson	Will
Bromm	Hartnett	Lindsay	Schellpeper	Witek
Coordsen	Hillman	Lynch	Schimek	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Byars	Chambers	Haberman	Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 261.

A BILL FOR AN ACT relating to collection agencies; to amend sections 45-601, 45-602, 45-604, 45-605, 45-607 to 45-616, 45-619, 45-622, 71-3205, and 77-377.01, Reissue Revised Statutes of Nebraska, 1943, and sections 45-603, 45-606, 45-620, and 45-621, Revised Statutes Supplement, 1992; to name an act; to define a term; to create the Collection Agency Licensing Board; to change provisions relating to the licensing of collection agencies; to provide powers and duties for the board and eliminate powers and duties of the Secretary of State; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Bernard-Stevens	Coordsen	Elmer	Hohenstein
Ashford	Beutler	Crosby	Fisher	Horgan
Avery	Bohlke	Cudaback	Hall	Hudkins
Baack	Bromm	Day	Hartnett	Janssen
		Dierks	Hillman	Jones

Kristensen	Pedersen	Robinson	Vrtiska	Wickersham
Landis	Pirsch	Schellpeper	Warner	Will
Lindsay	Preister	Schimek	Wehrbein	Witek
Lynch	Rasmussen	Schmitt	Wesely	Withem
McKenzie	Robak			

Voting in the negative, 0.

Excused and not voting, 4:

Byars	Chambers	Haberman	Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 316. With Emergency.

A BILL FOR AN ACT relating to physician assistants; to amend sections 71-1,107.16, 71-1,107.17, and 71-1,107.20, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to supervision as provided; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Cudaback	Horgan	Pedersen	Vrtiska
Ashford	Day	Hudkins	Pirsch	Warner
Avery	Dierks	Janssen	Preister	Wehrbein
Baack	Elmer	Jones	Rasmussen	Wesely
Beutler	Fisher	Kristensen	Robak	Wickersham
Bohlke	Hall	Landis	Robinson	Will
Bromm	Hartnett	Lindsay	Schellpeper	Witek
Coordsen	Hillman	Lynch	Schimek	Withem
Crosby	Hohenstein	McKenzie	Schmitt	

Voting in the negative, 0.

Present and not voting, 1:

Bernard-
Stevens

Excused and not voting, 4:

Byars	Chambers	Haberman	Moore

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 439.

A BILL FOR AN ACT relating to water; to amend section 46-673.11, Reissue Revised Statutes of Nebraska, 1943, and sections 46-657, 46-673.09, and 46-673.10, Revised Statutes Supplement, 1992; to redefine a term; to change provisions relating to methods of regulating water use in control and management areas; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Cudaback	Horgan	Pedersen	Vrtiska
Ashford	Day	Hudkins	Pirsch	Warner
Avery	Dierks	Janssen	Preister	Wehrbein
Baack	Elmer	Jones	Rasmussen	Wesely
Beutler	Fisher	Kristensen	Robak	Wickersham
Bohlke	Hall	Landis	Robinson	Will
Bromm	Hartnett	Lindsay	Schellpeper	Witek
Coordsen	Hillman	Lynch	Schimek	Withem
Crosby	Hohenstein	McKenzie	Schmitt	

Voting in the negative, 0.

Present and not voting, 1:

Bernard-
Stevens

Excused and not voting, 4:

Byars	Chambers	Haberman	Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 63, 163, 182, 48, 57, 109, 226, 247, 261, 316, and 439.

GENERAL FILE

LEGISLATIVE BILL 588A. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 155. Title read. Considered.

Standing Committee amendment, AM0552, found in the Journal on page 822, was considered.

SPEAKER BAACK PRESIDING

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

The Standing Committee amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 364. Title read. Considered.

Standing Committee amendment, AM0599, found in the Journal on page 803, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 246. Title read. Considered.

SPEAKER BAACK PRESIDING

Advanced to E & R for review with 31 ayes, 3 nays, 11 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 411. Placed on General File.

LEGISLATIVE BILL 275. Placed on General File as amended.
Standing Committee amendment to LB 275:
AM0437
1 1. On page 2, line 26, strike the semicolons and

insert underscored commas and strike "or"; and in line 28 after "advertisement" insert "; or (6) placed by a live operator and a prerecorded message is not utilized".

2. On page 3, line 26, after "telephone" insert "solicitation".

3. On page 4, line 6, after "solicitation" insert "using an automatic dialing-announcing device".

4. On page 6, line 8, strike "and such" and insert "or such alternative or".

5. On page 9, line 15, after "regulations" insert "adopted and promulgated thereunder".

LEGISLATIVE BILL 305. Placed on General File as amended.
Standing Committee amendment to LB 305:
AM0353

1. Strike section 5 and insert the following new section:

"Sec. 5. That section 86-904, Revised Statutes Supplement, 1992, be amended to read as follows:

~~86-904.~~ (1)(a) Each ~~Beginning January 1, 1991, each~~ telephone company in Nebraska shall collect from each of the telephone subscribers a surcharge not to exceed ~~ten~~ twenty-five cents per month on each telephone access line in Nebraska, including cellular telephone service. The surcharge shall only be collected on the first one hundred telephone access lines per ~~customer~~ subscriber. The ~~telephone~~ companies shall add the surcharge to each ~~customer's~~ subscriber's local telephone bill.

(b) The telephone companies shall not be liable for any surcharge not paid by a ~~customer~~ subscriber and shall not be obligated to take legal action to collect the surcharge.

(2) Before ~~September 1, 1990, and before September 1~~ October 1 of each year, ~~thereafter,~~ the commission shall hold a public hearing to determine the amount of surcharge necessary to carry out the ~~purpose specified in section 86-901~~ Telecommunications Relay System Act. After the hearing, the commission shall set the surcharge at the level necessary to fund the statewide ~~dual-party~~ telecommunications relay system for the following year plus a reasonable reserve. The surcharge ~~shall be effective on January 1, 1991, and any changes in the rate~~ shall become effective on January 1 following the change.

(3) In an emergency the commission may adjust the amount of the surcharge to become effective before such date but only after a public hearing for such purpose.

(4) The proceeds from the surcharge shall be remitted to the commission monthly no later than thirty days after the end of the month in which they were collected together with forms ~~to be~~ provided by the commission. The

commission shall remit the funds to the State Treasurer for credit to the fund.

(5) The commission may require an audit of any telephone company collecting the surcharge ~~under this section~~ pursuant to the act.".

LEGISLATIVE BILL 317. Placed on General File as amended.
Standing Committee amendment to LB 317:
AM0387

1. Strike the original sections and insert the following new sections:

"Section 1. That section 13-1201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

13-1201. Sections 13-1201 to 13-1212 and section 2 of this act shall be known and may be cited as the Nebraska Public Transportation Act of 1975.

Sec. 2. Recipients of state funds under the Nebraska Public Transportation Act of 1975 for any city bus system operating over regularly scheduled routes in cities of the primary class may provide or designate that fares charged low-income persons may be discounted up to one-half of the rates generally applicable to other persons at peak hours for each one-way trip. Such recipient of state funds under the act may designate certain peak hours during which this section shall not apply. For purposes of this section, low-income persons shall mean persons whose income is at or below one hundred fifty percent of the current amount determined and published periodically by the federal government as the national poverty income level without regard to other resources.

Sec. 3. That original section 13-1201, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

LEGISLATIVE BILL 421. Placed on General File as amended.
Standing Committee amendment to LB 421:
AM0666

1. On page 3, line 8, after "for" insert "seeding and other"; strike beginning with line 9 through the first "or" in line 10 and insert a comma; and in line 10 after "locations" insert ", or (d) maintenance or rebuilding of railroad track or facilities located on a railroad right-of-way by the railroad company or its contractors".

2. On page 8, line 12, after "identification" insert "plus one-half of the width of the underground facility".

LEGISLATIVE BILL 671. Placed on General File as amended.
Standing Committee amendment to LB 671:
AM0463

1. On page 2, strike beginning with "has" in line 6 through the period in line 7 and insert "is eligible to operate a motor vehicle pursuant to subsection (2) of section 39-669.16.".

2. On page 14, strike lines 4 through 11, show as stricken, and insert:

"(2) At the expiration of thirty days after an order of revocation is entered under subsection (1) of this section, any person whose operator's license has been administratively revoked for a period of ninety days for submitting to a chemical test pursuant to section 39-669.08 which disclosed the presence of a concentration of alcohol in violation of section 39-669.07 (a) may make application to the director for issuance of an employment driving permit pursuant to section 60-4,130 and (b) is eligible for an order pursuant to section 1 of this act to operate a motor vehicle equipped with an ignition interlock device. This subsection shall not apply to nor shall any person be eligible for the benefit of this subsection during any period of time during which his or her operator's license is subject to an administrative revocation order (i) for refusal to submit to a chemical test of blood, breath, or urine as required by section 39-669.08 or (ii) for a period of more than ninety days for submitting to a chemical test pursuant to section 39-669.08 which disclosed the presence of a concentration of alcohol in violation of section 39-669.07.".

(Signed) Doug Kristensen, Chairperson

Natural Resources

LEGISLATIVE BILL 596. Placed on General File as amended.
Standing Committee amendment to LB 596:
AM0656

1. Strike the original sections and insert the following new section:

"Section 1. That section 37-414, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-414. Any person who shall violate any of the provisions of ~~sections~~ section 37-412 ~~and 37-413~~ shall be guilty of a Class I misdemeanor.

Sec. 2. That section 37-420, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-420. It shall be unlawful within the boundaries of the state game refuges designated in sections 37-412 and 37-418 for any person ~~or persons at any time~~ to hunt, kill, capture, or chase with dogs, any game birds, game animals, or other birds or animals of any kind or description whatever, ~~or~~ to carry firearms of any kind, to have dogs, or from October

15 through January 15 each year to operate a motorboat as defined in section 37-1204. This section ~~within the limits of said game refuges, as designated in section 37-418; PROVIDED, this~~ shall not prevent anyone from carrying firearms or dogs across the ~~preserve~~ refuge at any point on ~~said~~ such refuge, ~~nor shall it prevent any person~~ from retrieving game birds lawfully killed from such refuge, or from taking fur-bearing animals by the use of traps during lawful open seasons on the refuge. This section shall not ~~same, nor shall it~~ prevent the Game and Parks Commission from issuing such permits as may be ~~deemed~~ necessary for the killing of animal or bird predators that may endanger game birds or game animals or the domestic property of adjacent landowners or from issuing permits as provided in section 37-215 for the taking of deer from such refuges whenever the number of deer on such refuges is deemed ~~to be~~ detrimental to habitat conditions on the refuges or to adjacent privately owned real or personal property. This section shall not prevent the owners of land or dwellings or their relatives or invitees from operating any motorboat within the boundaries of the refuge for purposes of access by the most direct route to and from such land or dwellings.

Sec. 3. That original sections 37-414 and 37-420, Reissue Revised Statutes of Nebraska, 1943, and also section 37-413, Revised Statutes Supplement, 1992, are repealed.".

(Signed) Chris Beutler, Chairperson

Transportation

LEGISLATIVE BILL 453. Placed on General File as amended.
Standing Committee amendment to LB 453:
AM0665

1. On page 3, lines 3 and 4, strike "Governor's Policy Research Office" and insert "division of communications of the Department of Administrative Services".

(Signed) Doug Kristensen, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Avery, Cudaback, Hartnett, Chambers, Dierks, and Mrs. Hudkins asked unanimous consent to print the following amendment to LB 553 in the Journal. No objections. So ordered.

AM0675

1. Strike the original sections and insert the following new sections:

"Section 1. That section 37-101, Revised Statutes Supplement, 1992, be amended to read as follows:

37-101. For purposes of the Game Law, unless the context otherwise requires:

(1) Captive propagation shall mean to hold live raptors in a controlled environment that is intensively manipulated by humans for the purpose of producing raptors of selected species and that has boundaries designed to prevent raptors, eggs, or gametes of the selected species from entering or leaving the controlled environment;

(2) Commercial exploitation shall mean buying, selling, or bartering for economic or financial gain by any person, partnership, association, or corporation;

~~(2)~~ (3) Commission shall mean the Game and Parks Commission;

(4) Ecologic harm shall mean loss, disadvantage, or injury to the relationships between organisms and their environment;

(5) Economic harm shall mean loss, disadvantage, or injury to personal or material resources;

~~(3)~~ (6) Falconry shall mean the sport of taking quarry by means of a trained raptor;

~~(4)~~ (7) Fur harvesting shall mean taking or attempting to take any fur-bearing animal by any means as prescribed by rules and regulations of the commission;

~~(5)~~ (8) Fur-bearing animals shall mean all beaver, martens, minks, except mutation minks, muskrats, raccoons, opossums, and otters;

~~(6)~~ (9) Game shall mean all game fish, bullfrogs, snapping turtles, tiger salamanders, mussels, crows, game animals, fur-bearing animals, game birds, and all other birds and creatures protected by the Game Law;

~~(7)~~ (10) Game animals shall mean all antelope, cottontail rabbits, deer, elk, mountain sheep, and squirrels;

~~(8)~~ (11) Game birds shall mean coots, cranes, curlew, doves, ducks, geese, grouse, partridges, pheasants, plovers, prairie chickens, quail, rails, snipes, swans, woodcocks, wild turkeys, and all migratory waterfowl;

~~(9)~~ (12) Game fish shall mean all fish except buffalo, carp, gar, quillback, sucker, and gizzard shad;

~~(10)~~ (13) Hunt shall mean to take, pursue, shoot, kill, capture, collect, or attempt to take, pursue, shoot, capture, collect, or kill;

~~(11)~~ (14) Officer shall mean every person authorized to enforce the Game Law;

~~(12)~~ (15) Person, owner, proprietor, grantee, lessee, and licensee shall mean and include individuals, partnerships, associations, corporations, and municipalities;

~~(13)~~ (16) Raptor shall mean any bird of the Falconiformes or Strigiformes, except the golden and bald eagles;

~~(14)~~ (17) Raw fur shall mean the green pelts of any fur-bearing animal except commercially reared mutations;

~~(15)~~ (18) Trapping shall mean to take or attempt to take any fur-bearing animal by any snare, steel-jawed spring trap, or box trap; and

~~(16)~~ (19) Upland game birds shall mean all species and subspecies of quail, partridges, pheasants, wild turkeys, and grouse, including prairie chickens, on which an open season is in effect.

Sec. 2. That section 37-102, Revised Statutes Supplement, 1992, be amended to read as follows:

37-102. Sections 37-101 to 37-726 and 37-1401 to 37-1408 and sections 5 to 10 of this act shall be known and may be cited as the Game Law.

Sec. 3. That section 37-702, Revised Statutes Supplement, 1992, be amended to read as follows:

37-702. Any ~~citizen~~ resident of Nebraska who qualifies as a commercial fish culturist, after securing a permit as provided in sections 37-703 and 37-704, may establish and maintain upon private lands, ponds for the culture and propagation of game fish or minnows, subject to the restrictions imposed by the Game Law.

Sec. 4. That section 37-719, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-719. It shall be unlawful for any person, partnership, association, or corporation to import into the state or possess the animal known as the San Juan rabbit or any other species of wild vertebrate animal declared by the Game and Parks Commission following public hearing to constitute a serious threat to economic or ecologic conditions, except ~~; PROVIDED,~~ that the ~~Game and Parks Commission~~ commission may authorize by specific written permit the acquisition and possession of such species for educational or scientific purposes. It shall also be unlawful to release to the wild any nonnative bird; or nonnative mammal~~, reptile or amphibian or to release any nonnative fish to streams and other waters or to release in public waters in this state any fish not taken therefrom,~~ without written authorization from the ~~Game and Parks Commission~~ commission. Any person, partnership, association, or corporation violating the provisions of this section shall be guilty of a Class IV misdemeanor.

Sec. 5. It is the intent of the Legislature to prevent the importation into the State of Nebraska any live fish, mollusk, reptile, crustacean, or amphibian which may cause economic or ecologic harm or be injurious to human beings, to agriculture, horticulture, forestry, or to wildlife or wildlife resources of the state. It is further the intent of the Legislature to prevent the commercial exploitation of

dead or live fish, mollusk, reptile, crustacean, and amphibian taken from the wild.

Sec. 6. It shall be unlawful for any person to import into the state or release to the wild any live fish, mollusk, reptile, crustacean, or amphibian including the viable gametes, eggs or sperm, except those which are approved by rules and regulations of the commission pursuant to sections 9 and 10 of this act. It shall be unlawful to commercially exploit or export from the state any dead or live fish, mollusk, reptile, crustacean, or amphibian taken from the wild except those which are exempted by rules and regulations of the commission pursuant to sections 9 and 10 of this act.

Any person violating this section shall be guilty of a Class IV misdemeanor.

Sec. 7. Section 6 of this act shall not apply to:

(1) The importation by a person engaged in the business of buying for the purpose of selling, canning, preserving, processing, or handling for shipments or sale for immediate or future consumption fish, oysters, clams, crabs, shrimp, prawns, lobsters, or other commercial edible aquatic products;

(2) The importation and exportation of legally acquired game species;

(3) The buying, selling, bartering, importing, exporting, or otherwise disposing of any wildlife produced at any municipal, state, or federal museum, zoo, park, refuge, or wildlife area; and

(4) The importation of tropical fish, goldfish, reptiles, and amphibians intended for exhibition, aquarium, or other totally contained purposes.

This section shall not be construed to allow the importation or possession of a species otherwise protected or regulated by the Game Law.

Sec. 8. Nothing in section 6 of this act shall be construed to prevent the continuous shipment in interstate commerce of live fish, mollusks, reptiles, crustaceans, and amphibians or eggs of such species for breeding or stocking purposes when such shipment shall originate outside of this state and terminate outside of this state.

Sec. 9. The commission may adopt and promulgate rules and regulations prohibiting the importation into the state or the release to the wild any fish, mollusk, reptile, crustacean, or amphibian which may cause economic or ecologic harm and prohibiting the commercial exploitation or exportation of any fish, mollusk, reptile, crustacean, or amphibian. Such rules and regulations may include (1) provisions for scientific or educational purposes as provided in section 37-209, (2) provisions for commercial seining

vendors as provided in section 37-502, (3) provisions for bait vendors as provided in section 37-503, (4) provisions for commercial fish culturists as provided in section 37-702, (5) limitations on the fish, mollusk, reptile, crustacean, or amphibian species which may be imported into the state or released to the wild, and (6) provisions for fish, mollusks, reptiles, crustaceans, and amphibians taken from the wild which may be commercially exploited or exported from the state. Any person who imports, exports, or commercially exploits any fish, mollusk, reptile, crustacean, or amphibian, unless the commission has given permission for such activity, shall be guilty of a Class IV misdemeanor.

Sec. 10. (1) The commission shall adopt and promulgate rules and regulations to carry out sections 5 to 10 of this act. In adopting such rules and regulations, the commission shall be governed by the Administrative Procedures Act. Such rules and regulations shall include a listing of the species of fish, mollusks, reptiles, crustaceans, or amphibians which may be imported into the state and fish, mollusks, reptiles, crustaceans, or amphibians taken from the wild which may be commercially exploited or exported from the state. The rules and regulations may be amended, modified, or repealed from time to time, based upon investigation and available, reliable data.

(2) The commission may determine that a fish, mollusk, reptile, crustacean, or amphibian causes economic or ecologic harm by utilizing available scientific, commercial, and other data after consultation, as appropriate, with federal agencies, other interested state and county agencies, and interested persons and organizations.

(3) The commission shall, upon its own recommendation or upon the request of any person who presents to the commission substantial evidence that such additional species will not cause ecologic or economic harm, conduct a review of any listed or unlisted species proposed to be removed from or added to the lists published pursuant to subsection (1) of this section.

Sec. 11. This act shall become operative on January 1, 1994, except that necessary actions preparatory to its implementation may be taken prior to such date.

Sec. 12. That original section 37-719, Reissue Revised Statutes of Nebraska, 1943, and sections 37-101, 37-102, and 37-702, Revised Statutes Supplement, 1992, are repealed.".

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 4, 1993, at 11:20 a.m., were the following bills: 63, 163, 182, 48, 57, 109, 226, 247, 261, 316, and 439.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

ANNOUNCEMENTS

Mrs. Robak designates LB 299 as her priority bill.

Mr. Schellpeper designates LB 505 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 629. Title read. Considered.

Standing Committee amendment, AM0578, found in the Journal on page 825, was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 253. Placed on General File as amended.
Standing Committee amendment to LB 253:
AM0632

1. On page 2, line 1, strike "After August 9, 1989, no" and insert "No".

LEGISLATIVE BILL 393. Placed on General File as amended.
Standing Committee amendment to LB 393:
AM0607

1. On page 3, line 26, strike "reasonably possible" and insert "reasonable".
2. On page 4, line 10, strike "or" and insert an underscored comma; and in line 11 after "custody" insert ", or place of alleged occurrence of abuse or neglect, whichever is relevant,"; strike beginning with "court" in line 18 through "immediate" in line 19 and insert "county or district court judge may hold a"; and strike line 25 and insert "hearing, any person".
3. On page 5, line 2, strike ", photographs and" and insert "video, photographs, or"; in line 4 after "and"

insert "video or"; in line 6 strike "photographs" and insert "video, photographs,"; and in line 24 after the first comma insert "video,".

4. On page 8, strike beginning with the underscored comma in line 11 through "Code" in line 14.

5. On page 9, line 16, strike the new matter and reinstate the stricken matter.

6. On page 12, line 28, before the comma insert "or as soon as possible if the juvenile's commitment is less than thirty days".

LEGISLATIVE BILL 451. Placed on General File as amended.
Standing Committee amendment to LB 451:
AM0596

1. On page 3, line 22, strike "and shall be notified" and insert ", and reasonable attempts shall be made to notify him or her"; and in line 25 after the period insert "The noncustodial parent need not be present at the commencement of such court proceeding.".

LEGISLATIVE BILL 500. Placed on General File as amended.
Standing Committee amendment to LB 500:
AM0624

1. Strike original section 3 and insert the following new section:

"Sec. 3. The district court is the tribunal of this state.".

2. On page 2, line 25, strike "debtor" and insert "payor".

3. On page 4, line 1, strike ";" and insert "or".

4. On page 5, strike line 8 and insert:

"(22) Tribunal means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.".

5. On page 6, line 4, after "state" insert "pursuant to section 43-104.02 with the Department of Social Services or pursuant to section 71-628, 71-640.01, or 71-640.02 with the Department of Health".

6. On page 14, lines 22 and 26, strike "two" and insert "five".

7. On page 16, line 21, strike "petition" and insert "accompanying documents".

8. On page 22, line 28, after "employer" insert "or other payor".

9. On page 28, line 25, strike "43-1412" and insert "43-1418".

10. On page 33, line 7, strike "section" and insert "act"; and in line 8 after "act" insert "until the court rules on any pending action or proceeding".

LEGISLATIVE BILL 294. Indefinitely postponed.
LEGISLATIVE BILL 494. Indefinitely postponed.
LEGISLATIVE BILL 610. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

MOTION - Reconsider Action on LB 12

Mr. Lynch moved to reconsider the vote on the motion to place LB 12 on General File notwithstanding the action of the committee.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 471 in the Journal. No objections. So ordered.

AM0688

1. In the Standing committee amendments, AM0168, insert the following new sections:

"Sec. 2. The Legislature finds that the horseracing industry is an important facet of economic and recreational development in Nebraska. Breeders, owners, and trainers are an important and integral part of the live horseracing industry in Nebraska.

Sec. 3. For purposes of sections 2 to 5 of this act, horseracing industry participant shall mean an individual who currently holds a valid license from the State Racing Commission and who owns, trains, cares for, or rides horses stabled at a Nebraska-licensed racetrack for the purpose of horseracing at the live race meeting at such racetrack.

Sec. 4. (1) A horseracing industry participant shall be entitled to reasonable treatment from those licensed to conduct thoroughbred race meets.

(2) A horseracing industry participant shall not be required to waive rights of recovery for the negligent acts of others in order to utilize racetrack facilities.

(3) Private property belonging to a horseracing industry participant at a racetrack facility shall not unlawfully be converted, seized, damaged, or destroyed by racetrack employees or agents without compensation.

(4) A horseracing industry participant shall not be deemed to forfeit or waive any right to privacy without reasonable cause guaranteed by law by virtue of being licensed by the state, by entry upon licensed horseracing facilities, or by engaging in the sport of horseracing in this state.

(5) A horseracing industry participant may not be

excluded from the grounds of any licensed racetrack by track management without a hearing by the stewards at such racetrack, unless there is reasonable grounds to believe such participant has committed a felony, is posing a physical danger to himself or herself, to others, or to animals in his or her care, or his or her physical presence will bring immediate harm to horseracing. Such hearing shall be held as soon as practicable and shall be given first priority and precedence by the stewards.

(6) A horseracing industry participant shall be free from unreasonable searches and seizures of his or her person without probable cause and shall be free from unreasonable searches and seizures of his or her housing, vehicle, papers, and effects.

(7) If a horseracing industry participant has been charged with a violation of a rule of racing which involves a substantial risk of loss or suspension of his or her license or which involves a criminal penalty, he or she shall be entitled to the following protections as a matter of right:

(a) To remain silent;

(b) To the benefit of counsel, including the opportunity to confer with counsel in preparation of a defense;

(c) To a speedy and public hearing;

(d) To present evidence and to testify in person at his or her hearing;

(e) To cross-examine the witnesses who testify against him or her;

(f) To have prospective witnesses excluded from the hearing room during the hearing; and

(g) Nothing in this section shall prevent a horseracing industry participant from knowingly waiving any rights afforded under subsection (6) of this section.

(8) A horseracing industry participant shall not be required to waive his or her constitutional rights nor the rights granted pursuant to sections 2 to 5 of this act as a condition of pursuing a livelihood in this state or at any licensed thoroughbred horseracing facility.

Sec. 5. (1) The State Racing Commission shall adopt and promulgate rules and regulations which provide for dismissal, license revocation or suspension, fines, or other suitable penalties necessary to enforce sections 2 to 4 of this act.

(2) Nothing in such sections shall affect in any way the right of any horseracing industry participant to bring any action in any appropriate forum for the violation of any law of this state or any rule of racing.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage

and approval, according to law.".

2. Renumber the remaining section accordingly.

Mr. Schmitt asked unanimous consent to print the following amendment to LB 410 in the Journal. No objections. So ordered.

AM0684

1. Insert the following new sections:

"Section 1. Any officer of the carrier enforcement division of the Nebraska State Patrol or any officer of the Nebraska State Patrol may conduct a safety review or safety compliance audit of a motor carrier.

Sec. 2. Following a safety review or safety compliance audit of an intrastate motor carrier by an officer of the carrier enforcement division of the Nebraska State Patrol or any officer of the Nebraska State Patrol, the Nebraska State Patrol shall issue a safety rating of that motor carrier. The safety rating shall be based upon factors prescribed in 49 C.F.R. part 385 of the federal Motor Carrier Safety Regulations adopted in section 75-363, the federal Hazardous Material Regulations adopted in section 75-364, and insurance requirements for intrastate motor carriers set forth by the Public Service Commission pursuant to section 75-307. The motor carrier shall be notified by the Nebraska State Patrol of such safety rating by certified or registered mail.

Sec. 3. The Superintendent of Law Enforcement and Public Safety may issue an order imposing a civil penalty against an intrastate motor carrier for violation of section 75-307, 75-352, 75-363, or 75-364 based upon an inspection conducted pursuant to section 75-366 in an amount which shall not exceed five hundred dollars for any single violation in any proceeding or series of related proceedings against any person, motor carrier, common carrier, contract carrier, exempt carrier, or private carrier as defined in 49 C.F.R. part 390.5 of the federal Motor Carrier Safety Regulations as adopted in section 75-363. Upon the discovery of any violation by an interstate motor carrier of section 75-307, 75-352, 75-363, or 75-364 based upon an inspection conducted pursuant to section 75-366, the superintendent shall immediately refer such violation to the appropriate federal agency for disposition.

Sec. 4. Any order issued by the Superintendent of Law Enforcement and Public Safety under section 3 of this act shall include at least (1) the date of the order, (2) a description of each act or omission upon which the violation is based, (3) the manner in which and the place where the respondent may pay the civil penalty or request a hearing within fifteen business days after receipt of the order, and (4) a notice that if the respondent fails to respond to the

order within fifteen business days after receipt of the order, the order shall automatically become final and the civil penalty may be collected by civil action in the district court of Lancaster County.

Sec. 5. Civil penalties assessed pursuant to section 3 of this act and unpaid shall constitute a debt to the State of Nebraska which may be collected in the form of a lien foreclosure or recovered in a proper form of action in the name of the State of Nebraska in the district court of Lancaster County. Any civil penalty collected shall be remitted on a monthly basis to the State Treasurer for credit to the permanent school fund.

Sec. 6. (1) If no hearing is requested and none is ordered by the superintendent, the summary order shall automatically become a final order after fifteen business days after receipt of the order.

(2) If a hearing is requested or ordered, the superintendent shall appoint as hearing officer an attorney licensed to practice law in Nebraska. Every hearing pursuant to sections 1 to 6 of this act shall be conducted in accordance with the Administrative Procedure Act.

(3) Every hearing in an administrative proceeding under this section shall be public unless the hearing officer grants a request joined in by all the respondents that the hearing be conducted privately.

(4) Upon agreement by all the parties any time before or during the hearing under this section the hearing officer may compromise, mitigate, or aggravate any civil penalty. In determining the amount of the civil penalty, the hearing officer shall consider the appropriateness of the civil penalty in light of the gravity of the violation and the good faith of such violator in attempting to achieve compliance after notification of the violation.

(5) The hearing officer, within ten days after the conclusion of the hearing, shall make written findings of fact and conclusions of law to the superintendent. Such findings of fact and conclusions of law shall not be binding upon the superintendent.

(6) If a hearing is requested or ordered, the superintendent, after notice of and opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination.

(7) No final order or order after hearing may be returned by the superintendent without (a) appropriate notice to all interested persons, (b) opportunity for hearing to all interested persons, and (c) entry of written findings of fact and conclusions of law. Any order may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act.

Sec. 9. Sections 1 to 6 of this act shall become operative three calendar months after the adjournment of this legislative session. The other sections of this act shall become operative on their effective date.

Sec. 11. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Renumber the remaining sections accordingly.

Mr. Cudaback asked unanimous consent to print the following amendment to LB 346 in the Journal. No objections. So ordered.

AM0640

1. Strike original section 16 and insert the following new sections:

"Section 1. That section 33-114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-114. Each county treasurer shall receive for and on behalf of the county for services rendered to other governmental subdivisions and agencies, when fees for services rendered by him or her are not otherwise specifically provided, the following fees: (1) On all sums of money collected by him or her for each fiscal year, ~~not over six thousand dollars, ten percent; for all sums over six thousand dollars and not over ten thousand dollars, four percent; on all sums over ten thousand dollars,~~ two percent of the sums so collected; (2) for the collection of all sums of money, general or bonded, of drainage, irrigation, or natural resources districts, one percent of ~~such~~ the sums so collected; (3) for the collection of all sums of money for municipal taxes, general or special, including money for bond sinking fund or bond interest fund and school money, one percent of the sums so collected; and (4) for the collection of all sums of money for special assessments for municipal improvements, one and one-half percent of the sums so collected.

On all sums collected, such percentage shall be allowed but once. In computing the amount collected for the purpose of charging percentage, all sums from whatever fund derived shall be included together, except the school fund. The treasurer shall be paid in the same proportion from the respective funds of the state collected by him or her whether the ~~same be~~ funds are in money or state warrants.

Sec. 6. That section 70-651.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-651.04. All payments which are based on retail revenue from each incorporated city or village shall be divided and distributed by the county treasurer to that city or village, to the school districts located in that city or

village, and to the county in which may be located any such incorporated city or village in the proportion that their respective property tax ~~levies~~ requirements in the preceding year bore to the total of such ~~levies~~ requirements.

Sec. 17. That section 77-1704, Revised Statutes Supplement, 1992, be amended to read as follows:

77-1704. Whenever any person pays the taxes charged on any property, the treasurer shall enter such payment in his or her books and give a receipt therefor specifying for whom paid, the amount paid, what year paid for, and the property and value thereof on which the tax was paid, according to its description in the treasurer's books, in whole or in part of such description as the case may be. Such entry and receipts shall bear the ~~genuine signature~~ county name and the name of the treasurer or his or her deputy receiving the payment. Whenever it appears that any receipt for the payment of taxes is lost or destroyed, the entry so made may be read in evidence in lieu thereof. The treasurer shall enter the name of the owner or of the person paying the tax opposite each tract or lot of land when he or she collects the tax thereon and the post office address of the person paying the tax. A statement shall be entered by the treasurer on such receipt showing the amount of unpaid taxes and the date of unredeemed tax sales, if any, for the previous year or years upon such land or town lot. If the treasurer fails or neglects to note on such receipt the unpaid taxes or the date of unredeemed tax sales as provided in this section, he or she shall be liable on his or her bond to the person injured thereby in the amount of the tax so omitted.

Sec. 18. That section 77-1706, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1706. All receipts issued by the county treasurer for taxes paid to him or her shall be numbered consecutively, commencing with the number one on the first sheet issued for the taxes for any one year. He or she shall not receipt for more than one year's taxes on the same property in one tax receipt, but shall keep a separate and distinct series of numbers of receipts issued for the taxes of each year for which the same has been levied and assessed. The numbering of the tax receipts shall be done by the county clerk or printer before they are delivered to the county treasurer. They shall be firmly bound in book form. The ~~and the~~ original, and duplicate ~~and triplicate~~ of these receipts shall be attached together as one, and each duplicate ~~and triplicate,~~ of each original receipt, shall bear the same number as the original. In counties which shall adopt or have adopted the unit tax ledger, as provided for in section 77-1613, it shall not be necessary to bind the original and duplicate tax receipts together in book form. Such ~~or have~~

~~triplicate tax receipts; such~~ tax receipts may be prewritten, and the cost of so preparing such tax receipts shall be paid for~~,~~ by the county board of such county~~,~~ out of the county general fund.

Sec. 19. That section 77-2208, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2208. Every county treasurer ~~shall~~ may make ~~out triplicate~~ duplicate receipts for all sums ~~which shall be~~ paid into his or her office, which receipts shall show the source from which such funds are derived~~,~~ and shall, by distinct lines and columns, show the amount received to the credit of each separate fund~~,~~ and whether ~~the same was~~ such sums were paid in cash or warrants, county or road orders, or supervisors' receipts. The ~~, one of which triplicates the~~ treasurer shall deliver one of the receipts to the person making such payment~~, one he shall within six days file with the county clerk, and the third he~~ and shall retain the second in his or her office. A list of such payments may be submitted to the county clerk within thirty days after the closing of the previous month in lieu of a receipt.

Sec. 21. That original sections 33-114, 60-318, 70-651.04, 77-1239.01, 77-1239.02, 77-1706, and 77-2208, Reissue Revised Statutes of Nebraska, 1943, and sections 60-106, 60-302, 60-344, 77-1238, 77-1239, 77-1240.01, 77-1240.03, 77-1241.01, 77-1242.01, and 77-1704, Revised Statutes Supplement, 1992, and also section 77-1240, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. On page 8, line 19; and page 14, line 19, strike "13 and 14" and insert "15 and 16".

3. On page 11, line 3, strike "13" and insert "15".

4. On page 12, lines 4, 6, and 7 strike "tangible" and show as stricken; in lines 6 and 7 after the stricken "personal" insert "taxable"; and in line 7 after the underscored period insert "Any proceeds from the motor vehicle tax collected for years prior to the year of collection shall be allocated based upon the levy of the year of collection.".

5. Renumber the remaining sections accordingly.

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 471 in the Journal. No objections. So ordered.

AM0687

(Amendments to Standing Committee amendments, AM0168)

1. On page 2, line 1, after the period insert "The State Racing Commission shall not authorize interstate simulcasting for any racetrack pursuant to sections 2-1201 to 2-1223 unless all of the thoroughbred racetracks together applied for and received authority to conduct at least one hundred seventy-five live racing days in the calendar year in

which the application is made. If any racetrack ceases to conduct live racing, the days it was assigned shall be deducted from the one hundred seventy-five day total required by this section.".

STANDING COMMITTEE REPORTS
Agriculture

LEGISLATIVE BILL 258. Indefinitely postponed.
LEGISLATIVE BILL 772. Indefinitely postponed.

(Signed) Merton L. Dierks, Chairperson

ANNOUNCEMENT

Mr. Preister designates LB 301 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Hohenstein asked unanimous consent to have his name added as cointroducer to LB 346. No objections. So ordered.

VISITORS

Visitors to the Chamber were former Senator Richard Maresh, Charles Mueller, and Kenneth Hofferber from Geneva; 81 eighth grade students and teachers from Mary Our Queen School, Omaha; Gary Clonch from Hastings; Les Meyer from Minden; 30 fourth grade students and teacher from Gretna; 13 juniors, seniors, and teachers from Wilcox High School; 36 fifth and sixth grade students and teachers from Bladen; and 16 seniors and sponsors from Exeter High School.

ADJOURNMENT

At 11:59 a.m., on a motion by Mr. Preister, the Legislature adjourned until 9:00 a.m., Friday, March 5, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

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THIRTY-SEVENTH DAY - MARCH 5, 1993

LEGISLATIVE JOURNAL

THIRTY-SEVENTH DAY - MARCH 5, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 5, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Andy Kyger, Evangelical Friends Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Byars and Fisher who were excused; and Messrs. Abboud, Ashford, Bromm, Chambers, Hall, Landis, Lindsay, Moore, Wesely, Withem, Mmes. Bohlke, McKenzie, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

ANNOUNCEMENTS

Mr. Schmitt designates LB 159 as his priority bill.

Mr. Pedersen designates LB 365 as his priority bill.

MESSAGE FROM THE GOVERNOR

February 11, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Crime Victim's Reparations Committee, requiring legislative approval.

APPOINTEE: Darrell Johnson, P.O. Box 75, Sidney, NE 69162

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

REPORT

Received annual report from the Supreme Court of Nebraska as required by the Nebraska Dispute Resolution Act.

RESOLUTIONS

LEGISLATIVE RESOLUTION 45. Read. Considered.

LR 45 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 46. Read. Considered.

LR 46 was adopted with 20 ayes, 0 nays, and 29 not voting.

GENERAL FILE

LEGISLATIVE BILL 462. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 593. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 58. Title read. Considered.

Advanced to E & R for review with 28 ayes, 2 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 128. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 479. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 626. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 333. Title read. Considered.

Mr. Warner moved to indefinitely postpone.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 47. Introduced by Cudaback, 36.

WHEREAS, former State Senator Herbert J. Duis of Gothenburg represented the Thirty-Ninth Legislative District twice, from 1951 to 1954 and from 1969 to 1979; and

WHEREAS, in 1979, Senator Duis was appointed to the Nebraska Liquor Control Commission, where he served as chairperson until 1985; and

WHEREAS, Senator Duis was known for his leadership in issues relating to government and taxation; and

WHEREAS, Senator Duis will be remembered for the amendment he sponsored to the Nebraska Constitution banning a state property tax levy if sales or income tax were enacted; and

WHEREAS, Senator Duis passed away Monday, February 8, 1993, at the age of seventy-six; and

WHEREAS, Senator Duis is survived by his loving family, including his wife Jane, son Bob, and daughter Betsy Glenn; and

WHEREAS, Senator Duis is fondly remembered and respected by those who had the privilege of knowing, serving, and working with him for his kind and compassionate nature and for the thoughtful and dedicated manner in which he served the public.

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

1. That the Legislature expresses its sympathy to the family of Senator Herbert J. Duis.

2. That a copy of this resolution be delivered to the family of Senator Duis.

Laid over.

ANNOUNCEMENTS

Mr. Robinson designates LB 444 as his priority bill.

The General Affairs Committee designates LB 563 as its priority bill.

GENERAL FILE

LEGISLATIVE BILL 42. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 145. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 340. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

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

LEGISLATIVE BILL 477. Title read. Considered.

MRS. CROSBY PRESIDING

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

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

LEGISLATIVE BILL 604. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 299. Title read. Considered.

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

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 465. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 767. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 455. Title read. Considered.

SPEAKER BAACK PRESIDING

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 677. Title read. Considered.

Mrs. Pirsch offered the following amendment:
FA29

1. Amend Section 2 of the bill on page 3, line 8, by adding the following new language:

(9) Within two years of the effective date of this act, implement objective parole risk-assessment criteria which shall be used by the members of the board as additional considerations in determining whether to grant or deny parole to any particular offender who is eligible for parole. For purposes of this section, objective parole risk-assessment shall mean criteria which statistically have been shown to be good predictors of risk to society of release on parole;

2. Renumber remaining subsections accordingly.

The Pirsch amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Ashford	Chambers	Elmer	Lynch	Preister
Baack	Crosby	Hartnett	McKenzie	Rasmussen
Beutler	Day	Horgan	Pedersen	Robak
Bohlke	Dierks	Landis	Pirsch	Schimek

Warner	Wesely	Wickersham	Will	Withem

Voting in the negative, 10:

Avery	Hillman	Hudkins	Robinson	Wehrbein
Bromm	Hohenstein	Moore	Schellpeper	Witek

Present and not voting, 6:

Bernard-Stevens	Coordsen	Jones	Schmitt	Vrtiska
	Janssen			

Absent and not voting, 1:

Cudaback

Excused and not voting, 7:

Abboud	Fisher	Hall	Kristensen	Lindsay
Byars	Haberman			

Advanced to E & R for review with 25 ayes, 10 nays, 6 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 187. Placed on Select File as amended.
E & R amendment to LB 187:
AM5399

1. In the Standing Committee amendments, AM0236, on page 1, line 4, after "mausoleums" insert an underscored comma.

2. On page 1, line 9, after "change" insert "and eliminate".

3. On page 3, line 11, strike "71-194" and insert "13 of this act".

4. On page 13, line 27, strike "embalmer" and insert "embalmers".

5. On page 22, line 22; and page 23, lines 1, 3, 10, and 14, strike "section" and insert "act".

6. On page 22, line 24, after "license" insert an underscored comma.

7. On page 25, line 10, after "(1)" insert "(a)".

8. On page 25, line 21; and page 26, line 1, strike "mortuary school" and insert "school of mortuary science".

9. On page 27, line 18, strike "71-1,100." and show

as stricken and after "fluids" insert an underscored comma; and in line 19 strike the first comma and show as stricken.

10. On page 28, line 1, after "adopt" insert "and promulgate".

11. On page 29, line 22, strike "nor" and insert "not"; in line 23 strike the first "a"; and in line 27 strike "Should" and insert "If" and strike "propose" and insert "proposes".

12. On page 30, line 5, strike the first "a".

13. On page 32, line 23, after "renewal" insert "of".

14. On page 33, line 1, strike "(1)", show as stricken, and insert "(a)"; in line 3 strike "(2)", show as stricken, and insert "(b)"; in line 6 strike "(3)", show as stricken, and insert "(c)"; in line 10 strike "(4)", show as stricken, and insert "(d)"; in line 13 strike "(5)", show as stricken, and insert "(e)"; in line 16 strike "(6)", show as stricken, and insert "(f)"; in line 17 strike "any" and show as stricken; in line 19 strike "(7)", show as stricken, and insert "(g)"; and in line 21 strike "(8)", show as stricken, and insert "(h)".

15. On page 34, line 9, after "for" insert "a"; and in line 28 strike "of" and insert "for a license as".

16. On page 36, line 19, strike "(5)" and insert "(4)".

17. On page 37, line 5, strike "(6)" and insert "(5)"; in line 23 strike the comma; and in line 24 after the third "the" insert "License of the".

18. On page 38, lines 1, 6, and 7, strike the comma; and in line 24 after "rules" insert an underscored comma.

19. On page 39, line 7, after the third comma insert "or"; and in line 26 after the third comma insert "or" and strike the last comma.

20. On page 43, line 4, strike "appropriate examining" and show as stricken.

LEGISLATIVE BILL 319. Placed on Select File as amended.
E & R amendment to LB 319:
AM5395

1. In the Wesely amendment, AM0385, on page 1, line 4, after "involved" insert an underscored comma.

2. In the Standing Committee amendment, AM0245, on page 2, line 4, strike "Administrator" and insert "Administrators".

3. On page 1, line 5, after the semicolon insert "to provide for negotiation on fees;".

4. On page 3, lines 19 and 20, reinstate the stricken language.

LEGISLATIVE BILL 443. Placed on Select File as amended.
E & R amendment to LB 443:
AM5396

1. In the Standing Committee amendments, AM0154, on page 2, line 11, strike "have" and show as stricken; and in line 12 strike "Satisfactorily" and insert "Have" and reinstate the stricken matter.

2. On page 1, line 3, after the first comma insert "71-5515,".

LEGISLATIVE BILL 306. Placed on Select File as amended.
E & R amendment to LB 306:
AM5397

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 24-503, Revised Statutes Supplement, 1992, be amended to read as follows:

24-503. For the purpose of serving the county courts in each county, ~~the following twenty-one~~ twelve county judge districts are hereby created:

District No. 1 shall contain the counties of Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, and Richardson;

District No. 2 shall contain the counties of Sarpy, Cass, and Otoe;

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

District No. 5 shall contain the counties of Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall contain the counties of Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

District No. 7 shall contain the counties of Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

District No. 8 shall contain the counties of Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard;

District No. 9 shall contain the counties of Buffalo and Hall;

District No. 10 shall contain the counties of Fillmore, Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls;

District No. 11 shall contain the counties of Grant, Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

District No. 12 shall contain the counties of Sioux,

Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, and Deuel.

~~(1) District 1 shall contain the counties of Johnson, Pawnee, Nemaha, and Richardson;~~

~~(2) District 2 shall contain the counties of Sarpy, Cass, and Otoe;~~

~~(3) District 3 shall contain the county of Lancaster;~~

~~(4) District 4 shall contain the county of Douglas;~~

~~(5) District 5 shall contain the counties of Hamilton, Polk, York, Butler, Seward, and Saunders;~~

~~(6) District 6 shall contain the counties of Burt, Dodge, and Washington;~~

~~(7) District 7 shall contain the counties of Fillmore, Saline, Thayer, and Nuckolls;~~

~~(8) District 8 shall contain the counties of Dakota, Dixon, Cedar, and Thurston;~~

~~(9) District 9 shall contain the counties of Knox, Antelope, Cuming, Pierce, Madison, Stanton, and Wayne;~~

~~(10) District 10 shall contain the counties of Adams, Clay, Phelps, Kearney, Harlan, Franklin, and Webster;~~

~~(11) District 11 shall contain the counties of Hall and Howard;~~

~~(12) District 12 shall contain the counties of Sherman and Buffalo;~~

~~(13) District 13 shall contain the counties of McPherson, Logan, Lincoln, Dawson, Keith, Arthur, Hooker, and Thomas;~~

~~(14) District 14 shall contain the counties of Chase, Hayes, Frontier, Furnas, Red Willow, Hitchcock, Perkins, Gosper, and Dundy;~~

~~(15) District 15 shall contain the counties of Brown, Keya Paha, Boyd, Rock, Holt, and Cherry;~~

~~(16) District 16 shall contain the counties of Sheridan, Grant, Dawes, Box Butte, and Sioux;~~

~~(17) District 17 shall contain the counties of Scotts Bluff, Morrill, and Garden;~~

~~(18) District 18 shall contain the counties of Jefferson and Gage;~~

~~(19) District 19 shall contain the counties of Banner, Kimball, Cheyenne, and Deuel;~~

~~(20) District 20 shall contain the counties of Blaine, Loup, Garfield, Greeley, Wheeler, Valley, and Custer; and~~

~~(21) District 21 shall contain the counties of Boone, Platte, Colfax, Nance, and Merrick.~~

District 4 shall have eleven county judges. ~~District~~ Districts 3, 5, and 12 shall have six county judges. District 11 shall have five county judges. Districts 6 and 9

shall have four county judges. Districts 1, 2, ~~5, 9, 13, and 21~~ 7, 8, and 10 shall have three county judges. ~~Districts 6, 7, 8, 10, 11, 12, 14, 15, 16, 17, and 19 shall have two county judges. Districts 1, 18, and 20 shall have one county judge.~~

Judge of the county court shall include any person appointed to the office of county judge or municipal judge prior to July 1, 1985, pursuant to Article V, section 21, of the Constitution of Nebraska.

Any person serving as a municipal judge in district 3 or 4 immediately prior to July 1, 1985, shall be a judge of the county court and shall be empowered to hear only those cases as provided in section 24-517 which the presiding judge of the county court for such district, with the concurrence of the Supreme Court, shall direct.

Sec. 2. That original section 24-503, Revised Statutes Supplement, 1992, is repealed.".

2. On page 1, strike beginning with "sections" in line 1 through line 8 and insert "section 24-503, Revised Statutes Supplement, 1992; to change provisions relating to county judge districts; and to repeal the original section.".

LEGISLATIVE BILL 579. Placed on Select File as amended.
E & R amendment to LB 579:
AM5398

1. In the Standing Committee amendments, AM0434, on page 10, line 17, after "sensitive" insert "or confidential".

2. On page 1, strike beginning with "Legislative" in line 1 through line 4 and insert "Legislature; to amend sections 84-304.03 and 84-712.05, Reissue Revised Statutes of Nebraska, 1943, and sections 50-401.01, 81-1120.27, and 84-304, Revised Statutes Supplement, 1992; to require audits as prescribed; to provide powers and duties for the Executive Board of the Legislative Council; to change provisions relating to use of the state's telecommunications systems and confidentiality of certain records; to harmonize provisions; to repeal the original sections; and to declare an emergency.".

(Signed) Kurt A. Hohenstein, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Will asked unanimous consent to print the following amendment to LB 471 in the Journal. No objections. So ordered.

AM0700

1. Insert the following new section:

"Sec. 2. The State Racing Commission shall not authorize interstate simulcasting for any racetrack pursuant

to sections 2-1201 to 2-1223 unless the thoroughbred racetracks combined applied for and received authority to conduct at least one hundred eighty-five live racing days in the calendar year in which the application is made. If any racetrack ceases to conduct live racing, seventy percent of the days assigned such racetrack in 1988 shall be deducted from the one-hundred-eighty-five-day total required by this section.".

Messrs. Will and Haberman asked unanimous consent to print the following amendment to LB 333 in the Journal. No objections. So ordered.

FA28

1. On line 2, after "project", insert "on a commercial building which results in the closing of a sidewalk ordinarily open to pedestrians"

BILL ON FIRST READING

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

LEGISLATIVE BILL 364A. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 364, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 4, 1993. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Bernbeck, Kent - Lincoln	Committee of Concerned Citizens
Biggs, William L. - Omaha	Immanuel Healthcare Systems, Inc.
Boehm, John M. - Lincoln	Sarpy County Board of Commissioners
Chizek, Jerry - Omaha	Omaha Police Union Local 101
Morrissey, Spencer W. - Tecumseh	Brotherhood of Maintenance of Way Employees
Neeson, John - Carrickfergus, N. Ireland	Department of Economic Development
Rasmussen, Dennis - Lincoln	Friends of Rural Education

	National Agricultural Chemicals Association
Schalley, Jeffrey M. - Omaha	Student Government of UNO

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 627. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0712.)

(Signed) John Lindsay, Chairperson

GENERAL FILE

LEGISLATIVE BILL 623. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 789. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 375. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 818. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 526. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 726. Title read. Considered.

Mrs. McKenzie asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 268. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Ashford asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 191. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 590. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Messrs. Lynch, Vrtiska, and Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 23. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Avery asked unanimous consent to have his name added as cointroducer to LB 241. No objections. So ordered.

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 629. No objections. So ordered.

MOTION - Withdraw LB 689

Mr. Wickersham moved to withdraw LB 689.

Laid over.

ANNOUNCEMENT

The Health and Human Services Committee designates LB 498 and LB 510 as its priority bills.

VISITORS

Visitors to the Chamber were the Mayor's Committee for International Friendship and five Legislative Representatives from the country of Peru; 14 members of the Financial Women International from across the state; former Senator Richard Peterson; Ralph Wilson and John Housley; 12 members of Pack 36, Den 4 and leader from Kearney; 19 fourth grade students and sponsor from Central Christian School, Omaha; Evelyn Pinneker from Scottsbluff; and Charlotte Farras from Paris, France.

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Horgan, the Legislature adjourned until 9:00 a.m., Monday, March 8, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-EIGHTH DAY - MARCH 8, 1993

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 8, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Dave Sellars, Northern Heights Baptist Church, Norfolk, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Chambers, Hall, Hartnett, Lindsay, Warner, Mmes. Bohlke, Crosby, Rasmussen, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

UNANIMOUS CONSENT - Member Excused

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

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 520. Placed on Select File as amended.
E & R amendment to LB 520:
AM5400

1. In the Standing Committee amendments, AM0460:
(a) On page 1, line 7, strike ", to" and insert "to,"; and
(b) On page 2, line 1, strike "district" and insert

"districts".

2. On page 1, line 2, after "43-2501" insert "to 43-2503, 43-2505"; in line 5 after "provide" insert "powers and"; and in line 6 after "eliminate" insert "provisions relating to construction and applicability of the act and" and after "provision" insert "relating to a report".

3. On page 2, line 7, strike the paragraphing.

4. On page 3, lines 2, 7, and 10, strike the comma.

5. On page 4, line 5, strike the comma and insert "and".

6. On page 9, line 22, after the semicolon insert "and".

7. On page 13, line 2, strike "service" and insert "services".

8. On page 14, line 22, strike "individual" and insert "individualized"; and in line 23 strike "services" and insert "service".

9. On page 19, line 1, after "43-2501" insert "to 43-2503, 43-2505".

LEGISLATIVE BILL 240A. Placed on Select File.
LEGISLATIVE BILL 187A. Placed on Select File.

(Signed) Kurt A. Hohenstein, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 93013

DATE: March 4, 1993

SUBJECT: Duties of the Commission for Postsecondary Education to Review and Approve or Disapprove All Capital Construction Projects Proposed by the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges Pursuant to Neb. Rev. Stat. §§ 85-401 to 85-411 (1987), as Amended

REQUESTED BY: Senator Kurt A. Hohenstein
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Harold I. Mosher, Senior Assistant Attorney General

Question Presented

As used in the Coordinating Commission for Postsecondary Education Act, do the words "tax funds" include funds which are

pledged to pay the principal and interest on revenue bonds issued pursuant to Neb. Rev. Stat. §§ 85-401 to 85-411 (1987), as amended.

Discussion

Subject to certain conditions, the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges have statutory authority to issue revenue bonds and to repay the principal and the interest thereon solely out of sources other than funds derived from taxation. Neb. Rev. Stat. § 85-403 (Cum. Supp. 1992) specifically states, in part, as follows:

> Bonds issued under the provisions of sections 85-403 to 85-411 are not an obligation of the State of Nebraska, and no tax shall ever be levied to raise funds for the payment thereof or interest thereon. The bonds shall not constitute a debt of the board issuing the same and shall be paid solely out of money derived from their revenue and earnings as provided in sections 85-403 to 85-411. * * *.

Certain terms, as used in the Coordinating Commission for Postsecondary Education Act, are defined by statute. Neb. Rev. Stat. § 85-1402(7) (Supp. 1992) states: "Tax funds designated by the Legislature shall mean all state tax revenue and all property tax revenue." Thus, funds available from the operation of facilities which are financed by issuing revenue bonds are not "tax funds" as those words are used in the Coordinating Commission for Postsecondary Education Act but are funds which the Legislature has solemnly pledged for the payment of principal and interest on revenue bonds as provided in Neb. Rev. Stat. §§ 85-403 to 85-411 (1987), as amended.

We wish to point out that the Coordinating Commission for Postsecondary Education has certain duties with respect to particular capital construction projects, including those funded by revenue bonds. Specifically, it has a duty to "review and approve or disapprove all capital construction projects proposed by the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges pursuant to Neb. Rev. Stat. §§ 85-401 to 85-411 (Cum. Supp. 1992). See Neb. Rev. Stat. § 85-1415 (Cum. Supp. 1992). Certain capital construction projects, of course, also require legislative approval.

Respectfully submitted,
DON STENBERG
Attorney General
(Signed) Harold I. Mosher
Senior Assistant Attorney General

20-02-14
cc: Patrick J. O'Donnell
Clerk of the Legislature

REPORTS

Received biennial report from the Department of Roads for the Nebraska Public Transportation Assistance Program for Fiscal Years

1991-1992 in accordance with Nebraska Revised Statute 13-1205 and the Nebraska Public Transportation Act of 1975, as amended.

Received annual report of the Nebraska Ethanol Authority and Development Board in accordance with Section 66-1307.01 of the Ethanol Authority and Development Act.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 45 and LR 46.

RESOLUTION

LEGISLATIVE RESOLUTION 47. Read. Considered.

Mr. Cudaback asked unanimous consent to add names of all members to LR 47. No objections. So ordered.

LR 47 was adopted with 26 ayes, 0 nays, and 23 not voting.

MOTION - Withdraw LB 689

Mr. Wickersham renewed his pending motion, found in the Journal on page 896, to withdraw LB 689.

The Wickersham motion prevailed with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 377A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 25.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-664, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the corroboration of visual observations of speeding and the apprehension of a driver by a peace officer as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 36:

Ashford	Dierks	Janssen	Pirsch	Vrtiska
Baack	Elmer	Jones	Preister	Wehrbein
Byars	Fisher	Kristensen	Rasmussen	Wesely
Chambers	Haberman	Lynch	Robak	Wickersham
Coordsen	Hillman	McKenzie	Robinson	Will
Crosby	Hohenstein	Moore	Schimek	Witek
Cudaback	Horgan	Pedersen	Schmitt	Withem
Day				

Voting in the negative, 0.

Present and not voting, 5:

Beutler	Bromm	Hudkins	Landis	Schellpeper

Excused and not voting, 8:

Abboud	Bernard-	Bohlke	Hartnett	Warner
Avery	Stevens	Hall	Lindsay	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 31.

A BILL FOR AN ACT relating to penal and correctional facilities; to amend sections 21-1331.01, 25-1601, 29-112.01, 29-113, 29-752, 29-1002, 29-1004, 29-1709, 29-2204, 29-2221, 29-2407, 29-2543, 29-2546, 37-515, 39-6,104.03, 69-110, 72-703, 77-1855, 77-3210, 83-123, 83-171, 83-177 to 83-179, 83-182, 83-183, 83-185, 83-227.02, 83-422 to 83-424, 83-427, 83-443, 83-444, 83-465, 83-467, 83-469, 83-470, 83-472, 83-473, 83-474.01, 83-487, 83-490, 83-4,101, 83-4,104, 83-4,109 to 83-4,113, 83-4,115 to 83-4,119, 83-905, 83-909, 83-910, 83-913.01, 83-922, 83-924, 83-925 to 83-928, 83-930 to 83-933, 83-936, 83-939, and 83-943, Reissue Revised Statutes of Nebraska, 1943, and sections 29-3901, 39-669.06, 39-669.27, 60-4,169, 83-134, 83-176, 83-4,122, 83-4,123, and 83-916, Revised Statutes Supplement, 1992; to change, provide, and eliminate divisions, programs, duties, and responsibilities of the Department of Correctional Services; to eliminate a fund; to change provisions relating to disciplinary actions against inmates; to change provisions relating to inmate grievances; to eliminate provisions relating to rewards; to eliminate provisions relating to cross-employment; to eliminate obsolete

provisions; to transfer sections; to harmonize provisions; and to repeal the original sections, and also sections 83-123.01, 83-428, 83-466, 83-903, 83-904, 83-906, 83-909.01, 83-917, 83-923, 83-934, 83-935, 83-937, 83-940, and 83-941, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Ashford	Cudaback	Hudkins	Pirsch	Vrtiska
Avery	Day	Janssen	Preister	Warner
Baack	Dierks	Jones	Rasmussen	Wehrbein
Bohlke	Elmer	Kristensen	Robak	Wesely
Bromm	Fisher	Landis	Robinson	Wickersham
Byars	Haberman	Lynch	Schellpeper	Will
Chambers	Hillman	McKenzie	Schimek	Witek
Coordsen	Hohenstein	Moore	Schmitt	Withem
Crosby	Horgan	Pedersen		

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 5:

Abboud	Bernard-Stevens	Hall	Hartnett	Lindsay

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

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

LEGISLATIVE BILL 36.

A BILL FOR AN ACT relating to ground water conservation districts; to amend section 46-634.01, Revised Statutes Supplement, 1992, and Laws 1981, LB 81, section 5, as amended by Laws 1986, LB 124, section 3, Laws 1991, LB 137, section 2, Laws 1992, LB 1063, section 206, and section 177, Legislative Bill 1, Ninety-second Legislature, Second Special Session, 1992; to change the dissolution date of such districts; to provide a termination date; to eliminate outright repeal provisions; to harmonize provisions; and to repeal the original sections,

and also Laws 1981, LB 81, section 6, as amended by Laws 1992, LB 1063, section 207, and section 178, Legislative Bill 1, Ninety-second Legislature, Second Special Session, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Ashford	Cudaback	Hudkins	Pedersen	Schmitt
Avery	Day	Janssen	Pirsch	Vrtiska
Baack	Dierks	Jones	Preister	Warner
Bohlke	Elmer	Kristensen	Rasmussen	Wehrbein
Bromm	Fisher	Landis	Robak	Wickersham
Byars	Haberman	Lynch	Robinson	Will
Coordsen	Hohenstein	McKenzie	Schellpeper	Witek
Crosby	Horgan	Moore	Schimek	Withem

Voting in the negative, 1:

Wesely

Present and not voting, 2:

Beutler Hillman

Excused and not voting, 6:

Abboud	Bernard-Stevens	Chambers	Hall	Hartnett Lindsay

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 130.

A BILL FOR AN ACT relating to professional counselors; to amend sections 28-382, 28-707, 28-714, and 71-1,204, Reissue Revised Statutes of Nebraska, 1943, and section 27-504, Revised Statutes Supplement, 1992; to create a professional counselor-client privilege; to define terms; to provide exceptions and immunity in certain circumstances; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Ashford	Crosby	Horgan	Moore	Schimek
Avery	Cudaback	Hudkins	Pedersen	Schmitt
Baack	Day	Janssen	Pirsch	Vrtiska
Beutler	Dierks	Jones	Preister	Warner
Bohlke	Elmer	Kristensen	Rasmussen	Wehrbein
Bromm	Fisher	Landis	Robak	Wickersham
Byars	Haberman	Lynch	Robinson	Will
Coordsen	Hillman	McKenzie	Schellpeper	Witek

Voting in the negative, 0.

Present and not voting, 3:

Hohenstein	Wesely	Withem

Excused and not voting, 6:

Abboud	Bernard-Stevens	Chambers	Hall	Hartnett
				Lindsay

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 162.

A BILL FOR AN ACT relating to child labor; to provide an exemption from child labor law requirements for employers who are parents or persons standing in loco parentis as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Ashford	Cudaback	Horgan	Pedersen	Vrtiska
Avery	Day	Hudkins	Pirsch	Warner
Baack	Dierks	Janssen	Preister	Wehrbein
Bohlke	Elmer	Jones	Rasmussen	Wickersham
Bromm	Fisher	Kristensen	Robinson	Will
Byars	Haberman	Landis	Schellpeper	Witek
Coordsen	Hillman	McKenzie	Schimek	Withem
Crosby	Hohenstein	Moore	Schmitt	

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Lynch	Wesely

Excused and not voting, 7:

Abboud	Bernard-Stevens	Chambers	Hartnett	Robak
		Hall	Lindsay	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 176.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 39-6,181, Reissue Revised Statutes of Nebraska, 1943; to provide for a special permit for farm trucks operating with excess axle loads as prescribed; to change provisions relating to applications to operate certain overweight vehicles with special permits on the highways as prescribed; to change fees; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 25:

Avery	Coordsen	Fisher	Janssen	Schmitt
Baack	Cudaback	Haberman	Jones	Vrtiska
Bohlke	Day	Hillman	McKenzie	Wehrbein
Bromm	Dierks	Hohenstein	Pedersen	Wickersham
Byars	Elmer	Hudkins	Schellpeper	Witek

Voting in the negative, 17:

Ashford	Kristensen	Pirsch	Robinson	Wesely
Beutler	Landis	Preister	Schimek	Will
Crosby	Lynch	Rasmussen	Warner	Withem
Horgan	Moore			

Excused and not voting, 7:

Abboud	Bernard-Stevens	Chambers	Hartnett	Robak
		Hall	Lindsay	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 25, 31, 36, 130, 162, and 176.

GENERAL FILE

LEGISLATIVE BILL 364A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 629. Mr. Chambers offered the following amendment:
FA30

Page 5, lines 5 and 6, strike "Either with the consent of both parties or by court order" and insert: "With the consent of both parties."

The Chambers amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

LB 302	Wednesday, March 17, 1993	1:30 p.m.
LR 9	Wednesday, March 17, 1993	1:30 p.m.
LB 310	Thursday, March 18, 1993	1:30 p.m.
LB 577	Thursday, March 18, 1993	1:30 p.m.
LB 605	Thursday, March 18, 1993	1:30 p.m.
Governor Appointment Dr. Tim Biga - Game and Parks Commission	Thursday, March 18, 1993	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Transportation

LB 689	Tuesday, March 16, 1993 (cancelled)	1:30 p.m.

(Signed) Doug Kristensen, Chairperson

STANDING COMMITTEE REPORT

Government, Military and Veterans Affairs

LEGISLATIVE BILL 587. Placed on General File as amended.
Standing Committee amendment to LB 587:
AM0610

1. Strike the original sections and insert the following new sections:

"Section 1. That section 32-1601, Revised Statutes Supplement, 1992, be amended to read as follows:

32-1601. Sections 32-1601 to 32-1610 and section 2 of this act shall be known and may be cited as the Campaign Finance Limitation Act.

Sec. 2. The Campaign Finance Limitation Act shall become operative for elections held after January 1, 1995.

Sec. 3. That original section 32-1601, Revised Statutes Supplement, 1992, is repealed.".

(Signed) DiAnna R. Schimek, Chairperson

ANNOUNCEMENT

Mrs. Witek designates LB 627 as her priority bill.

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 348 in the Journal. No objections. So ordered.

AM0670

(Amendments to Standing Committee amendments, AM0098)

1. On page 2, line 23, after "strike" insert "the second"; and in line 27 strike "line 18," and insert "after line 14 insert the following new subsection:

'(7) An option student who chooses to attend a private or parochial school shall not be required to submit an attendance application and shall be automatically accepted to return to either the resident or option school district upon the completion of the grade levels offered at the private or parochial school.'; in line 18".

Mr. Withem asked unanimous consent to print the following amendment to LB 246 in the Journal. No objections. So ordered.

AM0723

1. On page 2, after line 26, insert the following new paragraph:

"The Legislature finds and declares that much of the conflict that arises over the Nebraska Brand Inspection area is the result of those involved in production agriculture

raising different types of livestock and not having a suitable appreciation for those working with different breeds. Therefor, all farmers and ranchers involved in livestock production shall attend three hours of classes in multispecies education annually.".

GENERAL FILE

LEGISLATIVE BILL 346. Title read. Considered.

Standing Committee amendment, AM0211, found in the Journal on page 553, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

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

Mr. Cudaback renewed his pending amendment, AM0640, found in the Journal on page 880.

The Cudaback amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 452. E & R amendment, AM5384, found in the Journal on page 791, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 363. Mr. Landis renewed his pending amendment, AM0417, found in the Journal on page 707.

MRS. CROSBY PRESIDING

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

The Landis amendment was adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

Mr. Lindsay withdrew his pending amendment, AM0451, found in the Journal on page 851.

Mr. Horgan offered the following amendment:
AM0745

1. On page 2, line 4, strike "or more", show as stricken, and insert "but less than twenty years prior to July 15, 1992," and strike "July 15, 1992" and insert "such date".

The Horgan amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 410. E & R amendment, AM5386, found in the Journal on page 792, was adopted.

Mr. Schmitt withdrew his pending amendment, AM0572, found in the Journal on page 812.

Mr. Schmitt renewed his pending amendment, AM0684, found in the Journal on page 878.

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

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

Mr. Schmitt withdrew his amendment, AM0684.

Advanced to E & R for engrossment.

Mr. Baack asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 106. E & R amendment, AM5390, found in the Journal on page 792, was adopted.

Mr. Byars offered the following amendment:
AM0658

1. On page 2, line 16, strike "for each day a violation continues" and insert "per violation".
2. On page 4, after line 22 insert:
"If the applicant, registrant, or licensee is a publicly held corporation, the board's authority shall extend only to the corporation and its managing officers and directors.".
3. On page 5, line 4, strike "ten", show as stricken, and insert "thirty".
4. On page 6, line 24, after "consider" insert "the appropriateness of the penalty with respect to the gravity of the violation, the history of previous violations, and"; strike beginning with "to" in line 25 through "or" in line 26;

in line 26 strike "changes in" and insert "seeking relief pursuant to"; and in line 27 after "licensing" insert ". A general price adjustment shall not constitute retaliation for purposes of this section. The board may also, after hearing, assess an additional administrative fine in an amount not to exceed five thousand dollars for each day a violation continues if a party fails to obey a direct order of the board or repeats the same violation within forty-eight months of the previous violation. The imposition of any such additional administrative fine shall commence one month after the initial order of the board or any final order on appeal if taken for failure to obey a direct order of the board and on the date of the second or subsequent violation for repeat violations within forty-eight months".

The Byars amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 200. Advanced to E & R for engrossment.

LEGISLATIVE BILL 367. E & R amendment, AM5387, found in the Journal on page 792, was adopted.

Mrs. Pirsch offered the following amendment:
AM0739

(Amendments to E & R amendments, AM5387)

1. On page 1, line 12; and page 2, line 9, strike "county assessor or the".

2. On page 1, lines 12 and 13; and page 2, lines 9 and 10, strike "at the option of the city".

The Pirsch amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 119. E & R amendment, AM5388, found in the Journal on page 794, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 390. E & R amendment, AM5389, found in the Journal on page 794, was adopted.

Mr. Beutler offered the following amendment:
AM0509

1. Strike original section 1 and all amendments

thereto and insert the following new sections:

"Section 1. That section 15-326, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-326. The marshal or chief of police shall have the immediate charge of the police, and he or she and ~~the police~~ his or her officers shall have the power and ~~the~~ duty to arrest all offenders against the laws of the state or the ordinances of the city in the same manner as the sheriff and to keep such offenders in the city jail or other place to prevent their escape until a trial or examination may be had before a proper officer. ~~He or she shall have the same powers as a sheriff in relation to all criminal matters and all process issued by the county court~~ The jurisdiction of the marshal or chief of police and his or her officers in the service of process, in all criminal cases, and in cases for the violation of city ordinances shall be coextensive with the county.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The Beutler amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 508. E & R amendment, AM5391, found in the Journal on page 794, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 43. Advanced to E & R for engrossment.

LEGISLATIVE BILL 384. E & R amendment, AM5394, found in the Journal on page 852, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 369. Advanced to E & R for engrossment.

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 321	Tuesday, March 16, 1993	1:30 p.m.

Tuesday, March 16, 1993, Room 1520 1:30 p.m.
Agency 54 - Nebraska State Historical Society
Agency 31 - Military Department

Agency 33 - Game and Parks Commission
Agency 72 - Department of Economic Development

Wednesday, March 17, 1993, Room 1003		1:30 p.m.
Agency 24 - Department of Motor Vehicles		
Agency 17 - Department of Aeronautics		
Agency 90 - Nebraska Railway Council		
Agency 27 - Department of Roads		
LB 50	Thursday, March 18, 1993	1:30 p.m.
LB 670	Thursday, March 18, 1993	1:30 p.m.
Thursday, March 18, 1993, Room 1003		1:30 p.m.
Agency 12 - State Treasurer		
Agency 07 - Governor		
Agency 08 - Lieutenant Governor		
Agency 09 - Secretary of State		
Agency 03 - Legislative Council		
Agency 23 - Department of Labor		
LB 313	Friday, March 19, 1993	1:30 p.m.
LB 351	Friday, March 19, 1993	1:30 p.m.
LB 327	Friday, March 19, 1993	1:30 p.m.
LB 328	Friday, March 19, 1993	1:30 p.m.
LB 329	Friday, March 19, 1993	1:30 p.m.
LB 330	Friday, March 19, 1993	1:30 p.m.
LB 331	Friday, March 19, 1993	1:30 p.m.
LB 541	Friday, March 19, 1993	1:30 p.m.
LB 649	Friday, March 19, 1993	1:30 p.m.

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 397. Placed on General File.

LEGISLATIVE BILL 84. Indefinitely postponed.
LEGISLATIVE BILL 293. Indefinitely postponed.
LEGISLATIVE BILL 661. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

Judiciary

LEGISLATIVE BILL 781. Placed on General File.

LEGISLATIVE BILL 766. Placed on General File as amended.
Standing Committee amendment to LB 766:

AM0681

1. Strike the original sections and insert the following new sections:

"Section 1. That section 20-127, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

20-127. (1) Blind, ~~The blind, the~~ visually handicapped, ~~the hearing impaired, and the~~ and hearing-impaired persons and persons who are otherwise physically disabled shall have the same right as the ~~able bodied~~ persons who are not physically disabled to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places.

(2) Blind, ~~The blind, the~~ visually handicapped, ~~the hearing impaired, and the~~ and hearing-impaired persons and persons who are otherwise physically disabled shall be entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats, ~~or any~~ other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

(3) Every totally or partially blind person shall have the right to be accompanied by a dog guide and every hearing-impaired person shall have the right to be accompanied by a hearing aid dog, especially trained for the purpose at a facility certified for the training of such dog guide or hearing aid dog, in any of the places listed in subsection (2) of this section without being required to pay an extra charge for the dog guide or hearing aid dog, except ~~; PROVIDED,~~ that such person shall be liable for any damage done to the premises or facilities by such dog.

(4) Every totally or partially blind person shall have the right to make use of a white cane in any of the places listed in subsection (2) of this section.

Sec. 2. That section 20-131.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

20-131.04. Every totally or partially blind person who has a dog guide or ~~who~~ obtains a dog guide and every hearing-impaired person who has a hearing aid dog or ~~who~~ obtains a hearing aid dog which has been trained at a facility certified for the training of guide dogs or hearing aid dogs shall have full and equal access to all housing accommodations with such dog as prescribed in sections 20-131.01 to 20-131.04. Such person shall not be required to pay extra compensation for such dog. Such person shall be liable for any damage done to such premises by such dog. Any person who

rents, leases, or provides housing accommodations for compensation may demand or receive a reasonable dog deposit, not to exceed one-fourth of one month's periodic rent, from any totally or partially blind person who has or obtains a dog guide or from any hearing-impaired person who has or obtains a hearing aid dog which has been trained at a facility certified for the training of such dogs.

Sec. 3. Any certification of the training for guide dogs or hearing aid dogs as set out in sections 20-127 and 20-131.04 shall be by the National Accreditation Council for Agencies of the Blind.

Sec. 4. That original sections 20-127 and 20-131.04, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

LEGISLATIVE BILL 272. Indefinitely postponed.
LEGISLATIVE BILL 273. Indefinitely postponed.
LEGISLATIVE BILL 279. Indefinitely postponed.
LEGISLATIVE BILL 295. Indefinitely postponed.
LEGISLATIVE BILL 476. Indefinitely postponed.
LEGISLATIVE BILL 546. Indefinitely postponed.
LEGISLATIVE BILL 703. Indefinitely postponed.
LEGISLATIVE BILL 780. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Pedersen asked unanimous consent to print the following amendment to LB 461 in the Journal. No objections. So ordered.

AM0512

(Amendments to Standing Committee amendments, AM0284)

1. On page 1, line 16, strike "ten" and insert "eleven"; and in line 18 strike "one" and insert "two".

2. On page 2, line 6, strike "and (7)", show as stricken, and insert "(7) one person who at the time of his or her appointment is serving as an administrator responsible for the operation and maintenance of a juvenile detention facility; and (8)".

UNANIMOUS CONSENT - Add Cointroducers

Ms. Day asked unanimous consent to have her name added as cointroducer to LB 647. No objections. So ordered.

Mr. Ashford asked unanimous consent to have his name added as cointroducer to LB 601. No objections. So ordered.

VISITORS

Visitors to the Chamber were students and teacher from David City High School; Senator McKenzie's parents, Mr. and Mrs. Rolland Johnson, from Sutton; Terry Healey from Gothenburg; 50 first grade students and teacher from Prescott Elementary, Lincoln; Sandy Stockall from North Platte, Michelle Hamouz from Hickman, Annette Schattmann from Alliance, Melissa Moore from Paxton, Stacy Jacob from Cozad, and Allison Johnson from Ainsworth; and 28 eighth grade students and sponsor from Fontenelle Junior High, Bellevue.

The Doctor of the Day was Jeff Susman from Omaha.

ADJOURNMENT

At 11:49 a.m., on a motion by Mrs. Hudkins, the Legislature adjourned until 9:00 a.m., Tuesday, March 9, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-NINTH DAY - MARCH 9, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 9, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Reverend Carolyn Hofman, Maplewood United Methodist Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Avery, Chambers, Hall, Hartnett, Landis, Lindsay, Moore, Wesely, Will, Withem, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

UNANIMOUS CONSENT - Member Excused

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

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 8, 1993, at 2:10 p.m., were the following bills: 25, 31, 36, 130, 162, and 176.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

ANNOUNCEMENT

Mr. Byars designates LB 713 as his priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 48. Introduced by Schmitt, 41; Jones, 43.

WHEREAS, the North Loup Division, Pick-Sloan Missouri Basin Program in Nebraska, also known as the Twin Loups Project, has been in existence for forty years, and will provide irrigation and recreation in north-central Nebraska; and

WHEREAS, this project has had the support of four previous Nebraska Governors and is supported by current Governor E. Benjamin Nelson; and

WHEREAS, the project is presently about ninety-one percent complete and the final major construction contracts have been awarded; and

WHEREAS, the remaining money is crucial to the completion of the project and to the storage and use of precious surface water; and

WHEREAS, eight million two hundred eighty-eight thousand dollars is needed to continue the project; and

WHEREAS, the majority of the project's cost has already been expended to build the Calamus Dam, the Davis Creek Dam, and the irrigation distribution features.

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

1. That the Legislature supports the Twin Loups Project.

2. That the Legislature urges the respective subcommittees on Energy and on Water Development of the Appropriations Committees of the United States Senate and the United States House of Representatives to appropriate sufficient funds in the amount of eight million two hundred eighty-eight thousand dollars to continue construction and progress toward completion of the Twin Loups Project.

3. That copies of this resolution be transmitted to Representative William E. Barrett and be presented to the respective Appropriations Committees of the United States Senate and the United States House of Representatives.

Laid over.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 47.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 198.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-301, Revised Statutes Supplement, 1992; to redefine apportionable vehicle; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 35:

Abboud	Byars	Fisher	Lynch	Schellpeper
Ashford	Coordsen	Haberman	McKenzie	Schimek
Baack	Crosby	Hillman	Pedersen	Schmitt
Bernard-Stevens	Cudaback	Hohenstein	Preister	Vrtiska
Beutler	Day	Hudkins	Rasmussen	Warner
Bohlke	Dierks	Janssen	Robak	Wehrbein
Bromm	Elmer	Kristensen	Robinson	Witek

Voting in the negative, 0.

Present and not voting, 2:

Horgan	Jones

Excused and not voting, 12:

Avery	Hartnett	Moore	Wesely	Will
Chambers	Landis	Pirsch	Wickersham	Withem
Hall	Lindsay			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 217.

A BILL FOR AN ACT relating to the Mortgage Bankers Registration and Licensing Act; to amend sections 45-702, 45-709, and 45-710, Revised Statutes Supplement, 1992; to redefine a term; to provide for a surety bond; to eliminate a fidelity bond requirement; to provide that complaint files are public records as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 36:

Abboud	Crosby	Hillman	McKenzie	Schimek
Ashford	Cudaback	Hohenstein	Pedersen	Schmitt
Baack	Day	Horgan	Preister	Vrtiska
Beutler	Dierks	Hudkins	Rasmussen	Warner
Bohlke	Elmer	Janssen	Robak	Wehrbein
Bromm	Fisher	Kristensen	Robinson	Will
Byars	Haberman	Lynch	Schellpeper	Witek
Coordsen				

Voting in the negative, 0.

Present and not voting, 2:

Bernard-Stevens	Jones

Excused and not voting, 11:

Avery	Hartnett	Lindsay	Pirsch	Wickersham
Chambers	Landis	Moore	Wesely	Withem
Hall				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 271.

A BILL FOR AN ACT relating to State Capitol environs; to amend sections 90-302 and 90-303, Reissue Revised Statutes of Nebraska, 1943, and section 90-301, Revised Statutes Supplement, 1992; to rename an act; to change and authorize regulation of the Nebraska State Capitol Environs District; to authorize appeals of decisions; to require an annual report; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Abboud	Baack	Bernard-Stevens	Beutler	Bromm
Ashford			Bohlke	Byars

Coordsen	Haberman	Jones	Rasmussen	Vrtiska
Crosby	Hillman	Kristensen	Robak	Warner
Cudaback	Hohenstein	Lynch	Robinson	Wehrbein
Dierks	Horgan	McKenzie	Schellpeper	Will
Elmer	Hudkins	Pedersen	Schimek	Witek
Fisher	Janssen	Preister	Schmitt	

Voting in the negative, 0.

Present and not voting, 1:

Day

Excused and not voting, 11:

Avery	Hartnett	Lindsay	Pirsch	Wickersham
Chambers	Landis	Moore	Wesely	Withem
Hall				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 278.

A BILL FOR AN ACT relating to the Interstate Compact on Juveniles; to amend section 43-1002, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to provide an out-of-state rendition amendment; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud	Crosby	Hohenstein	Lynch	Schellpeper
Ashford	Cudaback	Horgan	McKenzie	Schimek
Baack	Day	Hudkins	Moore	Schmitt
Bernard-Stevens	Dierks	Janssen	Pedersen	Vrtiska
	Elmer	Jones	Preister	Warner
Beutler	Fisher	Kristensen	Rasmussen	Wehrbein
Bohlke	Haberman	Landis	Robak	Will
Bromm	Hartnett	Lindsay	Robinson	Witek
Coordsen	Hillman			

Voting in the negative, 0.

Present and not voting, 1:

Byars

Excused and not voting, 7:

Avery	Hall	Wesely	Wickersham	Withem
Chambers	Pirsch			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 334.

A BILL FOR AN ACT relating to the Department of Labor; to amend section 81-401, Reissue Revised Statutes of Nebraska, 1943; to provide an additional general power for the department; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud	Crosby	Hohenstein	Lynch	Schellpeper
Ashford	Cudaback	Horgan	McKenzie	Schimek
Baack	Day	Hudkins	Moore	Schmitt
Bernard-Stevens	Dierks	Janssen	Pedersen	Vrtiska
	Elmer	Jones	Preister	Warner
Beutler	Fisher	Kristensen	Rasmussen	Wehrbein
Bohlke	Haberman	Landis	Robak	Will
Bromm	Hartnett	Lindsay	Robinson	Witek
Coordsen	Hillman			

Voting in the negative, 0.

Present and not voting, 1:

Byars

Excused and not voting, 7:

Avery	Hall	Wesely	Wickersham	Withem
Chambers	Pirsch			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 16.

A BILL FOR AN ACT relating to adoption; to amend section 43-102, Reissue Revised Statutes of Nebraska, 1943, and section 43-107, Revised Statutes Supplement, 1992; to require adoptive home studies and other investigations as prescribed in certain adoption proceedings; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Abboud	Crosby	Hillman	Lindsay	Schellpeper
Ashford	Cudaback	Hohenstein	Lynch	Schimek
Baack	Day	Horgan	McKenzie	Schmitt
Bernard-Stevens	Dierks	Hudkins	Moore	Vrtiska
	Elmer	Janssen	Pedersen	Warner
Beutler	Fisher	Jones	Preister	Wehrbein
Bohlke	Haberman	Kristensen	Rasmussen	Will
Bromm	Hartnett	Landis	Robak	Witek
Coordsen				

Voting in the negative, 0.

Present and not voting, 2:

Byars Robinson

Excused and not voting, 7:

Avery	Hall	Wesely	Wickersham	Withem
Chambers	Pirsch			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 16A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 16, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud Ashford Baack

Bernard-Stevens	Day	Horgan	McKenzie	Schimek
Beutler	Dierks	Hudkins	Moore	Schmitt
Bohlke	Elmer	Janssen	Pedersen	Vrtiska
Bromm	Fisher	Jones	Preister	Warner
Coordsen	Haberman	Kristensen	Rasmussen	Wehrbein
Crosby	Hartnett	Landis	Robak	Will
Cudaback	Hillman	Lindsay	Robinson	Witek
	Hohenstein	Lynch	Schellpeper	

Voting in the negative, 0.

Present and not voting, 1:

Byars

Excused and not voting, 7:

Avery	Hall	Wesely	Wickersham	Withem
Chambers	Pirsch			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT MOUL PRESIDING

LEGISLATIVE BILL 46.

A BILL FOR AN ACT relating to income tax refunds; to amend sections 48-655, 48-665, and 48-665.01, Reissue Revised Statutes of Nebraska, 1943, and section 77-27,119, Revised Statutes Supplement, 1992; to authorize a refund setoff system for amounts due the Department of Labor; to state intent; to define terms; to establish procedures; to provide for hearings and appeals; to require rules and regulations; to authorize disclosures by the Department of Revenue; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud	Bromm	Fisher	Janssen	Moore
Ashford	Coordsen	Haberman	Jones	Pedersen
Baack	Crosby	Hartnett	Kristensen	Preister
Bernard-Stevens	Cudaback	Hillman	Landis	Rasmussen
Beutler	Day	Hohenstein	Lindsay	Robak
Bohlke	Dierks	Horgan	Lynch	Schellpeper
	Elmer	Hudkins	McKenzie	Schimek

Schmitt	Warner	Wesely	Will	Witek
Vrtiska	Wehrbein			

Voting in the negative, 0.

Present and not voting, 2:

Byars	Robinson

Excused and not voting, 6:

Avery	Hall	Pirsch	Wickersham	Withem
Chambers				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 161.

A BILL FOR AN ACT relating to debtors and creditors; to amend sections 77-377.01, 77-2710, and 77-27,107, Reissue Revised Statutes of Nebraska, 1943, and section 77-4312, Revised Statutes Supplement, 1992, as amended by section 40, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992; to authorize state agencies and political subdivisions to contract with collection agencies as prescribed; to change provisions relating to the collection of delinquent taxes as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud	Coordsen	Hillman	Lynch	Schellpeper
Ashford	Crosby	Hohenstein	McKenzie	Schmitt
Baack	Cudaback	Horgan	Moore	Vrtiska
Bernard-Stevens	Day	Hudkins	Pedersen	Warner
	Dierks	Janssen	Preister	Wehrbein
Beutler	Elmer	Jones	Rasmussen	Wesely
Bohlke	Fisher	Kristensen	Robak	Will
Bromm	Haberman	Lindsay	Robinson	Witek
Byars	Hartnett			

Voting in the negative, 2:

Landis	Schimek

Excused and not voting, 6:

Avery	Hall	Pirsch	Wickersham	Withem
Chambers				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 412.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 75-128, 75-302, 75-303, 75-304, 75-305, 75-306, 75-309, 75-311, and 75-348, Reissue Revised Statutes of Nebraska, 1943; to provide for transportation contracts with the Department of Social Services as provided; to provide duties for the commission; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Coordsen	Hillman	Lynch	Schimek
Ashford	Crosby	Hohenstein	McKenzie	Schmitt
Baack	Cudaback	Horgan	Moore	Vrtiska
Bernard-Stevens	Day	Hudkins	Pedersen	Warner
	Dierks	Janssen	Preister	Wehrbein
Beutler	Elmer	Jones	Rasmussen	Wesely
Bohlke	Fisher	Kristensen	Robak	Will
Bromm	Haberman	Landis	Robinson	Witek
Byars	Hartnett	Lindsay	Schellpeper	

Voting in the negative, 0.

Excused and not voting, 6:

Avery	Hall	Pirsch	Wickersham	Withem
Chambers				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 205 to Select File

Mrs. Rasmussen moved to return LB 205 to Select File for the following specific amendment:
AM0792

(Amendments to Final Reading copy)

1 1. Insert the following new sections:

"Sec. 8. The prospective adoptive parent or parents and the birth parent or parents of a prospective adoptee may enter into an agreement regarding communication or contact after the adoption between or among the prospective adoptee and his or her birth parent or parents if the prospective adoptee is in the custody of the Department of Social Services. Any such agreement shall not be enforceable unless approved by the county court pursuant to section 9 of this act.

Sec. 9. (1) Before approving an agreement under section 8 of this act, the county court shall appoint a guardian ad litem if the prospective adoptee is not already represented by a guardian ad litem, and the guardian ad litem of the prospective adoptee shall represent the best interests of the child concerning such agreement. The county court may enter an order approving the agreement upon motion of one of the prospective adoptee's birth parents or one of the prospective adoptive parents if the terms of the agreement are approved in writing by the prospective adoptive parent or parents and the birth parent or parents and if the court finds, after consideration of the recommendations of the guardian ad litem and the Department of Social Services and other factors, that such communication with the birth parent or parents and the maintenance of birth family history would be in the best interests of the prospective adoptee.

(2) In determining if the agreement is in the best interests of the prospective adoptee, the county court shall consider the following factors as favoring communication with the birth parent or parents: Whether the prospective adoptee and birth parent or parents lived together for a substantial period of time, the prospective adoptee exhibits attachment or bonding to such birth parent or parents, and the adoption is a foster-parent adoption with the birth parent or parents having relinquished the prospective adoptee due to an inability to provide him or her with adequate parenting.

Sec. 10. Failure to comply with the terms of an order entered pursuant to section 9 of this act shall not be grounds for setting aside an adoption decree, for revocation of a written consent to adoption after the consent has been approved by the county court, or for revocation of a relinquishment of parental rights after the relinquishment has been accepted in writing by the Department of Social Services as provided in section 43-106.01.

Sec. 11. An order entered pursuant to section 9 of this act may be enforced by a civil action, and the prevailing party may be awarded, as part of the costs of the action, reasonable attorney's fees. The court shall not modify an order issued under such section unless it finds that the modification is necessary to serve the best interests of the

adoptee and (1) that the modification is agreed to by the adoptive parent or parents and the birth parent or parents or (2) exceptional circumstances have arisen since the order was entered that justify modification of the order.".

2. On page 1, line 6, after the semicolon insert "to provide for communication agreements as prescribed; to provide for civil actions;".

3. Renumber the remaining section accordingly.

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

The Rasmussen motion to return prevailed with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 205. The Rasmussen specific amendment, AM0792, found in this day's Journal, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for reengrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendments to LB 240 in the Journal. No objections. So ordered.

(1)

AM0771

1. On page 5, lines 12 and 13, strike the new matter and reinstate the stricken matter.

(2)

AM0768

1. On page 2, lines 14, 15, and 18 through 20, strike the new matter and reinstate the stricken matter.

(3)

AM0770

1. On page 4, strike the new matter and all amendments thereto and reinstate the stricken matter.

(4)

AM0769

1. Strike original section 4.

2. On page 2, line 17; page 3, lines 11 through 13; page 5, line 21; page 6, lines 24 through 28; and page 7, lines 1 through 21, strike the new matter and reinstate the

stricken matter.

3. On page 7, line 26; and page 8, line 5, strike "6" and insert "5".

4. On page 9, line 25, strike the first comma and insert "and" and strike "and"; and in line 26 strike "77-2715.07,".

5. In the E & R amendments, AM5392, on page 1, line 13, strike "6" and insert "5".

6. Renumber the remaining sections accordingly.

(5)

AM0772

1. Strike original sections 1 and 6.

2. On page 7, line 26; and page 8, lines 2, 3, and 5 and 6, strike the new matter and reinstate the stricken matter.

3. On page 9, line 26, after the last comma insert "and"; and strike beginning with "and" in line 27 through line 28 and insert "are repealed.".

4. On page 10, strike lines 1 and 2.

5. In the E & R amendments, AM5392, strike amendment 1 and renumber the remaining amendment.

6. Renumber the remaining sections accordingly.

(6)

AM0418

1. On page 6, line 27, before "sixty-five" insert "fifty-five dollars for the first exemption allowed on the federal return and" and after "of" insert "additional".

(7)

AM0728

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 77-2715, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2715. (1) A tax is hereby imposed for each taxable year on the entire income of every resident individual and on the income of every nonresident individual and partial-year resident individual which is derived from sources within this state, except that any individual who ~~has no income tax liability under the Internal Revenue Code of 1986 and who~~ has additions to adjusted gross income pursuant to section 77-2716 of less than five thousand dollars shall not have an individual income tax liability under the Nebraska Revenue Act of 1967 that exceeds thirty-five percent of his or her individual income tax liability before credits under the Internal Revenue Code of 1986.

(2) The tax for each resident individual shall be a

percentage of such individual's federal adjusted gross income as modified in sections 77-2716 and 77-2716.01, plus a percentage of the federal alternative minimum tax and the federal tax on premature or lump-sum distributions from qualified retirement plans. The additional taxes shall be recomputed by (a) substituting Nebraska taxable income for federal taxable income, (b) calculating what the federal alternative minimum tax would be on Nebraska taxable income and adjusting such calculations for any items which are reflected differently in the determination of federal taxable income, and (c) applying Nebraska rates to the result. The federal credit for prior year minimum tax, after the recomputations required by the act, shall be allowed as a reduction in the income tax due.

(3) The tax for each nonresident individual and partial-year resident individual shall be the portion of the tax imposed on resident individuals which is attributable to the income derived from sources within this state. The tax which is attributable to income derived from sources within this state shall be determined by multiplying the liability to this state for a resident individual with the same total income by a fraction, the numerator of which is the nonresident individual's or partial-year resident individual's Nebraska adjusted gross income as determined by section 77-2733 or 77-2733.01 and the denominator of which is his or her total federal adjusted gross income, after first adjusting each by the amounts provided in section 77-2716. If this determination attributes more or less tax than is reasonably attributable to income derived from sources within this state, the taxpayer may petition for or the Tax Commissioner may require the employment of any other method to attribute an amount of tax which is reasonable and equitable in the circumstances.

(4) A refund shall be allowed to the extent that the income tax paid by the individual for the taxable year exceeds the income tax payable, except that no refund shall be made in any amount less than two dollars.

Sec. 2. This act shall be operative for all taxable years beginning or deemed to begin on or after January 1, 1993, under the Internal Revenue Code of 1986, as amended.

Sec. 3. That original section 77-2715, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Mr. Elmer asked unanimous consent to print the following amendment to LB 345 in the Journal. No objections. So ordered.

AM0753

1. Insert the following new sections:

"Sec. 71. For purposes of sections 71 to 75 of this

act:

(1) Costs of production shall mean all costs incurred for exploration, development, primary or enhanced recovery, and abandonment operations including, but not limited to, lease acquisition, drilling and completion, pumping or lifting, recycling, gathering, compressing, pressurizing, heater treating, dehydrating, separating, storing, or transporting the oil to the storage tanks or the gas into the market pipeline. Costs of production shall not include the reasonable and actual direct costs associated with transporting the oil from the storage tanks to market or the gas from the point of entry into the market pipeline or the processing of gas in a processing plant;

(2) Lessee shall mean the person entitled under an oil and gas lease to drill and operate wells, paying the lessor a royalty and retaining the remainder, known as the working interest. The lessee shall pay all costs of production out of his or her interest, the lessor's interest being free and clear of all the costs of production;

(3) Lessor shall mean the mineral owner who has executed a lease and who is entitled to the payment of a royalty on production, free and clear of the costs of production;

(4) Operator shall mean a person engaged in the business of drilling and producing wells for oil and gas;

(5) Other nonworking interest shall mean any interest in an oil and gas lease or well which is not a royalty, overriding royalty, or working interest;

(6) Overriding royalty shall mean a share of production, free of the costs of production, carved out of the lessee's interest under an oil and gas lease;

(7) Royalty shall mean the mineral owner's share of production, free and clear of the costs of production;

(8) Working interest shall mean the interest granted under an oil and gas lease, giving the lessee the right to work on the leased property to search for, develop and produce oil and gas, and the obligation to pay all costs of production.

Sec. 72. (1) The proceeds derived from the sale of production from any well producing oil, gas, or related hydrocarbons in the State of Nebraska shall be paid to all persons legally entitled thereto, except as hereinafter provided, commencing not later than six months after the first day of the month following the date of first sale and thereafter not later than sixty days after the end of the calendar month within which subsequent production is sold unless other periods or arrangements for the first and subsequent payments are provided for in a valid contract with the person or persons entitled to such proceeds. Payment

shall be made directly to the person or persons entitled thereto by the lessee or operator or by any party who assumes such payment obligation under any legal arrangement.

(2) Payments shall be remitted to the person or persons entitled to proceeds from production annually for the aggregate of up to twelve months accumulation of proceeds if the total amount owed is twenty-five dollars or less.

(3) The lessee or operator shall be exempt from sections 71 to 75 of this act, and the purchaser shall assume the operator's responsibilities for making such payments, if the operator and purchaser have entered into arrangements whereby the proceeds are paid by the purchaser to those legally entitled thereto.

Sec. 73. Any delay in determining any person legally entitled to an interest in the proceeds from production shall not affect payments to all other persons entitled to payment. In instances when payment cannot be made for any reason within the time limits specified in section 72 of this act, the lessee or operator, purchaser, or other party legally responsible for payment shall deposit all proceeds credited to the eventual interest owner to an escrow account in a federally insured bank or savings and loan institution in Nebraska, using a standard escrow document form approved by the Attorney General, which deposit shall earn interest at the highest rate being offered by that institution for the amount and term of such deposits. The escrow agent may commingle money received into escrow from any one lessee or operator, purchaser, or other party legally responsible for payment. Payment of principal and accrued interest from such accounts shall be paid by the escrow agent to all persons legally entitled thereto within thirty days from the date of receipt by the escrow agent of final legal determination of entitlement thereto. Applicable escrow fees shall be deducted from the payments.

Sec. 74. (1) Any lessee or operator, purchaser, or other party legally responsible for payment who violates the provisions of sections 71 to 75 of this act shall be liable to the person or persons legally entitled to proceeds from production for the unpaid amount of such proceeds, plus interest at the rate of eighteen percent per annum on the unpaid principal balance from the due date specified in section 72 of this act.

(2) The district court for the county in which a well producing oil, gas, or related hydrocarbons is located has jurisdiction over all proceedings brought pursuant to sections 71 to 75 of this act, and the prevailing party in any proceedings brought pursuant to such sections shall be entitled to recover all court costs and reasonable attorney's fees.

(3) Any person who fails to provide royalty information as provided in section 75 of this act shall be liable to the affected royalty, overriding royalty, or other nonworking interest owner in the amount of one hundred dollars per month that complete reporting is not provided to the interest owners.

Sec. 75. (1) Unless otherwise expressly provided for by specific language in an executed written agreement, royalty, overriding royalty, other nonworking interest, and working interests shall be interpreted as defined in section 71 of this act. An order of the Nebraska Oil and Gas Conservation Commission may not alter or amend the terms of an oil or gas lease or other contractual agreement. An order that alters or amends the terms of an oil and gas lease or other contractual agreement shall be invalid to the extent of the alteration or amendment, and the terms of the oil and gas lease or other contractual agreement shall take precedence.

(2) Whenever payment is made for oil or gas production to an interest owner, all of the following information shall be included and labeled on the check stub or on an attachment to the form of payment unless the information is otherwise provided on a regular monthly basis:

(a) The lease, property, or well name or any lease, property, or well identification number used to identify the lease property or well;

(b) The month and year during which sales occurred for which payment is being made;

(c) The total number of barrels of oil or thousands of cubic feet of gas sold;

(d) The price per barrel of oil or the price per thousand cubic feet of gas;

(e) The total amount of severance, property, and other production taxes;

(f) An itemized list of any other deductions or adjustments;

(g) The net value of total sales after deductions;

(h) The owner's interest in sales from the lease, property, or well expressed as a decimal;

(i) The owner's share of the total value of sales prior to any deductions;

(j) The owner's share of the sales value less deductions; and

(k) An address where additional information pertaining to the owner's interest in production may be obtained and questions answered. If information is requested by certified mail, an answer shall be mailed by certified mail within thirty days of receipt of the request.".

2. In the Standing Committee amendments, AM0210, on page 12, line 25, strike "becomes" and insert "and sections 71

to 75 of this act become".

3. Renumber the remaining sections accordingly.

MESSAGES FROM THE GOVERNOR

March 5, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

APPOINTEE: Timothy J. Biga, 608 Kapalar Circle, Norfolk, NE 68701

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

March 5, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Motor Vehicle Industry Licensing Board, requiring legislative approval.

APPOINTEE: Rodney D. Rhoden, 4040 South 84 Street, Omaha, NE 68114

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 198, 217, 271, 278, 334, 16, 16A, 46, 161, and 412.

GENERAL FILE

LEGISLATIVE BILL 575. Title read. Considered.

Standing Committee amendment, AM0531, printed separately from the Journal and referred to on page 826, was considered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA31
Amend Committee Amendments
Strike sections: 33, 34, 35, 36, 37 (LB 434)

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

Mr. Chambers withdrew his amendment.

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 381. Placed on General File.

LEGISLATIVE BILL 20. Indefinitely postponed.
LEGISLATIVE BILL 184. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

General Affairs

LEGISLATIVE BILL 280. Placed on General File.

(Signed) Stan Schellpeper, Chairperson

Natural Resources

LEGISLATIVE BILL 773. Placed on General File.

LEGISLATIVE BILL 480. Placed on General File as amended.
Standing Committee amendment to LB 480:
AM0637

1. Strike original sections 3 and 7.

2. On page 20, line 23, strike "2-3220,"; and in line 25 strike beginning with "section" through the last comma.

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 571. Placed on General File as amended.
Standing Committee amendment to LB 571:
AM0663

1. On page 5, line 8, after "county" insert "in accordance with section 2-4606".

(Signed) Chris Beutler, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 701. Indefinitely postponed.

(Signed) David Landis, Chairperson

Revenue

LEGISLATIVE BILL 220. Placed on General File as amended.
Standing Committee amendment to LB 220:
AM0756

1. Strike the original sections and insert the following new sections:

"Section 1. That section 77-3437, Revised Statutes Supplement, 1992, be amended to read as follows:

77-3437. For purposes of sections 77-3437 to 77-3440:

(1) Accessibility barrier shall mean anything which impedes entry into, exit from, or use of any building or facility by all people;

(2) Accessibility barrier elimination, only for purposes of subsection (4) of section 77-3439, shall include, but not be limited to, inspection for and removal of accessibility barriers, maintenance to reduce, lessen, put an end to, diminish, control, dispose of, or eliminate accessibility barriers, related restoration or modification of facilities or property, any related architectural and engineering services, and any other action to reduce or eliminate accessibility barriers in the public buildings or on the public grounds under the control of the governing body of the municipality or county;

(3) Accessibility barrier elimination project costs, only for purposes of subsection (4) of section 77-3439, shall include, but not be limited to, inspection, maintenance, accounting, emergency services, consultation, or any other action to reduce or eliminate accessibility barriers;

(4) Actual expenditures shall mean total expenditures but shall not include extraordinary expenditures due to natural disasters or to capital improvement projects funded through a sinking fund;

(5) Adopted budget statement shall have the definition found in section 13-503;

(6) Budgeted expenditures shall mean the total budgeted expenditures as certified in the budget statement adopted pursuant to the Nebraska Budget Act;

(7) ~~(2)~~ Fiscal year shall have the definition found in section 13-503;

(8) ~~(3)~~ Governing body shall have the definition found in section 13-503, except that governing body shall not include a school board or board of education of a school district;

(9) ~~(4)~~ Growth shall mean any property tax or motor vehicle tax revenue received ~~from real property~~ as the result of new construction, additions to existing buildings, and any improvements to real property which increase the value of such property, and, except for tax year 1992, growth shall include revenue received as the result of listing of personal property not listed for taxation in the previous year and the registration of motor vehicles which were not registered in the previous year. Growth ~~but~~ shall not include any increased property tax revenue received due (a) to a change in valuation of a class or a subclass of property or (b) to revaluations of individual properties; and

(10) ~~(5)~~ Property taxes shall mean all revenue budgeted to be received from the levy of taxes on property, including receipts from reimbursements under sections 77-27,138.01 and 77-3523, but shall not include (a) property taxes budgeted to be collected for retirement of bonded indebtedness or for projects and practices in accordance with section 2-3229 and necessary works incident to such projects and practices or (b) revenue received as a result of growth in the current year or growth in the previous year if such growth was not excluded from the property taxes budgeted the prior fiscal year.

Sec. 2. That section 77-3438, Revised Statutes Supplement, 1992, be amended to read as follows:

77-3438. (1) Except as provided in sections 77-3437, 77-3438.01, 77-3439, and 77-3440, no governing body shall adopt a budget statement pursuant to section 13-506 or pursuant to the charter or ordinance of a city with a home

rule charter in which the anticipated aggregate receipts from property taxes for any fiscal year exceed the anticipated aggregate receipts from property taxes for the prior fiscal year or, for a governing body which budgeted no revenue to be received from the levy of taxes on real and personal property in such year, the most recent fiscal year prior to such year for which the governing body did budget to receive property taxes.

(2) A governing body may increase property taxes by a specific dollar amount greater than that permitted by subsection (1) of this section if a final order of a court from which no appeal is taken requires reimbursement by the governing body of property taxes to a taxpayer. The increase shall not exceed the amount of the reimbursement.

(3) A county board may increase property taxes by a specific dollar amount greater than that permitted by subsection (1) of this section not to exceed the dollar amount of reduction in state aid to the county resulting from the changes made to section 77-27,136 by Laws 1992, LB 1063.

(4) For political subdivisions that have annexed property or have consolidated after December 15, 1989, or for a new educational service unit organized pursuant to section 79-2202.06 or an existing educational service unit, which new or existing unit has added or received a school district or portion thereof, the anticipated aggregate receipts from property taxes shall be computed based on the combined aggregate property taxes of each subdivision in the fiscal year immediately preceding consolidation, annexation, or addition. The estimated amount of property taxes for the immediately preceding fiscal year from the annexed, added, or consolidated property to be added to the property taxes of the political subdivision shall be computed by multiplying the property tax levy of the political subdivision for the immediately preceding fiscal year by the taxable valuation of the annexed, added, or consolidated property for the immediately preceding fiscal year.

(5) Taxes levied by the county board in a ministerial capacity on behalf of other authorities, boards, commissions, districts, entities, and political subdivisions shall not count toward the limitations in this section.

Sec. 3. That section 77-3439, Revised Statutes Supplement, 1992, be amended to read as follows:

77-3439. (1) A governing body may increase the anticipated aggregate receipts from property taxes more than the amount permitted by section 77-3438 by the percentage change in the Consumer Price Index - All Urban Consumers, published by the United States Department of Labor, Bureau of Labor Statistics, for the previous calendar year. The increase shall be approved upon the affirmative vote of a

majority of the governing body.

(2) If the increase permitted by subsection (1) of this section is less than five percent more than the amount permitted by section 77-3438, a governing body may increase the anticipated aggregate receipts from property taxes by ~~up to~~ the greater of (a) five percent more than the amount permitted by section 77-3438 or (b) a specific dollar amount calculated by multiplying the difference between six hundredths and the average rate of actual expenditure increases for the most recent five completed fiscal years, expressed in hundredths, times the total budgeted expenditures for the fiscal year preceding the year for which the budget is being approved, upon an affirmative vote of at least seventy-five percent of the governing body. Such vote shall be taken at a public meeting of the governing body following a special public hearing called for the purpose of receiving testimony on such proposed increase.

~~(2)~~ (3) In addition to the ~~increase~~ increases permitted by ~~subsection~~ subsections (1) and (2) of this section, a Community College Board of Governors may increase the anticipated aggregate receipts from property taxes by the amount necessary to pay for accessibility barrier elimination project costs and for abatement of environmental hazards as such terms are defined in section 79-4,207 upon an affirmative vote of a majority of the board of governors. Such vote shall be taken at a public meeting of the board of governors following (a) a hearing called pursuant to subsection ~~(1)~~ (2) of this section at which there is an opportunity for testimony on the increase proposed under this subsection or (b) a special public hearing called for the purpose of receiving testimony on the increase proposed under this subsection.

(4) In addition to the increases permitted by subsections (1) and (2) of this section, a municipality or county may increase the anticipated aggregate receipts from property taxes by the amount necessary to pay for accessibility barrier elimination project costs upon an affirmative vote of a majority of the governing body. Such vote shall be taken at a public meeting of the governing body following (a) a hearing called pursuant to subsection (2) of this section at which there is an opportunity for testimony on the increase proposed under this subsection or (b) a special public hearing called for the purpose of receiving testimony on the increase proposed under this subsection.

(5) ~~(3)~~ The governing body or board of governors shall give at least seven calendar days' notice of a public hearing called under subsection ~~(1) or~~ (2), (3), or (4) of this section and shall publish such notice at least once in a newspaper of general circulation in the political subdivision.

Sec. 4. That original sections 77-3437, 77-3438,

and 77-3439, Revised Statute Supplement, 1992, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 290. Placed on General File as amended.
Standing Committee amendment to LB 290:
AM0694

1. Strike original section 3.

2. On page 2, strike beginning with "There" in line 1 through line 15 and insert "Rental companies engaged in the business of renting private passenger motor vehicles used to carry fifteen passengers or less for periods of thirty-one days or less shall collect, at the time the vehicle is rented in Nebraska, a fee of four and one-half percent of each rental contract amount, not including sales tax. For purposes of this section, a vehicle is rented in Nebraska if it is picked up by the renter in Nebraska. The fee shall be computed in accordance with the method used for the sales tax imposed by the state. The fee shall not be subject to sales tax. The fee shall be noted in the rental contract and collected in accordance with the terms of the contract. The fee shall be retained by the vehicle owner or the rental company engaged in the business of renting private passenger motor vehicles. Fees collected pursuant to this section may be used only by the vehicle owner or the rental company for reimbursement of the amount of personal property taxes imposed and paid upon the vehicles by the vehicle owner or rental company.

(2) On February 15 of each year, the fees imposed by this section for the preceding calendar year, to the extent the fees exceed the personal property taxes imposed upon the vehicles for the preceding calendar year, shall be due and payable to the county treasurer of the county where the transactions occurred. The fee shall be remitted in the form prescribed by the county treasurer. The county shall allocate and distribute such proceeds in the same manner as the proceeds from motor vehicle taxes are allocated and distributed pursuant to section 77-1240.01. The revenue received by the county under this section may be expended for any lawful purpose."; and strike beginning with "The" in line 26 through line 28.

3. On page 3, strike line 1.

4. On page 5, strike beginning with "and" in line 5 through "are" in line 6 and insert "is".

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 396. Indefinitely postponed.
LEGISLATIVE BILL 646. Indefinitely postponed.
LEGISLATIVE BILL 807. Indefinitely postponed.

LEGISLATIVE BILL 810. Indefinitely postponed.
LEGISLATIVE BILL 811. Indefinitely postponed.
LEGISLATIVE BILL 812. Indefinitely postponed.
LEGISLATIVE BILL 813. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

Judiciary

LEGISLATIVE BILL 252. Placed on General File as amended.
Standing Committee amendment to LB 252:
AM0767

1. Insert the following new section:

"Section 1. That section 25-2803, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-2803. (1) Parties in the Small Claims Court may be individuals, partnerships, corporations, unions, associations, or any other kind of organization or entity.

(2) No party shall be represented by an attorney in the Small Claims Court except as provided in section 25-2805.

(3) An individual shall represent himself or herself in the Small Claims Court. A partnership shall be represented by a partner or one of its employees. A union shall be represented by a union member or union employee. A corporation shall be represented by one of its employees. An association shall be represented by one of its members or by an employee of the association. Any other kind of organization or entity shall be represented by one of its members or employees.

(4) Only a party, natural or otherwise, who has been a party to the transaction with the defendant for which the claim is brought may file and prosecute a claim in the Small Claims Court.

(5) No party may file an assigned claim in the Small Claims Court.

(6) No party shall file more than two claims within any calendar week nor more than ~~ten~~ five claims in any calendar year in the Small Claims Court. This subsection shall not apply to actions brought pursuant to section 25-21,194.

(7) Notwithstanding any other provision of this section, a personal representative of a decedent's estate, a guardian, or a conservator may be a party in the Small Claims Court.".

2. On page 3, line 19, after "sections" insert "25-2803," and after "25-2805" insert a comma.

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 644. Placed on General File as amended.

(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0740.)

(Signed) John Lindsay, Chairperson

Natural Resources

LEGISLATIVE BILL 482. Placed on General File as amended.
Standing Committee amendment to LB 482:
AM0608

1. On page 2, line 12, after the second comma insert "methanol,"; and in line 13 strike "and" and after "propane" insert ", and any other alternative fuel approved and recognized by the United States Department of Energy".

2. On page 4, line 8, strike "such" and show as stricken; in line 9 after "loan" insert "entered into prior to the effective date of this act"; and in line 10 after the period insert "Any loan made after the effective date of this act for energy studies shall be repaid within five years from the date of such loan. Any loan made after the effective date of this act for alternate-fuel vehicles or fueling facilities shall be repaid within ten years from the date of such loan. Any other loan made after the effective date of this act shall be repaid within fourteen years from the date of such loan.".

(Signed) Chris Beutler, Chairperson

ANNOUNCEMENT

Mr. Horgan announced the Nebraska Retirement Systems Committee will hold an executive session on Wednesday, March 10th at 8:15 a.m. in Room 2102.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 345 in the Journal. No objections. So ordered.

AM0719
(Amendments to the Standing Committee amendments, AM0210)

1. Insert the following new amendment:

"7. On page 70, line 3, strike 'accounting practices' and insert 'auditing standards'.".

2. On page 12, strike beginning with "taxable" in line 24 through "1993" in line 25 and insert "changes that become final on or after the effective date of this act".

3. Renumber the remaining amendments accordingly.

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 246 in the Journal. No objections. So ordered.

AM0735

1. Insert the following new section:

"Sec. 2. That section 54-147, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-147. A uniform fee to be fixed by the brand committee of not to exceed sixty-five cents per head shall be charged for all cattle inspected in accordance with sections 54-134 to 54-169 or section 54-415 or inspected within the brand inspection area by court order or at the request of any bank, credit agency, or lending institution with a legal or financial interest in such cattle. The inspection fee for court-ordered inspections shall be paid from the proceeds of the sale of such cattle if ordered by the court or by either party as the court directs. For other inspections, the person requesting the inspection of such cattle shall be held responsible for the inspection fee. If estray cattle are identified as a result of the inspection, such cattle shall be processed in the manner provided by section 54-415. All fees collected by the brand committee shall be ~~deposited in the state treasury in a fund to be known as~~ remitted to the State Treasurer for credit to the Nebraska Brand Inspection and Theft Prevention Fund which is hereby created. All money in the fund, if and when appropriated by the Legislature, shall be used by the brand committee in the administration and enforcement of sections 54-134 to 54-169 and 54-415 and for the cost of any special election on the question of expanding the brand inspection area. Any unexpended balance that remains in the fund at the end of any biennium shall, when reappropriated by the Legislature, be available for the uses and purposes of the fund for the succeeding biennium. The fund shall be paid out only upon the proper vouchers approved by the brand committee upon warrants issued by the Director of Administrative Services and countersigned by the State Treasurer as provided by law. Any money in the Nebraska Brand Inspection and Theft Prevention Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to ~~72-1269~~ 72-1276.".

2. On page 2, line 3, before "There", insert "(1)"; in line 16 strike "Howard,"; after line 26 insert the following new subsection:

"(2) Howard County shall be added to the Nebraska brand inspection area if, after a vote by eligible voters residing in the county, a majority of votes cast are in favor of the inclusion of Howard County into the Nebraska brand inspection area. Public notice shall be given by the county clerk of Howard County at least fifteen days prior to the

holding of the election which shall be held in the office of the county extension agent of Howard County. No more than one ballot may be cast by each eligible voter. Ballots may be cast and shall be acceptable for a period of no more than five business days after the election commences. All ballots shall be counted by the county clerk of Howard County, and the results of the balloting shall be made available to the public. For purposes of this section, eligible voter shall mean any resident of Howard County who is an owner or producer of cattle. The costs of the special election shall be paid from the Nebraska Brand Inspection and Theft Prevention Fund."; on line 27 after "original" insert "section 54-147, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 28 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

MESSAGES FROM THE GOVERNOR

March 8, 1993

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 163, 182, 48, 109, 247, 316, and 439 were received in my office on March 4, 1993.

These bills were signed by me on March 8, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

March 9, 1993

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

Dear Madam President and Senators:

Engrossed Legislative Bill 63 was received in my office on March 4, 1993. This bill was signed by me on March 8, 1993, and delivered to the Secretary of State.

The numerical coding system in this bill provides an easy method of identifying the type of plastic used in the manufacturing of plastic containers sold in this state. This will assist in recycling plastic and reducing waste to our landfills. These coding requirements are currently mandated in thirty-seven other states.

Nebraskans are recycling more and more each year. LB 63 will assist in building a more efficient recycling system in the state. We have made great strides in our efforts to recycle, and I look forward to continued improvements in the percentage of waste being diverted from our landfills.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 9, 1993, at 11:00 a.m., were the following bills: 198, 217, 271, 278, 334, 16, 16A, 46, 161, and 412.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 289	Friday, March 19, 1993	1:30 p.m.
LB 385	Friday, March 19, 1993	1:30 p.m.

Governor Appointment Thursday, March 18, 1993 (cancel) 1:30 p.m.
Dr. Tim Biga - Game and Parks Commission

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Ashford asked unanimous consent to print the following amendment to LB 231 in the Journal. No objections. So ordered.

AM0798

1. Insert the following new section:

"Sec. 4. No game of chance, lottery, gift enterprise, or gambling shall be authorized under any pretense or for any purpose whatever except for the following:

(1) A state lottery which is authorized by the state if conducted in conformity with the law;

(2) Parimutuel betting if conducted in conformity with the law;

(3) Charitable games of chance which are operated by

qualified charitable organizations in the pursuit of charitable purposes if conducted in conformity with the law;

(4) Keno if conducted in conformity with the law; and

(5) A lottery conducted by the sale of pickle cards as defined in section 9-315 if conducted in conformity with the law.".

VISITORS

Visitors to the Chamber were Stephan Scharer from Switzerland; 40 juniors, seniors, and teachers from Elkhorn High School; Senator Cudaback's mother, Lena Cudaback; Eivind and Dorothy Pedersen, Svend Greve, and Chris Jorgensen from Denmark; Darla Hutchings from Omaha; Louise Fiene from Grand Island; Mr. and Mrs. Ray Stamp from Broken Bow; 16 ninth through twelfth grade students and sponsor from Elba; and Senator Schellpeper's daughter-in-law and grandsons, Kathy, Andrew, and Eric Schellpeper, from Lincoln.

The Doctor of the Day was Don Larson from Lincoln.

ADJOURNMENT

At 11:52 a.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Wednesday, March 10, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTIETH DAY - MARCH 10, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 10, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Wayne Hineman, Rosemont Alliance Church, Retired, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Ms. Day and Mrs. Pirsch who were excused; and Messrs. Abboud, Ashford, Avery, Bromm, Byars, Chambers, Dierks, Hall, Hartnett, Landis, Lindsay, Moore, Will, Mmes. Bohlke, and Robak who were excused until they arrive.

PRESIDENT MOUL PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-ninth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 91, 112, 122, 190, 192, 215, 288, and 356.

Enrollment and Review Change to LB 112

The following changes, required to be reported for publication in the Journal, have been made:
ER7214

1. In AM0569:

a. On page 1, line 8, "and" has been inserted after the first comma; and in line 9 "of" has been inserted after "collection"; and

b. On page 59, line 17, "shall be made" has been inserted after "forms".

2. On page 1, the matter beginning with "60-108" in line 1 through line 10 and all amendments thereto have been struck and "18-1214, 39-6,183, 60-108, 60-110, 60-111, 60-113, 60-119, 60-122, 60-302.01, 60-302.02, 60-302.04, 60-303, 60-305.04, 60-305.08, 60-311.12, 60-311.13, 60-312, 60-315.01, 60-318, 60-319, 60-324, 60-329, 60-331, 60-331.01, 60-331.04, 60-339, 60-345, 60-528, 60-1803, 60-2003, 60-2010.01, 77-1240.04, and 83-123, Reissue Revised Statutes of Nebraska, 1943, sections 18-1738, 18-1738.01, 60-106, 60-107, 60-112, 60-115, 60-302, 60-315, 60-320, 60-326.01, and 77-1240.03, Revised Statutes Supplement, 1992, and section 77-2703, Revised Statutes Supplement, 1992, as amended by section 26, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992; to authorize county boards to consolidate certain services relating to motor vehicles; to provide powers and duties for various county officials and the Department of Motor Vehicles; to harmonize provisions; to repeal the original sections; and to declare an emergency." inserted.

Enrollment and Review Change to LB 356

The following changes, required to be reported for publication in the Journal, have been made:
ER7215

1. On page 1, line 4, "to provide an exemption from certain provisions;" has been inserted after the semicolon.

(Signed) Kurt Hohenstein, Chairperson

ANNOUNCEMENTS

Mrs. McKenzie designates LB 305 as her priority bill.

Mr. Withem designates LB 453 as his priority bill.

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 343. Placed on General File as amended.
Standing Committee amendment to LB 343:
AM0766

1. Insert the following new section:
"Sec. 2. (1) No accountant shall be liable to

parties not in privity of contract with the accountant for civil damages resulting from acts, omissions, decisions, or other conduct in connection with the professional services performed by such accountant unless:

(a) The acts, omissions, decisions, or conduct of such accountant constitutes fraud or intentional misrepresentation; or

(b) The accountant knew at the time of the engagement or the accountant and the client mutually agreed after the time of the engagement that the professional services performed for the client would be made available for use in connection with a specified transaction by the person bringing the action, who was identified in writing to the accountant, and the accountant had acknowledged in writing to the person bringing the action that the accountant knew at the time of the engagement or at the time of the mutual agreement that the person bringing the action intended to rely upon the professional services performed for the client in connection with a specified transaction.

(2) Nothing in this section shall be construed to limit or prohibit an accountant from entering into a written agreement with any person not otherwise in privity of contract specifically waiving the common law rule of privity of contract with respect to professional services upon which the person intends to rely in connection with a specified transaction.

(3) For purposes of this section, accountant shall mean any person, partnership, or corporation licensed or authorized to practice under the Public Accountancy Act of 1957 and its employees, partners, members, officers, and shareholders.".

2. On page 3, line 5, strike "section 1" and insert "sections 1 and 2".

3. Renumber the remaining sections accordingly.

(Signed) John Lindsay, Chairperson

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 269	Wednesday, March 17, 1993	1:30 p.m.
LB 304	Wednesday, March 17, 1993	1:30 p.m.
LB 638	Wednesday, March 17, 1993	1:30 p.m.
LB 716	Wednesday, March 17, 1993	1:30 p.m.
LR 28CA	Wednesday, March 17, 1993	1:30 p.m.
LB 120	Thursday, March 18, 1993	1:30 p.m.
LB 432	Thursday, March 18, 1993	1:30 p.m.

LB 519	Thursday, March 18, 1993	1:30 p.m.
LB 723	Thursday, March 18, 1993	1:30 p.m.
LB 762	Thursday, March 18, 1993	1:30 p.m.
LR 2CA	Thursday, March 18, 1993	1:30 p.m.
LB 114	Friday, March 19, 1993	1:30 p.m.
LB 483	Friday, March 19, 1993	1:30 p.m.
LB 707	Friday, March 19, 1993	1:30 p.m.
LB 779	Friday, March 19, 1993	1:30 p.m.
LB 790	Friday, March 19, 1993	1:30 p.m.

(Signed) John Lindsay, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 49. Introduced by Robinson, 16; Hohenstein, 17; Schellpeper, 18.

WHEREAS, the Wisner-Pilger High School girls' basketball team is the champion of the 1993 Class C-1 Girls' state basketball tournament; and

WHEREAS, extraordinary teamwork was shown by team members Paula Raabe, Jamie Jensen, Laurie Kvols, Debbie Clause, Jayme Ross, Jenny Wilcox, Erika Thor, Remkea Ockander, Mindy Jensen, Ann Malchow, Keena Roth, and Rena Beune; and

WHEREAS, the hard work and dedication put forth by the players and coaches resulted in the team winning twenty-two of twenty-four games this season; and

WHEREAS, the achievements of the Wisner-Pilger High School girls' basketball team are deserving of special recognition by the Legislature.

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

1. That the Legislature extends its congratulations and best wishes to the members of the Wisner-Pilger High School girls basketball team for winning the 1993 Class C-1 state championship.

2. That a copy of this resolution be sent to the members of the team, to Coach Chuck Ross, and to principal, Alan Harms of Wisner-Pilger High School.

Laid over.

REPORT

Received quarterly report from the Nebraska Investment Finance Authority (NIFA) on use of the proceeds of the 1992 A-D Single Family Issue pursuant to NEB. REV. STAT. § 58-270(4).

GENERAL FILE

LEGISLATIVE BILL 305. Title read. Considered.

Standing Committee amendment, AM0353, found in the Journal on page 866, was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Baack offered the following amendment:
AM0028

1. Insert the following new sections:

"Sec. 8. That section 86-1002, Revised Statutes Supplement, 1992, be amended to read as follows:

86-1002. For purposes of sections 86-1001 to 86-1009:

(1) Automatic location identification shall mean a feature by which the name and address associated with the calling party's telephone number is forwarded to the public safety answering point for display. Additional telephones with the same telephone number as the calling party's shall be identified with the address of the telephone number at the main location of the calling party. This feature shall be available only for E-911 service;

(2) Automatic number identification shall mean a feature by which the calling party's automatic number identification telephone number is forwarded to the E-911 control office and to the public safety answering point's display and transfer units. This feature shall be available only for E-911 service;

(3) E-911 service or enhanced-911 service shall mean a telephone exchange communications service by which one or more public safety answering points designated by the governing body may receive telephone calls dialed to the telephone number 911. E-911 service generally may provide, but is not limited to, selective routing, automatic number identification, and automatic location identification features;

~~(1)~~ (4) Governing body shall mean the board of county commissioners or supervisors of a county, the city council of a city, the board of trustees of a village, or the board of directors of any rural or suburban fire protection district;

~~(2)~~ (5) Local exchange access line shall mean any telephone line that has the ability to access local dial tone and reach a public safety answering point by dialing 911;

~~(3)~~ (6) 911 service shall mean a telephone service which provides a service user with the ability to reach a public safety answering point by dialing the digits 911 for

the purpose of reporting emergencies. The level of technology to be used for the provision of 911 service in a particular 911 service area shall be determined by the governing bodies having jurisdiction over such area;

~~(4)~~ (7) 911 service area shall mean (a) the portion of a governing body's jurisdiction in which 911 service is provided and (b) an area being provided 911 service by contract with a service supplier on or before January 1, 1990, notwithstanding the crossing of jurisdictional lines, until such time as the noncontracting governing body notifies the contracting governing body in writing of its intention to opt out of the 911 service area;

~~(5)~~ (8) Public safety agency shall mean an agency which actually provides firefighting, law enforcement, ambulance, emergency medical, or other emergency services;

~~(6)~~ (9) Public safety answering point shall mean a twenty-four-hour, local-jurisdiction communications facility which receives 911 service calls and either directly dispatches emergency services or relays calls to the appropriate public safety agency;

~~(7)~~ (10) Service supplier shall mean any person providing 911 service in this state;

~~(8)~~ (11) Service surcharge shall mean a charge set by a governing body and assessed on each local exchange access line which physically terminates within the governing body's designated 911 service area; and

~~(9)~~ (12) Service user shall mean any person who is provided local exchange access line service in this state.

Sec. 9. That section 86-1005, Revised Statutes Supplement, 1992, be amended to read as follows:

86-1005. (1) The amount of service surcharges collected in one calendar quarter by a service supplier shall be remitted to the governing body no later than sixty days after the close of that calendar quarter. At the time of the remittance, the service supplier shall file a return for the remittance with the governing body in such form as the governing body and the service supplier agree upon. The service supplier shall maintain a record of the amount of service surcharges collected. The record shall be maintained for a period of one year after the date the amount was billed. A governing body may at its own expense require an annual audit of a service supplier's books and records concerning the collection and remittance of a service surcharge.

(2) Each service supplier shall report to the Public Service Commission for each of its exchanges (a) whether 911 service or E-911 service is provided in that exchange, (b) the level of the surcharge, (c) the location of the public safety answering point, (d) whether the governing body belongs to an interlocal agreement or other agreement with another governing

body and, if so, the name of the other governing body, and (e) the amount of revenue collected by the surcharge.

The initial report shall be due April 30, 1994, for calendar year 1993 and subsequent reports shall be due no later than April 30 of each year. The report period shall be for the preceding calendar year.

(3) The commission shall compile and place the information from such reports required in subsection (2) of this section into its annual telecommunications report to the Legislature, including the availability and location of 911 service and E-911 service in the State of Nebraska.

(4) The commission shall adopt and promulgate rules and regulations to carry out subsections (2) and (3) of this section.".

2. On page 5, line 14, strike "86-905." and show as stricken.

3. On page 6, line 8, strike "86-906." and show as stricken; and in line 20 after the comma insert "86-1002, and 86-1005,".

4. Renumber the remaining sections accordingly.

The Baack amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 453. Title read. Considered.

Standing Committee amendment, AM0665, found in the Journal on page 869, was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

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

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

ANNOUNCEMENT

The Chair announced today is Ms. Day's birthday.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 622. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0746.)

(Signed) Chris Beutler, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 823. Placed on General File.

(Signed) David Landis, Chairperson

Health and Human Services

LEGISLATIVE BILL 344. Indefinitely postponed.
LEGISLATIVE BILL 470. Indefinitely postponed.
LEGISLATIVE BILL 784. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 608A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 608, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 311 in the Journal. No objections. So ordered.

AM0791

(Amendments to Final Reading copy)

1. On page 2, line 24, strike "the approval", show as stricken, and insert "receiving the advice".

2. On page 3, line 27, strike "and", show as stricken, and insert "upon the advice of".

3. On page 8, line 22, after "to" insert "provide advice to the Department of Administrative Services in carrying out this section. The department shall".

4. On page 9, line 1, after the comma insert "and"; strike beginning with "approve" in line 1 through "(5)" in line 2; and in line 4 strike "on behalf" and insert "with the advice".

UNANIMOUS CONSENT - Announcement

Mr. Beutler asked unanimous consent that the Natural Resources Committee hearing on Wednesday, March 17 be changed from 1:30 p.m. to 1:00 p.m. and that the hearing on Friday, March 19 be changed from 1:30 p.m. to 2:30 p.m. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 50. Introduced by Dierks, 40.

WHEREAS, the Stuart High School Broncos won the 1993 Class D-2 girls' state basketball championship with victories over Milligan, Thedford, and Silver Creek; and

WHEREAS, Coach Nancy Lockmon's team brings Stuart High School its first-ever state girls' basketball championship; and

WHEREAS, Freshman Darcy Stracke broke the Class D-2 tournament scoring record with seventy-six points in her team's three games.

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

1. That the Stuart High School Broncos be congratulated for their championship season.

2. That a copy of this resolution be sent to Stuart High School.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 563. Title read. Considered.

Standing Committee amendment, AM0472, printed separately from the Journal and referred to on page 786, was considered.

Mr. Schellpeper offered the following amendment to the Standing Committee amendment:

AM0689

(Amendments to Standing Committee amendments, AM0472)

1. Insert the following new sections:

"Sec. 16. That section 9-650, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

9-650. The gross proceeds of any lottery, less the amount awarded in prizes and any salary, fee, or commission paid to a licensed lottery operator plus any interest on such funds, shall be segregated from any other revenue and placed in a separate account of the lottery operator and the county, city, or village. If a lottery operator is conducting a lottery on behalf of a county, city, or village, such proceeds, including any interest, shall be transferred from the lottery operator's separate account to a separate account of the county, city, or village. Any interest received by a

county, city, or village from the proceeds of the lottery shall be used solely for community betterment purposes. Separate records shall be maintained by such licensed county, city, or village. Records required by the Nebraska County and City Lottery Act shall be preserved for at least three years. Any law enforcement agency or other agency of government shall have the authority to investigate the records relating to lotteries and gross proceeds from such lottery at any time. Any county, city, or village shall, upon proper written request, deliver all such records to the department or other law enforcement agency for investigation.

Sec. 18. That section 9-810, Reissue Revised Statutes of Nebraska, 1943, as amended by section 26, Legislative Bill 138, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

9-810. (1) A person under nineteen years of age shall not purchase a lottery ticket. No lottery ticket shall be sold to any person under nineteen years of age. ~~For purposes of making a gift, a person nineteen years of age or older may purchase a lottery ticket for the benefit of a person under nineteen years of age~~ No person shall purchase a lottery ticket for a person under nineteen years of age, and no person shall purchase a lottery ticket for the benefit of a person under nineteen years of age.

(2) No lottery ticket shall be sold and no prize shall be awarded to the Tax Commissioner, the director, or any employee of the division or any spouse, child, brother, sister, or parent residing as a member of the same household in the principal place of abode of the Tax Commissioner, the director, or any employee of the division.

(3) With respect to a lottery game retailer under contract to sell lottery tickets whose rental payment for premises is contractually computed in whole or in part on the basis of a percentage of retail sales and when the computation of retail sales is not explicitly defined to include the sale of lottery tickets, the amount of retail sales for lottery tickets by the retailer for purposes of such a computation may not exceed the amount of compensation received by the retailer from the division.

(4) Once any prize is awarded in conformance with the State Lottery Act and any rules and regulations adopted under the act, the state shall have no further liability with respect to that prize.

(5) Prior to the payment of any lottery prize in excess of five hundred dollars for a winning lottery ticket presented for redemption to the division, the division shall check the name and social security number of the winner with a list provided by the Department of Revenue of people identified as having an outstanding state tax liability and a

list of people certified by the Department of Social Services as owing a debt as defined in section 77-27,161. The division shall credit any such lottery prize against any outstanding state tax liability owed by such winner and the balance of such prize amount, if any, shall be paid to the winner by the division. The division shall credit any such lottery prize against any certified debt in the manner set forth in sections 77-27,160 to 77-27,173. If the winner has both an outstanding state tax liability and a certified debt, the division shall add the liability and the debt together and pay the appropriate agency or person a share of the prize in the proportion that the liability or debt owed to the agency or person is to the total liability and debt.".

2. On page 2, line 27, strike "shall", show as stricken, and insert "may".

3. On page 4, line 26, strike "and"; and in line 27 after "location" insert ", and any license to perform work directly related to the conduct of a lottery".

4. On page 18, line 27, after "corporation" insert an underscored semicolon, strike ", or an employee" and show as stricken, and strike the second "or".

5. On page 19, strike lines 1 to 3 and show the old matter as stricken.

6. On page 20, line 14, after "shall" insert "be eligible to"; and in line 16 after "department" insert "and the county, city, or village" and strike "a form" and insert "an application".

7. On page 21, strike beginning with "Such" in line 6 through the period in line 7; in lines 19, 20, and 22 strike "form" and insert "application"; and in line 25 after the underscored period insert "Such applicant shall be granted a probationary license to perform work directly related to the conduct of a lottery which shall be valid for a period of sixty days after the filing is received by the department, unless such application is denied by the department. If the application is not denied during such probationary period, the applicant shall be granted a regular license to perform work directly related to the conduct of a lottery, which shall be valid to allow such person to perform work for the county, city, or village lottery operator or sales outlet location which employs such person, unless otherwise suspended, canceled, revoked, or denied by the department.".

8. On page 25, line 5, after "lottery" insert "shall play any lottery conducted by such county, city, or village"; in line 7 after "village" insert "unless authorized to do so by such county, city, or village"; in line 16 after "credit" insert "from the proceeds of a lottery"; and strike beginning with "For" in line 17 through line 27 and insert "No person shall be allowed to purchase any lottery ticket or make

any wager pursuant to the act unless he or she pays for such ticket or wager with cash. For purposes of this section, cash shall mean United States currency having the same face value as the price of the ticket or wager.".

9. On page 26, strike lines 1 through 5.

10. On page 28, line 5, after "9-646," insert "9-650," and in line 6 after the second comma insert "and section 9-810, Reissue Revised Statutes of Nebraska, 1943, as amended by section 26, Legislative Bill 138, Ninety-third Legislature, First Session, 1993,".

11. Renumber the remaining sections accordingly.

Mr. Bernard-Stevens and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY PRESIDING

The Schellpeper amendment was adopted with 24 ayes, 0 nays, 14 present and not voting, and 11 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

SPEAKER BAACK PRESIDING

LEGISLATIVE BILL 510. Title read. Considered.

Standing Committee amendment, AM0594, found in the Journal on page 799, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

PRESIDENT MOUL PRESIDING

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 444. Placed on General File as amended.
Standing Committee amendment to LB 444:
AM0765

1. Strike the original sections and insert the following new sections:

"Section 1. That section 81-15,160, Revised

Statutes Supplement, 1992, be amended to read as follows:

81-15,160. (1) There is hereby created a Waste Reduction and Recycling Incentive Fund to be administered by the Department of Environmental Quality. The fund shall consist of revenue from the following sources:

(a) Proceeds from the fee imposed ~~on each new tire sold in the state and the fee imposed on each tire of each new motor vehicle sold in the state~~ pursuant to section 81-15,162; and

(b) Proceeds from the annual fee imposed on businesses pursuant to section 81-15,163.

(2) The fund may be used for the following purposes, including, but not limited to:

(a) Technical and financial assistance to political subdivisions for creation of recycling systems and for modification of present recycling systems;

(b) Recycling and waste reduction projects, including public education, planning, and technical assistance;

(c) Market development for recyclable materials separated by generators, including public education, planning, and technical assistance;

(d) Capital assistance for establishing private and public intermediate processing facilities for recyclable materials and facilities using recyclable materials in new products;

(e) Programs which develop and implement composting of yard waste and composting with sewage sludge;

(f) Technical assistance for waste reduction and waste exchange for waste generators;

(g) Programs to assist communities and counties to develop and implement household hazardous waste management programs;

(h) Incentive grants to political subdivisions to assist and encourage the closure of landfills operating without a permit, the regional consolidation of solid waste disposal facilities operating with a permit, and the use of transfer stations. Grants awarded for programs involving land disposal shall include provisions for waste reduction and recycling; and

(i) Capital assistance for establishing private and public facilities to manufacture combustible waste products and to incinerate waste to generate and recover energy resources.

(3) No grant shall be made under section 81-15,161 to a political subdivision which operates a landfill operating without a permit unless the grant will be used to meet permit standards and the landfill is issued a permit within two years after the award of the grant.

(4) Priority for grants made under section 81-15,161 shall be given to grant proposals that will be used for the recycling of tires or tire waste reduction.

(5) ~~(4)~~ The Department of Environmental Quality may receive gifts, bequests, and any other contributions for deposit in the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 2. That section 81-15,161, Revised Statutes Supplement, 1992, be amended to read as follows:

81-15,161. (1) Allocations from the Waste Reduction and Recycling Incentive Fund may be made as grants to a political subdivision or other entity or organization, public or private, when it is found that the proposed reduction or recycling program or project ~~proposed by the political subdivision~~ appears to benefit the general public, to further the goals of waste reduction and recycling, and to be consistent with proper waste management practices. ~~A political subdivision may file an application with the Department of Environmental Control for a grant from the fund.~~ Each application for a grant from the fund shall be filed with the Department of Environmental Quality in a manner and form prescribed by the department.

(2) An application for a grant from the fund shall: (a) Describe the nature and purpose of the proposed program or project; (b) set forth or be accompanied by a plan for development of the proposed program or project, together with engineering, economic, and financial feasibility data and information, and such estimated costs of construction or implementation as may be required by the department; (c) state whether money other than that for which the application is made will be used to help in meeting program or project costs and whether such money is available or has been sought for this purpose; (d) when appropriate, state that the applicant holds or can acquire title to all lands or has the necessary easements and rights-of-way for the project and related lands; (e) show that the applicant possesses all necessary authority to undertake or participate in the proposed program or project; and (f) demonstrate the probable environmental and ecological consequences that may result from such proposed program or project. Upon receipt of an application the Director of Environmental ~~Control~~ Quality shall evaluate and investigate all aspects of the proposed program or project and the proposed schedule for the development and completion of such program or project, determine the eligibility of the program or project for funding, and make appropriate recommendations to the Environmental ~~Control~~ Quality Council. As a part of his or her investigation, the director shall consider whether the plan for development of the program or

project is satisfactory. If the director determines that the plan is unsatisfactory or that the application does not contain adequate information upon which to make determinations, the director shall return the application to the applicant and may make recommendations to the applicant which the director considers necessary to make the plan or the application satisfactory.

(3) The director shall within a reasonable time, not to exceed six months, after receipt of such application report to the council the results of his or her evaluation and investigation and shall recommend approval or rejection of funding for the program or project. The director shall indicate what form of allocation he or she deems appropriate. The council shall act in accordance with the director's recommendations unless action to the contrary is approved by each council member eligible to vote on the specific recommendation under consideration. No council member shall be eligible to participate in the action of the council concerning an application for funding to any entity in which such council member has any interest. If the council approves the recommendation of the director, the director shall allocate the funds. The grant shall be for a specific dollar amount of funds, and the funds shall be used only for the purpose specified in the grant. The director may set any terms for the administration of the funds as he or she deems necessary and any penalties to be imposed upon the recipient if it fails to comply with any requirements of the grant.

(4) It is the intent of the Legislature that allocations from the fund shall be made in an equitable manner which maximizes the benefits of the fund. When awarding grants, the council shall balance the needs of: (a) All geographic areas of the state; (b) all sizes and classes of communities; and (c) all manner and scale of programs and projects. The council shall also give consideration to eligible programs and projects which would specifically employ disabled or handicapped persons.

(5) The council shall adopt and promulgate rules and regulations to carry out this section and section 81-15,160.

Sec. 3. This act shall become operative October 1, 1993.

Sec. 4. That original sections 81-15,160 and 81-15,161, Revised Statutes Supplement, 1992, are repealed.".

LEGISLATIVE BILL 172. Placed on General File as amended.
Standing Committee amendment to LB 172:
AM0757

1. Strike original section 5 and insert the following new section:

"Sec. 7. Sections 2 to 6 of this act shall not

apply in any county, city, or village which does not have a requirement that a building permit be obtained prior to construction of a structure.".

2. On page 3, line 12, after the underscored period insert "At least fifteen days prior to the public hearing the district shall send such notice of public hearing and copies of the flood control improvement corridor map by certified mail to the owner of each parcel of land traversed by the corridor at the address shown for such owner on the county tax records."; in line 14 after "map" insert ", together with a copy of the board resolution adopting or amending such map and containing the legal descriptions of all parcels of land traversed,"; and in line 18 after the period insert "The district shall also record each adopted or amended flood control improvement corridor map and each board resolution adopting or amending such map with the register of deeds of each county traversed by such corridors. A notice of the existence of the map and board resolution shall be indexed against all parcels of land included in whole or in part on such maps and, in addition, shall indicate to the landowner where the maps may be reviewed.".

3. On page 4, line 13, after "officer" insert "and send by certified mail to the landowner"; in line 14 after "filing" insert "and mailing"; and in line 20 strike "6" and insert "5"; and in line 20 strike "6" and insert "5".

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Baack, Wickersham, and Mrs. Hillman asked unanimous consent to print the following amendment to LB 239 in the Journal. No objections. So ordered.

AM0807

1. Insert the following new section:

"Sec. 44. A board of an area with a population of less than one hundred thousand according to the last federal decennial census and a campus located on a former military base may enter into contracts with any person, firm, or corporation providing for the implementation of any project for the constructing and improving of facilities necessary to carry out sections 10 to 49 of this act and providing for the long-term payment of the cost of such project.

In no case shall any such contract run for a period longer than twenty years or shall the aggregate of existing contracts exceed seven million five hundred thousand dollars for each area exclusive of administrative costs, credit enhancement costs, financing costs, capitalized interest, and

reserves dedicated to secure payment of contracts.

No contract shall be entered into pursuant to this section without prior approval by a resolution of the board of governors and the approval of the Coordinating Commission for Postsecondary Education.

The long-term payment of the cost of such project shall be paid from appropriations specifically made by the Legislature for such project or from revenue to be raised pursuant to subdivision (2)(a) of section 26 of this act. Any board entering into such contract for the construction and improvement of facilities from revenue to be raised pursuant to such subdivision shall make annual appropriations for amounts sufficient to pay annual obligations under such contract for the duration of such contract.

The board may also convey or lease and lease back all or any part of the project and the land on which such project is situated to such person, firm, or corporation as the board may contract with pursuant to this section to facilitate the long-term payment of the cost of such project. Any such conveyance or lease shall provide that when the cost of such project has been paid, together with interest and other costs thereon, such project and the land on which such project is located shall become the property of the area.".

2. In the Standing Committee amendments, AM0263:

a. On page 3, line 5, strike "44" and insert "45"; in line 7 strike "44 and 45" and insert "45 and 46"; and in line 11 strike "48" and insert "49"; and

b. On page 5, line 1, strike "44 and 46" and insert "45 and 47"; and in line 5 strike "48" and insert "49".

Mr. Wickersham asked unanimous consent to print the following amendment to LB 306 in the Journal. No objections. So ordered.

AM0598

(Amendments to E & R amendments, AM5397)

1. Insert the following new section:

"Section 1. That section 24-301.02, Revised Statutes Supplement, 1992, be amended to read as follows:

24-301.02. The State of Nebraska shall be divided into the following twelve district court judicial districts:

District No. 1 shall contain the counties of Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, Fillmore, and Richardson;

District No. 2 shall contain the counties of Sarpy, Cass, and Otoe;

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

District No. 5 shall contain the counties of

Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall contain the counties of Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

District No. 7 shall contain the counties of Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

District No. 8 shall contain the counties of Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard;

District No. 9 shall contain the counties of Buffalo and Hall;

District No. 10 shall contain the counties of Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls;

District No. 11 shall contain the counties of ~~Grant,~~ Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

District No. 12 shall contain the counties of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Grant, and Deuel.

In the fourth district there shall be fourteen judges of the district court. In the third district there shall be six judges of the district court. In the twelfth district there shall be five judges of the district court. In the fifth district there shall be four judges of the district court. In the first, second, sixth, ninth, and eleventh districts there shall be three judges of the district court. In the seventh, eighth, and tenth districts there shall be two judges of the district court.".

2. On page 2, line 7, strike "Grant,"; and in line 13 after the third comma insert "Grant,".

3. On page 4, line 21, strike "section" and insert "sections 24-301.02 and".

4. Renumber the remaining sections accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 216 in the Journal. No objections. So ordered.

AM0782

1. On page 3, strike beginning with "any" in line 16 through "consultant" in line 25 and insert "financial planners and other persons who, as an integral component of other financially related services, provide the foregoing investment advisory services to others for compensation and as part of a business or who hold themselves out as providing the foregoing investment advisory services to others for compensation".

Mr. Landis asked unanimous consent to print the following amendment to LB 219 in the Journal. No objections. So ordered.

AM0742

1. Insert the following new section:

"Sec. 6. This act shall become operative on July 1, 1993.".

BILL ON FIRST READING

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

LEGISLATIVE BILL 445A. Introduced by Robinson, 16.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 445, Ninety-third Legislature, First Session, 1993.

GENERAL FILE

LEGISLATIVE BILL 498. Title read. Considered.

Mr. Wesely offered the following amendment:

AM0459

1. On page 2, line 22, strike "former" and show as stricken.

2. On page 3, line 23, strike "be".

3. On page 6, line 5, after "subject" insert "of outpatient commitment".

4. On page 7, line 5, strike "an" and insert "a"; in line 6 strike "immediate"; in line 8 after "injured" insert "prior to mental health board proceedings"; and in line 27 after the period insert "No person may be held in custody pending the hearing for a period exceeding seven days except upon a continuance granted by the board.".

The Wesely amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Wesely moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Advanced to E & R for review with 26 ayes, 2 nays, 12 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 498A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 231. Title read. Considered.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. Hall offered the following amendment:
FA32
Strike Sec. 3 of the bill on p. 3.

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

Mr. Hall withdrew his amendment.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 588. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5401.)

(Signed) Kurt A. Hohenstein, Chairperson

MOTION - Place LB 272 on General File

Mr. Pedersen moved to place LB 272 on General File notwithstanding the action of the Judiciary Committee.

Laid over.

MOTION - Place LB 76 on General File

Mr. Withem moved to place LB 76 on General File, pursuant to Rule 3, section 19 (b).

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mrs. Rasmussen asked unanimous consent to print the following amendment to LB 520 in the Journal. No objections. So ordered.

AM0796
1 1. On page 18, line 15, after "Act" insert "for

special education services for children age five and older"; and in line 20 after "process" insert "for special education services for children age five and older".

Mr. Wickersham asked unanimous consent to print the following amendment to LB 443 in the Journal. No objections. So ordered.

AM0668

(Amendments to Standing Committee amendments, AM0154)

1. On page 1, line 16, strike "thirty hours, including" and show the old matter as stricken; in line 17 strike the comma; in line 18 strike "Completed twenty-four" and reinstate the stricken "Twenty-four"; and in line 21 strike "Passed" and insert "The passage of".

Mr. Wesely asked unanimous consent to print the following amendment to LB 817 in the Journal. No objections. So ordered.

AM0831

1. On page 2, line 6, after "programs" insert ", equipment"; in line 25 strike beginning with "written" through the first "the" and insert "letter of intent signed by the parties, indicating the parties' intent to proceed with a cooperative agreement if the department issues a certificate of public advantage and shall also include a narrative description of the proposed" and strike "and describe" and insert a comma; and in line 26 strike "agreement" and insert "proposed agreement,".

2. On page 3, line 2, before "The" insert "(1)"; in line 5 after the period insert "Persons may intervene if any legal rights, duties, privileges, or other legal interests may be substantially affected by the application. The department may adopt and promulgate rules and regulations for intervention."; in line 7 after the period insert

"(2)"; and in line 12 after the period insert

"(3) If the department grants the application, the parties shall have forty-five days from the date of receipt of the department's decision to submit an executed written copy of the cooperative agreement which shall be in accordance with the terms and conditions set out in the letter of intent and the application. The department shall review the executed written copy of the cooperative agreement, and if it is in accordance with the terms and conditions set out in the letter of intent and the application, the department shall issue a certificate of public advantage for the cooperative agreement.

(4) If the applicants desire to contest the denial of an application, they shall, within ten days after receipt of the notice of denial, send a written request to the department for a hearing under sections 84-913 and 84-915.

(5) A denial by the department of an application or a termination of a certificate of public advantage under section 6 of this act may be appealed. Such appeal shall be in accordance with the Administrative Procedure Act.".

3. On page 4, line 11, strike "optimal" and insert "advantageous".

Mr. Horgan asked unanimous consent to print the following amendment to LB 387 in the Journal. No objections. So ordered.

AM0826

1. Insert the following new section:

"Sec. 4. For each hospital uniform billing form on which a diagnosis code for the external cause of an injury, poisoning, or adverse effect is entered pursuant to section 3 of this act, each hospital in this state may submit data to the Department of Health beginning January 1, 1994, and shall submit data to the department beginning January 1, 1995. Such data shall be submitted quarterly and shall include, but not be limited to, the diagnosis code for the external cause of an injury, poisoning, or adverse effect, other diagnosis codes, the procedure codes, admission date, discharge date, disposition code, and demographic data to include, but not be limited to, the birthdate, sex, city and county of residence, and zip code of residence for every patient discharged from a hospital, receiving outpatient services, or released from observation for whom a diagnosis code for the external cause of an injury, poisoning, or adverse effect is recorded pursuant to section 3 of this act. This data shall be submitted to the department in written or computer form. The data provided to the department under this section shall be classified for release as determined by the department only in aggregate data reports created by the department on a periodic basis or at the request of an individual. Such aggregate data reports shall be considered public documents.".

2. Renumber the remaining section accordingly.

Mr. Horgan and Mrs. Rasmussen asked unanimous consent to print the following amendment to LB 377 in the Journal. No objections. So ordered.

AM0784

1. Strike original section 4 and all amendments thereto and insert the following new section:

"Sec. 4. That section 72-1122, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~72-1122.~~ The ~~Public Buildings Safety Advisory Committee~~ State Fire Marshal, with the advice of the Accessibility Advisory Committee, shall adopt and promulgate

standards, specifications, and exclusions ~~may promulgate and implement codes pursuant to sections 72-1101 to 72-1119~~ which are consistent with the most current ~~the~~ uniform ~~building codes~~ guidelines and standards set by the ~~American Standards Association, Inc.~~ federal Americans with Disabilities Act of 1990, as amended, for (1) buildings and facilities used by the public which are newly constructed for first occupancy and (2) alterations of existing buildings and facilities used by the public. For purposes of this section, alterations of an existing building or facility used by the public shall include remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangements in the plan or configuration of the height of walls or partitions. Normal maintenance, reroofing, painting, wallpapering, asbestos removal, or changes to mechanical and electrical systems shall not be considered alterations.".

2. On page 6, lines 17 and 18 strike "newly constructed and remodeled"; in line 18 after "facilities" insert "(1) which are newly constructed for first occupancy and (2) alterations of existing facilities used by the public".

3. On page 7, lines 2 and 3, strike the new matter; in line 7 strike "ninety", show as stricken, and insert "one hundred twenty"; and in line 18 strike "newly constructed and remodeled public" and insert "(a)" and after "facilities" insert "which are newly constructed for first occupancy and (b) alterations of existing buildings and facilities used by the public".

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 357. Placed on General File as amended.
Standing Committee amendment to LB 357:
AM0182

1. On page 2, line 4, strike "fourteen" and insert "fifteen working".

LEGISLATIVE BILL 635. Placed on General File as amended.
Standing Committee amendment to LB 635:
AM0392

1. On page 3, strike the new matter in lines 26 through 28 and insert "A meeting of a state agency, state board, state commission, state council, or state committee, of an advisory committee of any such state entity, or of the governing body of a public power district having a chartered territory of more than fifty counties in this state".

2. On page 4, line 1, strike "such section"; in

line 10 strike "and"; in line 11 strike "public body" and insert "state entity, advisory committee, or governing body"; and in line 12 after "videoconference" insert "; and

(e) No more than one-half of the state entity's, advisory committee's, or governing body's meetings in a calendar year are held by videoconference".

3. On page 5, line 9 after "meetings" insert ", effectiveness of public access arrangements, costs and cost-savings, and any tendency observed to abuse or circumvent the open meeting provisions of sections 84-1408 to 84-1414. The committee shall develop and propose any corrective legislation it deems necessary".

(Signed) DiAnna R. Schimek, Chairperson

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 566	Friday, March 19, 1993 (rehearing)	1:30 p.m.
LB 567	Friday, March 19, 1993	1:30 p.m.

(Signed) Jerome Warner, Chairperson

Government, Military and Veterans Affairs

LB 681	Wednesday, March 17, 1993	1:30 p.m.
LB 503	Wednesday, March 17, 1993	1:30 p.m.
LB 765	Wednesday, March 17, 1993	1:30 p.m.
LR 26CA	Wednesday, March 17, 1993	1:30 p.m.
LB 516	Wednesday, March 17, 1993	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

MESSAGE FROM THE GOVERNOR

March 10, 1993

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 57, 226, and 261 were received in my office on March 4, 1993.

These bills were signed by me on March 10, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

UNANIMOUS CONSENT - Add Cointroducer

Mrs. Crosby asked unanimous consent to have her name added as cointroducer to LB 522. No objections. So ordered.

VISITORS

Visitors to the Chamber were Rod and Kirk Hooker and Brad Klingman from Grand Island; and 110 tenth grade students and teachers from Burke High, Omaha.

The Doctor of the Day was Gill C. Wright III from Syracuse.

ADJOURNMENT

At 11:59 a.m., on a motion by Mr. Wehrbein, the Legislature adjourned until 9:00 a.m., Thursday, March 11, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-FIRST DAY - MARCH 11, 1993

LEGISLATIVE JOURNAL

FORTY-FIRST DAY - MARCH 11, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 11, 1993

Pursuant to adjournment, the Legislature met at 9:01 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Rabbi Elihu Milder, Tifereeth Israel Synagogue, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Baack, Moore, and Ms. Day who were excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Chambers, Hall, Hartnett, Landis, Lindsay, Pedersen, Warner, Wickersham, Will, Mmes. Bohlke, Rasmussen, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fortieth day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

REPORT

Received report from the Board of Trustees of the Nebraska State College System on the agreement with the State College Education Association (SCEA) representing the faculty of Wayne State, Peru State, and Chadron State Colleges in accordance with Section 81-1283.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 10, 1993. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Cavanaugh, James P. - Omaha	Friends of Nebraska Non-Profit Hospitals
Cederberg, John E. - Lincoln	Marks & Clare
Conway, Gerald A. - South Sioux City	Friends of Nebraska Non-Profit Hospitals
Moylan, James H. - Omaha	Nebraska Lodging Association (Withdrawn 02/08/93)
Nuckolls, William C. - Fairbury	American Association of Retired Persons
Rasmussen, Dennis - Lincoln	Friends of Nebraska Non-Profit Hospitals
Rogers, Carson H. - Lincoln	Nebraska Cooperative Council
Spray, J. L. - Lincoln	Old Republic Surety Company
Weinert, Paul M. - Falls City	American Association of Retired Persons
Yost, Kurt T. - Lincoln	Friends of Nebraska Non-Profit Hospitals

RESOLUTION

LEGISLATIVE RESOLUTION 51. Introduced by Crosby, 29.

WHEREAS, the Lincoln Southeast High School Knights girls' basketball team won the 1993 Class A tournament with a 34-22 victory over Millard South High School; and

WHEREAS, this is the fourth Class A state basketball championship for the Knights, following state championships in 1986, 1988, and 1990; and

WHEREAS, the championship capped the Knights' first undefeated season and gave the team a 24-0 record for the 1992-93 season.

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

1. That the Lincoln Southeast High School Knights be congratulated on winning the 1993 Class A state girls' basketball tournament.

2. That a copy of this resolution be sent to the members of the 1993 Lincoln Southeast Knights girls' basketball team and their coach, John Larsen.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 201. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 830. Title read. Considered.

Advanced to E & R for review with 27 ayes, 2 nays, 2 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 387. Title read. Considered.

Mr. Horgan renewed his pending amendment, AM0826, found in the Journal on page 968.

The Horgan amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 517. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 817. Title read. Considered.

Mr. Wesely renewed his pending amendment, AM0831, found in the Journal on page 967.

The Wesely amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 720. Title read. Considered.

MR. HALL PRESIDING

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 111, 218, 230, 270, and 283.

Enrollment and Review Change to LB 111

The following changes, required to be reported for publication in the Journal, have been made:
ER7216

1. In the Standing Committee amendment, AM0133, on page 1, line 4, an underscored comma has been inserted after "Fund".

2. On page 1, line 4, "possession" has been struck and "assessing charges" inserted.

3. On page 7, line 5, "act" has been struck and "Consumer Rental Purchase Agreement Act" inserted.

Enrollment and Review Change to LB 218

The following changes, required to be reported for publication in the Journal, have been made:
ER7213

1. On page 1, line 5, "to name the Seller-Assisted Marketing Plan Act;" has been inserted after the semicolon.

2. On page 27, line 5, the comma has been struck and shown as stricken.

Enrollment and Review Change to LB 270

The following changes, required to be reported for publication in the Journal, have been made:
ER7217

1. On page 1, line 4, "a term" has been struck and "terms" inserted.

(Signed) Kurt Hohenstein, Chairperson

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 238. Placed on General File.
LEGISLATIVE BILL 342. Placed on General File.
LEGISLATIVE BILL 539. Placed on General File.

LEGISLATIVE BILL 491. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0788.)

LEGISLATIVE BILL 259. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 677A. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 677, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

LEGISLATIVE BILL 411A. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 411, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

LEGISLATIVE BILL 211A. Introduced by Hillman, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 211, Ninety-third Legislature, First Session, 1993.

RESOLUTION

LEGISLATIVE RESOLUTION 52. Introduced by Robak, 22.

WHEREAS, the Lindsay Holy Family High School girls' basketball team won the 1993 Class D-1 State girls' basketball championship by defeating Wallace High School, 49-46; and

WHEREAS, this is the second girls' basketball championship for Lindsay Holy Family High School in three years; and

WHEREAS, Lindsay Holy Family High School finished the 1992-93 basketball season with twenty-five wins and only two losses; and

WHEREAS, Jennifer Bender was named to the All-Tournament team and was also named honorary captain of the All-Tournament team.

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

1. That the Lindsay Holy Family girls' basketball team, coached by Paula Feterl, and whose members are Amy Oberhauser, Renee Schaecher, Michelle Slizoski, Kelli Kurtenbach, Tara Kurtenbach, Connie Ramaekers, Amy Arit, Renee Reichmuth, Jennifer Bender, Gina Bender, Annette Gaspers, and Wendy Helmer be congratulated for their achievements during the 1992-93 basketball season.

2. That a copy of this resolution be sent to Lindsay Holy Family High School.

Laid over.

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 301. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0747.)

(Signed) Chris Beutler, Chairperson

MRS. CROSBY PRESIDING

GENERAL FILE

LEGISLATIVE BILL 472. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 435. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 353. Title read. Considered.

Mr. Hall offered the following amendment:
FA33
Strike the new language in subsection (3)(a) on p. 2 and reinstate the old language.

Mr. Hall moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 28:

Avery	Crosby	Hillman	Lynch	Schmitt
Bernard-Stevens	Dierks	Hohenstein	McKenzie	Wehrbein
Beutler	Elmer	Horgan	Rasmussen	Wickersham
Byars	Fisher	Janssen	Robak	Will
Chambers	Hall	Landis	Robinson	Withem
	Hartnett	Lindsay	Schellpeper	

Voting in the negative, 11:

Bromm	Jones	Pedersen	Schimek	Warner
Hudkins	Kristensen	Pirsch	Vrtiska	Wesely

Witek

Present and not voting, 4:

Bohlke	Coordsen	Cudaback	Preister

Excused and not voting, 6:

Abboud	Baack	Day	Haberman	Moore
Ashford				

The Hall amendment was adopted with 28 ayes, 11 nays, 4 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

Mr. Hall requested a ruling of the Chair on whether the 15 minute requirement on consent calendar includes any votes taken on the bill, as well as discussion on the bill.

The Chair ruled the 15 minute time limit includes everything up to closing on the bill, and that time had expired after the machine vote but before the house was placed under call for purpose of the roll call vote.

Mrs. Hudkins challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mrs. Hudkins withdrew her motion to overrule the Chair.

LEGISLATIVE BILL 124. Title read. Considered.

Messrs. Hartnett, Avery, Wehrbein, and Mrs. Hudkins asked unanimous consent to be excused. No objections. So ordered.

Mr. Landis requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Abboud	Chambers	Horgan	McKenzie	Schellpeper
Bernard-Stevens	Crosby	Janssen	Pedersen	Schimek
Beutler	Cudaback	Landis	Preister	Wesely
Bohlke	Hall	Lindsay	Rasmussen	Wickersham
Byars	Hillman	Lynch	Robak	Withem

Voting in the negative, 1:

Witek

Present and not voting, 14:

Bromm	Elmer	Jones	Robinson	Warner
Coordsen	Fisher	Kristensen	Schmitt	Will
Dierks	Hohenstein	Pirsch	Vrtiska	

Excused and not voting, 9:

Ashford	Baack	Haberman	Hudkins	Wehrbein
Avery	Day	Hartnett	Moore	

Advanced to E & R for review with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 124A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 631. Title read. Considered.

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

Advanced to E & R for review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 53. Title read. Considered.

Mr. Schellpeper renewed his pending amendment, AM0551, found in the Journal on page 818.

Mr. Landis asked unanimous consent to be excused. No objections. So ordered.

The Schellpeper amendment was adopted with 26 ayes, 2 nays, 11 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 25 ayes, 3 nays, 11 present and not voting, and 10 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 579A. Placed on Select File.

LEGISLATIVE BILL 27. Placed on Select File as amended.
E & R amendment to LB 27:
AM5403

1. On page 1, strike beginning with "the" in line 1 through line 5 and insert "schools and school districts; to amend sections 79-4,230 and 79-4,232, Revised Statutes Supplement, 1992; to change provisions relating to multicultural education; and to repeal the original sections.".

2. In the Standing Committee amendment, AM0226, on page 2, line 21, strike "each" and insert "every".

LEGISLATIVE BILL 377. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5402.)

Correctly Engrossed

The following bill was correctly engrossed: 190A.

(Signed) Kurt A. Hohenstein, Chairperson

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 730. Placed on General File as amended.
Standing Committee amendment to LB 730:
AM0738

1. Strike the original sections and insert the following new sections:

"Section 1. That section 9-401, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

9-401. Sections 9-401 to 9-437 and section 4 of this act shall be known and may be cited as the Nebraska Lottery and Raffle Act.

Sec. 2. That section 9-411, Reissue Revised Statutes of Nebraska, 1943, as amended by section 8, Legislative Bill 138, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

9-411. (1) Lottery shall mean a gambling scheme in which (a) participants pay or agree to pay something of value for an opportunity to win, (b) winning opportunities are represented by tickets differentiated by sequential enumeration, and (c) winners are determined by a random drawing of the tickets or by the alternative methods set forth in section 4 of this act.

(2) Lottery shall not include (a) any raffle as defined in section 9-415, (b) any gambling scheme which uses

any mechanical, computer, electronic, or video gaming device which has the capability of awarding something of value, free games redeemable for something of value, or tickets or stubs redeemable for something of value, (c) any activity which is authorized or regulated under the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, section 9-701, or Chapter 2, article 12, or (d) any activity which is prohibited under Chapter 28, article 11.

Sec. 3. That section 9-415, Reissue Revised Statutes of Nebraska, 1943, as amended by section 9, Legislative Bill 138, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

9-415. (1) Raffle shall mean a gambling scheme in which (a) participants pay or agree to pay something of value for an opportunity to win, (b) winning opportunities are represented by tickets differentiated by sequential enumeration, (c) winners are determined by a random drawing of the tickets or by the alternative methods set forth in section 4 of this act, and (d) at least eighty percent of all of the prizes to be awarded are merchandise prizes which are not directly or indirectly redeemable for cash by the licensed organization conducting the raffle or any agent of the organization.

(2) Raffle shall not include (a) any gambling scheme which uses any mechanical, computer, electronic, or video gaming device which has the capability of awarding something of value, free games redeemable for something of value, or tickets or stubs redeemable for something of value, (b) any activity which is authorized or regulated under the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, section 9-701, or Chapter 2, article 12, or (c) activity which is prohibited under Chapter 28, article 11.

Sec. 4. (1) A licensed organization may select one of the two methods of alternative winner selection described in this section. Before conducting a lottery or raffle using an alternative winner-selection method, the licensed organization shall notify the department, in writing, at least thirty days before the sale of the first ticket or stub representing a chance in the lottery or raffle, which alternative winner-selection method it intends to use, the location at which the alternative winner-selection method will take place, the date on which the alternative winner-selection method will take place, and any other information the department deems necessary. A licensed organization utilizing an alternative winner-selection method shall comply with all

other requirements for lotteries or raffles set forth in the Nebraska Lottery and Raffle Act and the rules and regulations adopted and promulgated pursuant to the act.

The licensed organization using an alternative winner-selection method shall post the rules of the lottery or raffle at the event site prior to the start of the event, notifying the public of the method used in the operation of the lottery or raffle.

(2) The following alternative winner-selection methods may be used:

(a) Duck races conducted in accordance with the following requirements:

(i) The toy ducks used shall be constructed so that they will not break upon impact, do not absorb or take on water, and are of uniform shape, size, and weight;

(ii) There shall be a toy duck entered in the race for every lottery or raffle ticket sold;

(iii) The sequential number on the ticket sold to the purchaser shall appear on every toy duck. The method of marking the sequential number on the toy duck shall be waterproof;

(iv) The race course or waterway shall be relatively free from obstructions that could trap, hinder, or otherwise prohibit the toy ducks from mixing freely and flowing down the waterway. The course for the race shall be established so that the race may be observed by ticket purchasers. The licensed organization shall conduct a test of the course, by releasing a sample of ducks and observing their progress, within one week prior to the race date. Once the race has started, a course shall not be altered. The race course shall be secured in all areas and at all times to prevent lottery or raffle workers, participants, and spectators from being able to aid or hinder the movement of the toy ducks;

(v) All toy ducks shall be positioned at or behind the starting line and shall be released simultaneously. Once released, the toy ducks shall not receive human assistance until the race is concluded. Toy ducks that become lodged on obstructions during the race shall not be dislodged or aided until after the winners have been determined;

(vi) The finish line shall be clearly marked and indicated. It shall be constructed to insure that only one toy duck at a time may cross the finish line and each winner may be clearly distinguished, without human intervention; and

(vii) Permission may be requested in writing from the department to use an object other than a toy duck if the object and the lottery or raffle are otherwise conducted in accordance with this section; and

(b) Animal determination lotteries or raffles conducted in accordance with the following requirements:

(i) The area which the animal will use shall be clearly marked with squares of equal size;

(ii) If organization conducting the activity intends to sell a number of tickets equaling the number of squares, the number of the square that corresponds to the ticket purchased by the participant shall appear on the ticket;

(iii) If the organization conducting the activity intends to sell more tickets that there are squares in the area in which the animal will perform, the tickets or stubs shall be placed into a receptacle or container;

(iv) After the animal has performed, in accordance with the posted rules, the winning square or squares shall be identified in a clear manner;

(v) A form shall be prepared that has the same shape and number of squares as the area in which the animal performed;

(vi) The tickets or stubs shall be drawn one at a time and the number of the ticket drawn recorded on the form beginning in the top left corner and preceding left to right, one row at a time until all winners have been determined; and

(vii) The prize or prizes shall be awarded to the person holding the ticket number which was recorded on the numbered square indicated on the form that corresponds to the number of the square in which the animal made the winning determination.

Sec. 5. That original section 9-401, Reissue Revised Statutes of Nebraska, 1943, and sections 9-411 and 9-415, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 8 and 9, respectively, Legislative Bill 138, Ninety-third Legislature, First Session, 1993, are repealed.".

(Signed) Stan Schellpeper, Chairperson

Revenue

LEGISLATIVE BILL 786. Placed on General File.

LEGISLATIVE BILL 159. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

Judiciary

LEGISLATIVE BILL 315. Placed on General File.

LEGISLATIVE BILL 497. Placed on General File as amended.
Standing Committee amendment to LB 497:
AM0850

1. On page 14, line 17, after "guardian" insert "or

prevent the guardian officer for one of the Nebraska veterans homes as provided in section 80-304.01 from being appointed guardian or conservator for the allegedly incapacitated person".

LEGISLATIVE BILL 514. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

Transportation

LEGISLATIVE BILL 473. Placed on General File as amended.
Standing Committee amendment to LB 473:
AM0844

1. Insert the following new section:

"Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 2, line 5, strike "eight", show as stricken, and insert "nine".

(Signed) Doug Kristensen, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 481A. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 481, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

LEGISLATIVE BILL 647A. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 647, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 397A. Introduced by Hall, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 397, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 520A. Introduced by Rasmussen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 520, Ninety-third Legislature, First Session, 1993; to transfer funds; and to require certification of certain amounts.

NOTICE OF COMMITTEE HEARING
General Affairs

Governor Appointments Monday, March 22, 1993 1:30 p.m.
Nebraska Arts Council
Richard Bailey
Marge Durham
Michael Harsh
Janet Korell

(Signed) Stan Schellpeper, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 346 in the Journal. No objections. So ordered.

AM0808

1. Insert the following new sections:

"Sec. 7. That section 77-202.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-202.01. Any organization or society seeking a tax exemption provided in subdivisions (1)(b) and (1)(c) of section 77-202 for any real or personal property, except motor vehicles, shall apply for exemption to the county assessor before January 1 of the year for which the exemption is sought on forms prescribed by the Tax Commissioner. The county assessor shall examine the application and recommend either taxable or exempt status for the real property or tangible personal property, except motor vehicles, to the county board of equalization on or before February 1 following.

Any organization or society which misses the January 1 deadline for applying for exemption may apply prior to May 1 to the county board of equalization for a waiver so that the county assessor may consider the application for exemption. The county board of equalization may grant the waiver upon finding good cause for the failure to make application by January 1 and hardship upon the organization or society if the waiver is not granted. If the waiver is granted, the county assessor shall examine the application and recommend either taxable or exempt status for the real property or tangible personal property, except motor vehicles, to the county board of equalization.

Sec. 23. Since an emergency exists, this act shall

be in full force and take effect, from and after its passage and approval, according to law.".

2. In AM0640, on page 5, line 2, after the first comma insert "77-202.01,"; in line 9 strike "15 and 16" and insert "16 and 17"; and in line 10 strike "15" and insert "16".

3. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 53. Introduced by Kristensen, 37; Lindsay, 9.

WHEREAS, Section 333 of the Fiscal Year 1991 United States Department of Transportation Appropriation Act entitled "Revocation or Suspension of the Driver's License of Individuals Convicted of Drug Offenses" requires states to enact legislation requiring the revocation or suspension of an individual's driver license upon conviction of any drug-related offense; and

WHEREAS, Section 333 requires withholding five percent of certain federal-aid highway funds in Fiscal Year 1994 and 1995 and ten percent in subsequent years from states that fail to enact legislation; and

WHEREAS, Section 333 provides the following procedure to avoid the sanctions without enacting the legislation:

"(B) The Governor of the State --

(i) submits to the Secretary no earlier than the adjournment sine die of the first regularly scheduled session of the state's legislature which begins after the date of enactment of this section a written certification stating that he is opposed to the enactment or enforcement of his state of a law described in subparagraph (A) relating to revocation, suspension, issuance, or reinstatement of driver's licenses to convicted drug offenders; and

(ii) submits to the Secretary a written certification that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law described in clause (i)"; and

WHEREAS, the Tenth Amendment to the Constitution of the United States provides that: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

WHEREAS, while drug abuse remains a paramount and priority national problem, the imposition of federal highway fund sanctions upon states does not appropriately address or respond to the problem; and

WHEREAS, the reasons for the negative recommendation include a belief that the granting or withholding of driving privileges is and always has been a prerogative of the states to decide for themselves, not the federal government.

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

1. That the legislature opposes enactment or enforcement in this state of any federally mandated law relating to revocation, suspension, issuance, or reinstatement of driver's licenses including the sanction described in 23 U.S.C. 104(a)(3)(A).

2. That Congress repeal 23 U.S.C. 104(a)(2) and (3) and allow states the right to determine and impose appropriate sanctions upon driving privileges of drug offenders within state boundaries.

3. That this resolution is intended to satisfy the requirement under 23 U.S.C. 104(a)(3)(B)(ii) which will protect the State of Nebraska from the loss of federal highway funds under 23 U.S.C. 104(a)(3).

4. That the Clerk of the Legislature transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the United States Secretary of Transportation, and to the Nebraska Congressional Delegation.

Laid over.

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 464. Placed on General File as amended.
Standing Committee amendment to LB 464:
AM0848

1. Strike original sections 18 to 24.
2. On page 2, line 1, strike "21" and insert "17".
3. On page 9, strike beginning with "A" in line 25 through line 27.
4. Remove the underscoring from the remaining original sections.

(Signed) John Lindsay, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of Governor appointments.

Allen, Robert W. - Boiler Safety Code Advisory Board -- Business and Labor

Biga, Timothy J. - State Game and Parks Commission -- Natural Resources

Farris, Raymond O., P.E. - Boiler Safety Code Advisory Board -- Business and Labor

Johnson, Darrell - Crime Victim's Reparations Committee -- Government, Military and Veterans Affairs

Krom, Cindy - Boiler Safety Code Advisory Board -- Business and Labor

Otter, Raymond F. - Boiler Safety Code Advisory Board -- Business and Labor

Rhoden, Rodney D. - Motor Vehicle Industry Licensing Board -- Transportation

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 561. Title read. Considered.

Mrs. McKenzie asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Vrtiska asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 267. Title read. Considered.

Mr. Kristensen asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 580	Thursday, March 18, 1993	1:30 p.m.
LB 727	Thursday, March 18, 1993	1:30 p.m.
LB 166	Thursday, March 18, 1993	1:30 p.m.
LB 233	Thursday, March 18, 1993	1:30 p.m.
LB 759	Friday, March 19, 1993	1:30 p.m.
LB 747	Friday, March 19, 1993	1:30 p.m.

LB 692	Friday, March 19, 1993	1:30 p.m.
LB 729	Friday, March 19, 1993	1:30 p.m.

Governor Appointment Thursday, March 18, 1993 1:30 p.m.
Phyllis Anstine - Crime Victim's Reparations Committee

(Signed) DiAnna R. Schimek, Chairperson

VISITORS

Visitors to the Chamber were 23 students and sponsors from Maude Rousseau School, Lincoln; 30 twelfth grade students and teacher from NE Christian High, Central City; Richard Lowitt from Oklahoma and Brad Pace; eight high school students from Scottsbluff; Virgil Wagner from Hooper; 100 fourth grade students and teacher from South Sioux City Middle School; and 40 fourth grade students and teacher from Benson West, Omaha.

ADJOURNMENT

At 11:59 a.m., on a motion by Mrs. Witek, the Legislature adjourned until 9:00 a.m., Tuesday, March 16, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-SECOND DAY - MARCH 16, 1993

LEGISLATIVE JOURNAL

FORTY-SECOND DAY - MARCH 16, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 16, 1993

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Vernon Jones, Countryside Baptist Church, Wellsville, Kansas.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Beutler, Bromm, Chambers, Hall, Horgan, Kristensen, Lindsay, Lynch, Pedersen, Warner, Wesely, Withem, Mrs. Robak, and Ms. Schimek who were excused until they arrive.

PRESIDENT MOUL PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 370.

Enrollment and Review Change to LB 370

The following changes, required to be reported for publication in the Journal, have been made:
ER7218

1. On page 131, line 2, "his or her" has been struck and the old matter shown as stricken.

2. On page 178, line 23, "separated by a median" has been struck.

3. On page 197, line 16, "(a)" has been struck and shown as stricken; the matter beginning with "Is" in line 16 through "(b)" in line 18 has been struck and "(a)" inserted; in line 24 the new matter has been struck and the stricken matter reinstated; in line 25 "(b) Is" has been inserted after the stricken "is"; and the matter beginning with "in" in line 25 through the period in line 26 has been reinstated.

4. On page 220, line 12, the semicolon has been struck and an underscored colon inserted.

5. On page 290, line 4, "does" has been struck, shown as stricken, and "do" inserted.

(Signed) Kurt Hohenstein, Chairperson

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 71. Indefinitely postponed.
LEGISLATIVE BILL 307. Indefinitely postponed.
LEGISLATIVE BILL 606. Indefinitely postponed.
LEGISLATIVE BILL 645. Indefinitely postponed.
LEGISLATIVE BILL 742. Indefinitely postponed.
LEGISLATIVE BILL 775. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

ANNOUNCEMENT

Mrs. Bohlke designates LB 523 as her priority bill.

MESSAGES FROM THE GOVERNOR

March 11, 1993

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 25, 31, 36, 130, 162, and 176 were received in my office on March 8, 1993; Legislative bills 198, 217, 271, 278, 46, and 412 were received in my office on March 9, 1993.

These bills were signed by me on March 11, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

March 12, 1993

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 16, 16A, and 161 were received in my office on March 9, 1993.

These bills were signed by me on March 12, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

March 12, 1993

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

Dear Madam President and Senators:

Engrossed Legislative Bill 334 was received in my office on March 9, 1993.

LB 334 adds the collection and dissemination of information regarding the part-time labor force in Nebraska and how it affects the economy of the state, to the discretionary authority of the Department of Labor.

Undoubtedly, this is a desirable activity to the extent that the Department can collect such data using available federal funds or existing state funds. Therefore, this bill was signed by me on March 12, 1993 and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

The Committee on Government, Military and Veterans Affairs desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Allan J. Eurek - Nebraska State Personnel Board
Lora J. Villarreal - Nebraska State Personnel Board

Vote: Aye: Senators Janssen, Pirsch, Schimek, Schmitt, and Witek. Pass: Senator Robinson. Absent: Senators Cudaback and Haberman.

(Signed) DiAnna R. Schimek, Chairperson

ATTORNEY GENERAL'S OPINIONS

Opinion No. 93014

DATE: March 9, 1993

SUBJECT: Permit for hauling baled livestock forage.

REQUESTED BY: Senator Merton L. Dierks
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
John E. Brown, Assistant Attorney General

You have requested our opinion regarding whether amended LB 153 would conflict with Neb. Rev. Stat. § 39-6,181 (1988). For the reasons stated below, we believe that it does not. You further ask that if LB 153 does conflict with § 39-6,181, can the conflict be removed if LB 153 is not amended as proposed? Because we see no conflict between LB 153 and § 39-6,181, we do not consider the second question.

LB 153, as amended, would allow the Nebraska Department of Roads to issue permits for the movement of vehicles and loads up to 15 feet in width, when such vehicles were picking up, delivering, or returning unloaded from, the delivery of baled livestock forage. The permits in question would cost $20.00, and would be valid for a period of one calendar year. Baled livestock forage is a load which can be dismantled or reduced in size without great difficulty, and therefore, a permit for hauling livestock forage could not issue under § 39-6,181, which provides, in part:

> No permit shall be issued under subdivisions (a) or (b) of this subsection for a vehicle carrying a load unless such vehicle is loaded with an object which exceeds the size or weight limitations and which object cannot be dismantled or reduced in size or weight without great difficulty and which of necessity must be moved over the highways to reach its intended destination.

The permit contemplated by amended LB 153 is not "issued under subdivisions (a) or (b)," of § 39-6,181, but instead is issued under Neb. Rev. Stat. § 39-6,100, as amended. The overwidth permits for divisible loads contemplated by amended LB 153 are not unlike the overweight permits for divisible loads currently issued by the Nebraska Department of Roads. The Department of Roads currently issues permits for overweight "divisible loads", that would be in conflict with the above-quoted portion of § 39-6,181, if such permits were issued pursuant to subdivision (a) or (b) of § 39-6,181. For example, overweight permits for "trucks with an enclosed body and compacting mechanism," garbage trucks, are issued by the Department pursuant to Neb. Rev. Stat. § 39-6,185(3) (1988). Presumably, a garbage truck carries a load that can be dismantled or reduced in size without great difficulty. A permit for an overweight garbage truck would therefore conflict with the above-quoted portion of § 39-6,181 if such permit were issued under § 39-6,181. Permits for overweight garbage trucks, however, are issued under § 39-6,185(3) and Rule 008.02, Title 408, Chapter 1, of the Department of Roads Rules and Regulations. The permit authority set out in amended LB 153 is no different from the permit authority provided by § 39-6,185(3), neither of which are in conflict with § 39-6,181.

You have not asked about the propriety of issuing a permit for the movement of vehicles 15 feet in width on Nebraska highways which have, in many cases, travel lanes of only 12 feet in width. However, in view of the obvious danger to drivers of such vehicles and to others using the highways, we would comment that some provision should be added to the proposed legislation to protect against the potential loss of life and property that could, in all probability, follow the unrestricted issuance of such permits.

Sincerely,
DON STENBERG
Attorney General

(Signed) John E. Brown
Assistant Attorney General

cc: Patrick O'Donnell
Clerk of Legislature

Opinion No. 93015

DATE: March 15, 1993

SUBJECT: LB790 - A proposal to restrict public issue picketing and prohibit "interference" with medical facilities, personnel, and patients.

REQUESTED BY: Senator John Lindsay

WRITTEN BY: Don Stenberg, Attorney General
Steve Grasz, Deputy Attorney General

You have requested an Attorney General's Opinion concerning the constitutionality of LB790, a proposal to restrict public issue picketing and prohibit "interference" with medical facilities, personnel, and patients.

LB790 provides in part, as follows:

> Sec. 3. A person shall not prevent or act in concert with other persons with the intent to prevent an individual from entering or exiting a medical facility or providing or obtaining medical services by taking any of the following actions:
>
> (1) Detaining the individual;
>
> (2) Obstructing, impeding, or hindering the individual's passage;
>
> (3) Menacing, threatening, coercing, intimidating, or frightening such person in any manner;
>
> (4) Undertaking any other action which would prevent an individual from entering or exiting a medical facility;
>
> (5) Following or intercepting a medical professional or medical patient to or from his or her place of work, school, home, or lodging or about the city against the will of the person; or
>
> (6) Picketing or patrolling the place of residence of medical personnel or medical patients or any street, alley, road, highway, or other place where such persons my be, or in the vicinity thereof, against the will of such persons.
>
> A person who violates this section commits a Class I misdemeanor for a first offense and a Class IV felony for second and subsequent offenses.

This proposed legislation is similar to LB818, introduced in 1991. In Op.Atty.Gen. No. 91035 (May 2, 1991), this office examined the provisions of LB818 and found them to violate both the Nebraska and U.S. Constitution. We likewise conclude LB790 violates fundamental provisions of constitutional law.

Section 2 of LB790 expressly limits application of the statute to "physical activity" which "shall not include only speech." Thus, unlike LB818, LB790 attempts to avoid punishing "pure speech," or speech without any accompanying conduct. However, this provision is not sufficient to save the proposal from constitutional difficulty. Section 3(3) prohibits acting with the intent to prevent an individual from entering or exiting a medical facility or providing or obtaining medical services by "menacing, threatening, coercing, intimidating, or frightening such person in any manner." Section 6 prohibits "picketing or patrolling the place of residence of medical personnel or medical patients or any street, alley, road, highway, or other place where such persons may be, or in the vicinity thereof, against the will of such persons." As the Eighth Circuit has stated,

> {P}icketing is not pure speech, because it involves conduct and need not include spoken words. Nevertheless, '{t}here is no doubt that as a general matter peaceful picketing and leafletting are expressive

> activities involving 'speech' protected by the First Amendment.' . . . More specifically, '{t}here can be no doubt that . . . peaceful picketing on the public streets and sidewalks in residential neighborhoods {constitutes} expressive conduct that falls within the First Amendments' preserve.'

Pursley v. City of Fayettville, Ark., 820 F.2d 951, 954 (8th Cir. 1987). Thus, picketing, although it involves conduct, is still protected by the First Amendment.

LB790 makes picketing "any street, alley, road, highway, or other place" where medical personnel or patients may be "or in the vicinity thereof" a criminal offense (Class I misdemeanor for a first offense and a Class IV felony for a second or subsequent offense). This provision is repugnant to the free speech clause of the First Amendment of the Constitution of the United States as well as that of the Constitution of Nebraska. See Op. Atty. Gen. No. 91035. As we have previously stated:

> Article I, §5 of the Constitution of the State of Nebraska provides, "Every person may freely speak . . . on all subjects. . . ." Similarly, the first amendment to the Constitution of the United States, as applied to the states through the fourteenth amendment, provides: "Congress shall make no law . . . abridging the freedom of speech. . . ."
>
> As the United States Supreme Court stated in Boos v. Barry, 485 U.S. 312, 108 S.Ct. 1157, 99 L.Ed.2d 333 (1988),
>
> {T}he First Amendment reflects a 'profound national commitment' to the principle that 'debate on public issues should be uninhibited, robust, and wide-open.' (citation omitted), and {we} have consistently commented on the central importance of protecting speech on public issues . . . This has led us to scrutinize carefully any restrictions on public issue picketing.
>
> Id. at 343 (emphasis added). Where such picketing occurs on public streets and sidewalks, "the government's ability to restrict expressive activity 'is very limited.'" Id. (quoting United States v. Grace, 461 U.S. at 177).

Id. See also Frisby v. Schultz, 487 U.S. 474, 108 S.Ct. 2495 (1988). In Frisby the Court made it clear that "a public street does not lose its status as a traditional public forum simply because it runs through a residential neighborhood." Id. at 2501.

LB790 attempts to impose a blanket prohibition on picketing anywhere remotely near medical personnel or patients. Such a restriction is not narrowly tailored to serve a significant government interest and does not leave open ample alternative channels of communication. Frisby, 108 S.Ct. at 2501; Pursley, 820 F.2d at 955. Thus, LB790's attempt to criminalize picketing any street or other place where medical personnel or patients may be is clearly unconstitutional.

The provisions of LB790 prohibiting "menacing, threatening, coercing, intimidating, or frightening . . . in any manner," if upheld at all, would be judicially narrowed to encompass only unprotected "fighting words." See Nash v. Chandler, 848 F.2d 567, 569 (5th Cir.

1988); Howard Gault Co. v. Texas Rural Legal Aid, Inc., 848 F.2d 544, 561 (5th Cir. 1988).

> As the Supreme Court has stated, "in public debate our citizens must tolerate insulting and even outrageous speech in order to provide "adequate 'breathing space' for the freedoms protected by the First Amendment." " Boos v. Barry, 99 L.Ed.2d at 345.
>
> The Fourteenth Amendment does not permit a State to make criminal the peaceful expression of unpopular views. "{A} function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger. Speech is often provocative and challenging. It may strike at prejudices and preconceptions and have profound unsettling effects as it presses for acceptance of an idea. . . ."
>
> Edwards v. South Carolina, 372 U.S. 229, 83 S.Ct. 680, 9 L.Ed.2d 697, 703 (1963) (quoting Terminiello v. Chicago, 337 U.S. 1, 4 (1949)).

Op.Atty.Gen. No. 91035 at 7. As a federal court recently stated,

> Attempts to persuade another to action are clearly within the scope of the First Amendment. Thomas v. Collins, 323 U.S. 516, 537, 65 S.Ct. 315, 326, 89 L.Ed. 430 (1945). The fact that the defendants' speech was intended to persuade patients to forego their abortions or employees to leave their employment at an abortion-providing clinic does not, in itself, corrupt the speech or diminish its protection under the Constitution. See Thornhill v. Alabama, 310 U.S. 88, 99, 60 S.Ct. 736, 742, 84 L.Ed. 1093 (1940). That this expression was designed to have an "offensive" or "coercive" effect is of little significance provided that the manner of expression retained its peaceful nature. NAACP v. Claiborne Hardware Co., 458 U.S. 886, 911, 102 S.Ct. 3409, 3424, 73 L.Ed.2d 1215 (1982).

Northeast Women's Center, Inc. v. McMonagle, 670 F.Supp. 1300, 1308 (Ed.Pa. 1987)(emphasis added).

Even if application of section 3(3) of LB790 was limited to "fighting words," the existence of such broad language in state statutes would have a chilling effect on protected speech. "The existence of such a statute, which readily lends itself to harsh and discriminatory enforcement by local prosecuting officials, against particular groups deemed to merit their displeasure, results in a continuous and pervasive restraint on all freedom of discussion that might reasonably be regarded as within its purview." Thornhill v. State of Alabama, 310 U.S. 88, 97-98 (1939) (invalidating Alabama picketing statute). See also Gooding v. Wilson, 405 U.S. 518, 92 S.Ct. 1103, 31 L.Ed.2d 405, 413 (1972) ("{P}ersons whose expression is constitutionally protected may well refrain from exercising their rights for fear of criminal sanctions provided by a statute susceptible of application to protected expression."). As one federal court stated with regard to a Texas statute, "As presently drawn, the statute manifestly could have a chilling effect on those who are unclear regarding what is unlawful,

and these individuals, on that account, well might restrict their conduct to that which is unquestionably safe. Nash v. State of Texas, 632 F.Supp. 951, 980 (E.D. Tex. 1986), aff'd in part and rev'd in part, 848 F.2d 567 (1988)(quoting Baggett v. Bullitt, 377 U.S. 360, 372 (1964)).

LB790 is not narrowly drawn to punish only unprotected speech and is susceptible of application to protected expression. Thus, Sections 3(3) and 3(6) of the bill are unconstitutional. See Members of City Council of City of Los Angeles v. Taxpayers For Vincent, 466 U.S. 789, 801 (1984). It must be remembered that "Speech does not lose its protected character, simply because it may embarrass others or coerce them into action. . . ." Id. at 974 (quoting NAACP v. Claiborne Hardware, 458 U.S. 886, 102 S.Ct. 3409, 3424 (1982).

In addition, Sections 3(4) and 3(5) are likely unconstitutionally vague and overbroad since they purport to criminalize "undertaking any other action" which would prevent entry or exit of a medical facility, and also "intercepting" medical professionals or patients "about the city." See Op.Atty.Gen. No. 91035 at 2-5. These provisions forbid acts in terms so vague that men of common intelligence must necessarily guess at their meaning and differ as to their application. See State ex. rel. Douglas v. Herrington, 206 Neb. 516, 294 N.W.2d 330 (1980). These provisions are not precise and narrowly drawn permissible restrictions on protected first amendment activity, but rather are overly broad prohibitions.

In conclusion, LB790 would criminalize activity protected by the First Amendment and the Nebraska Constitution, and is thus unconstitutional.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Steve Grasz
Deputy Attorney General

3-1096-3.1

REPORT

Received statement of deposits from the Department of Roads to the Highway Cash fund and Roads Operation Cash fund for February 1993 in compliance with section 66-4,144, R.S. Supp. 1991.

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 553 in the Journal. No objections. So ordered.

AM0829

1. Strike the original sections and insert the following new sections:

"Section 1. The Legislature finds that it is in the

interest of the people of the state that the practice of aquaculture be encouraged in order to promote agricultural diversification, augment food supplies, expand employment opportunities, promote economic activity, increase stocks of fish and other aquatic life, protect and better use and manage the natural resources of the state, and provide other benefits to the state.

Sec. 2. For purposes of sections 1 to 5 of this act:

(1) Aquaculture shall have the definition found in section 2-3804.01;

(2) Aquaculture facility shall mean any facility, structure, lake, pond, tank, or tanker truck used for the purpose of propagating, selling, brokering, trading, or transporting live fish or viable gametes;

(3) Aquaculturist shall mean any individual, partnership, or corporation, other than an employee of a state or federal hatchery, involved in producing, transporting, or marketing cultured aquatic stock or products thereof;

(4) Aquatic disease shall mean any departure from a normal state of health of aquatic organisms caused by disease agents;

(5) Aquatic organism shall mean an individual member of any species of fish, mollusk, crustacean, aquatic reptile, aquatic amphibian, aquatic insect, or other aquatic invertebrate. Aquatic organism shall include the viable gametes, eggs or sperm, of an aquatic organism;

(6) Board shall mean the aquaculture board;

(7) Commercial aquaculturist shall mean an aquaculturist engaged in the business of growing, selling, brokering, or processing live or viable aquatic organisms for commercial purposes;

(8) Commission shall mean the Game and Parks Commission;

(9) Cultured aquatic stock shall mean aquatic organisms raised from privately owned stocks and aquatic organisms lawfully acquired and held in private ownership until they become intermingled with wild aquatic organisms;

(10) Department shall mean the Department of Agriculture;

(11) Director shall mean the Director of Agriculture;

(12) Indigenous shall mean a naturally occurring, wild population living within the State of Nebraska; and

(13) Nonindigenous shall mean not indigenous.

Sec. 3. There is hereby created the Nebraska Aquaculture Board. The board shall consist of (1) the aquaculturist employed by the Cooperative Extension Service pursuant to section 85-1,104.01, (2) two employees of the

commission who are familiar with aquatic disease, appointed by the director of the commission, (3) two employees of the department who are familiar with the commercial marketing and processing of aquatic organisms and their products or with the financing of commercial aquaculture, to be appointed by the director, and (4) two aquaculturists, to be appointed by the Governor. The board shall elect from its members a chairperson. The aquaculturists shall serve three-year terms, serve until their successors are appointed, and serve without compensation.

Sec. 4. (1) The board shall make recommendations which will serve as Nebraska's State Aquaculture Plan to be presented to the Legislature by January 1, 1994, concerning the regulation of the aquaculture industry and its markets, including legislation which regulates, controls, or otherwise relates to fish health, to the spread of aquatic disease, or to the importation into the state or the distribution and management of any nonindigenous aquatic species.

(2) The State Aquaculture Plan developed by the board shall include appropriate programs which may include, but are not limited to, programs to assist in the protection, growth, and promotion of the aquaculture industry of the state and shall also include policies and procedures for the accomplishment of such a plan.

Sec. 5. The board shall have authority to consider and recommend to the Legislature appropriate legislation, including, but not limited to, legislation concerning the following:

(a) Fees to fund all direct and indirect costs of the administration and enforcement of the act;

(b) Standards applicable to products of cultured aquatic stock offered for sale;

(c) The establishment of standards for and certification of private aquaculture facilities, which may include, but need not be limited to, standards for commercial aquaculturists with respect to sanitation, financial stability, disease control, and the movement of aquaculture products offered for sale;

(d) Procedures regarding granting, denying, suspending, or revoking an aquaculture facility permit and appeals processes relating thereto;

(e) Procedures and responsibilities for quarantine of aquaculture facilities upon the determination that a situation exists which threatens imminent danger to existing wild aquatic populations or to human health and safety and that no more reasonable means exist to control the situation including, but not limited to, controlling unwanted, nonindigenous, aquatic species and procedures for controlling aquatic infectious diseases that may affect wild, aquatic, or

indigenous or cultured aquatic stock;

(f) Procedures for contracting services of any specialist in this state or in any other state or with any other government agency, through intergovernmental agreement, contract, or memorandum of understanding to implement and enforce the act;

(g) Penalties for violations of the aquaculture plan developed by the board;

(h) The evaluation and consideration of which terms of the industry need further definition as well as an evaluation of the impact of such legislation;

(i) Barriers to entry in the business of aquaculture and ways to reduce or eliminate such barriers which may include an evaluation of tax exemptions and education;

(j) The interrelationship between the Department of Agriculture in promotion of and the commission regulation of aquatic stock; and

(k) Additional board responsibilities beyond the final report.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 54. Introduced by Dierks, 40.

WHEREAS, the Elgin Eagles boys' basketball team won the 1993 Class D-2 state tournament; and

WHEREAS, Coach Phil Kluthe's team finished its season with a 21-5 record; and

WHEREAS, the Eagles won the boys' state title with a first-round victory over Giltner, and thrilling last-second victories over Prague and Hyannis.

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

1. That the Elgin Eagles be congratulated for their championship season.

2. That a copy of this resolution be sent to Elgin High School and Coach Phil Kluthe.

Laid over.

LEGISLATIVE RESOLUTION 48. Read. Considered.

LR 48 was adopted with 19 ayes, 0 nays, and 30 not voting.

LEGISLATIVE RESOLUTION 49. Read. Considered.

LR 49 was adopted with 19 ayes, 0 nays, and 30 not voting.

LEGISLATIVE RESOLUTION 50. Read. Considered.

LR 50 was adopted with 20 ayes, 0 nays, and 29 not voting.

GENERAL FILE

LEGISLATIVE BILL 520A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 240. E & R amendment, AM5392, found in the Journal on page 795, was adopted.

Mr. Landis asked unanimous consent to replace the Hall pending amendment, AM0402, found in the Journal on page 686, with a substitute amendment. No objections. So ordered.

Messrs. Landis and Hall offered the following substitute amendment:
AM0869

1. Strike original section 5 and insert the following new section:

"Sec. 5. That section 77-2716.01, Revised Statutes Supplement, 1992, be amended to read as follows:

77-2716.01. (1) Every individual shall be allowed to subtract from ~~federal adjusted gross income~~ his or her income tax liability an amount for personal exemptions. ~~For tax year 1987, the~~ The amount allowed to be subtracted shall be ~~one thousand one hundred dollars~~ the credit amount for the year as provided in this section multiplied by the number of exemptions allowed on the federal return. For tax year 1993, the credit amount shall be sixty-five dollars; for tax year 1994, the credit amount shall be sixty-nine dollars; for tax year 1995, the credit amount shall be sixty-nine dollars; for tax year 1996, the credit amount shall be seventy-two dollars; for tax year 1997, the credit amount shall be seventy-six dollars; for tax year 1998, the credit amount shall be seventy-eight dollars; for tax year 1999, and each year thereafter, the credit amount shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code of 1986, as amended. The sixty-five dollar credit amount shall be adjusted for cumulative inflation since 1993. If any credit amount is not an even dollar amount, the amount shall be rounded to the nearest dollar. The amount allowed for each personal exemption shall be reduced, but not below zero, by five dollars for each five thousand dollars, or portion thereof, that federal adjusted gross income exceeds ninety

thousand dollars for married filing joint returns, fifty-four thousand dollars for single returns, seventy-five thousand dollars for head-of-household returns, and for married filing separate returns, one-half the amount stated in this subsection for married filing joint returns. For nonresident individuals and partial-year resident individuals, the personal exemption credit shall be subtracted as specified in subsection (3) of section 77-2715. ~~For tax year 1988, the amount allowed to be subtracted shall be one thousand one hundred thirty dollars multiplied by the number of exemptions allowed on the federal return. For tax year 1989, the amount allowed to be subtracted shall be one thousand one hundred eighty dollars multiplied by the number of exemptions allowed on the federal return.~~ For tax year ~~1990~~ 1994 and each tax year thereafter, ~~the amount to be subtracted~~ the income levels stated in this subsection shall be ~~the amount of the exemption for tax year 1989~~ adjusted for inflation by the method provided in section 151 of the Internal Revenue Code of 1986, as amended. If any ~~amount to be subtracted~~ income level in this subsection is not a multiple of ~~ten~~ one thousand dollars, the amount shall be rounded to the next ~~lowest~~ highest multiple of ~~ten~~ one thousand dollars. ~~The amount shall then be multiplied by the number of exemptions allowed on the federal return.~~

(2) Every individual who did not itemize deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income a standard deduction equal to the federal standard deduction for the filing status used on the federal return except as the amount is adjusted under section 6 of this act.

(3) Every individual who itemized deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income the greater of either the standard deduction allowed in subsection (2) of this section or ~~all~~ the amount before the federal disallowance of his or her federal itemized deductions, except for the amount deducted on the federal return for state or local income taxes paid and the amount of any adjustment required under section 6 of this act.".

Mr. Landis moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Landis-Hall amendment was adopted with 25 ayes, 8 nays, 5 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

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

Mr. Moore renewed his pending amendment (1), AM0771, found in the Journal on page 928.

Mr. Moore withdrew his amendment.

Mr. Moore asked unanimous consent to replace his pending amendment (2), AM0768, found in the Journal on page 928, with a substitute amendment. No objections. So ordered.

Mr. Moore withdrew his pending amendment (2), AM0768, found in the Journal on page 928.

Mr. Moore renewed his pending substitute amendment (7), AM0728, found in the Journal on page 929.

Mr. Will moved the previous question. The question is, "Shall the debate now close?" The motion lost with 7 ayes, 12 nays, and 30 not voting.

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

Mr. Moore requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Ashford	Byars	Fisher	Kristensen	Robinson
Baack	Crosby	Haberman	Moore	Schellpeper
Bernard-Stevens	Cudaback	Hohenstein	Pedersen	Schmitt
	Elmer	Jones	Pirsch	Witek

Voting in the negative, 18:

Beutler	Hartnett	McKenzie	Schimek	Wickersham
Bohlke	Hillman	Preister	Warner	Will
Chambers	Janssen	Rasmussen	Wesely	Withem
Day	Landis	Robak		

Present and not voting, 6:

Avery	Hudkins	Lindsay	Vrtiska	Wehrbein
Coordsen				

Excused and not voting, 6:

Abboud	Bromm	Dierks	Hall	Horgan

Lynch

The Moore amendment lost with 19 ayes, 18 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Moore withdrew his pending amendments (3), AM0770, (4), AM0769, and (5), AM0772, found in the Journal on pages 928 and 929.

Mr. Moore renewed his pending amendment (6), AM0418, found in the Journal on page 929.

Mr. Moore withdrew his amendment.

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Landis moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Landis requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 29:

Beutler	Cudaback	McKenzie	Robinson	Wehrbein
Bohlke	Day	Pedersen	Schellpeper	Wesely
Byars	Hartnett	Pirsch	Schimek	Wickersham
Chambers	Hillman	Preister	Schmitt	Will
Coordsen	Janssen	Rasmussen	Vrtiska	Withem
Crosby	Landis	Robak	Warner	

Voting in the negative, 14:

Ashford	Bernard-Stevens	Fisher	Hudkins	Lindsay
Avery		Haberman	Jones	Moore
Baack	Elmer	Hohenstein	Kristensen	Witek

Excused and not voting, 6:

Abboud	Dierks	Hall	Horgan	Lynch
Bromm				

Advanced to E & R for engrossment with 29 ayes, 14 nays, and 6 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 240A. Advanced to E & R for engrossment.

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 625. Placed on General File.

(Signed) Chris Beutler, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 74. Placed on General File.
LEGISLATIVE BILL 545. Placed on General File.

LEGISLATIVE BILL 241. Placed on General File as amended.
Standing Committee amendment to LB 241:
AM0647

1. On page 2, strike lines 5 through 22, show the old matter as stricken, and insert the following new subdivision:

"(1) A recognized veterans organization shall mean a veterans organization that (a) is recognized by the United States Department of Veterans Affairs, (b) has a presence in each of this state's congressional districts, and (c) maintains a state headquarters sanctioned by its national organization. Recognized veterans organizations shall be the American Legion, American Ex-Prisoners of War, Disabled American Veterans, Military Order of the Purple Heart, Paralyzed Veterans of America, Veterans of Foreign Wars of the United States, and the Vietnam Veterans of America;".

LEGISLATIVE BILL 372. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

Transportation

LEGISLATIVE BILL 358. Placed on General File as amended.
Standing Committee amendment to LB 358:
AM0883

1. Strike the original sections and insert the following new sections:

"Section 1. Any officer of the carrier enforcement division of the Nebraska State Patrol or any officer of the Nebraska State Patrol may conduct a safety review or safety

compliance audit of a motor carrier.

Sec. 2. Following a safety review or safety compliance audit of an intrastate motor carrier by an officer of the carrier enforcement division of the Nebraska State Patrol or any officer of the Nebraska State Patrol, the Nebraska State Patrol shall issue a safety rating of that motor carrier. The safety rating shall be based upon factors prescribed in 49 C.F.R. part 385 of the federal Motor Carrier Safety Regulations adopted in section 75-363, the federal Hazardous Material Regulations adopted in section 75-364, and insurance requirements for intrastate motor carriers set forth by the Public Service Commission pursuant to section 75-307. The motor carrier shall be notified by the Nebraska State Patrol of such safety rating by certified or registered mail.

Sec. 3. The Superintendent of Law Enforcement and Public Safety may issue an order imposing a civil penalty against an intrastate motor carrier for violation of section 75-307, 75-352, 75-363, or 75-364 based upon an inspection conducted pursuant to section 75-366 in an amount which shall not exceed five hundred dollars for any single violation in any proceeding or series of related proceedings against any person, motor carrier, common carrier, contract carrier, exempt carrier, or private carrier as defined in 49 C.F.R. part 390.5 of the federal Motor Carrier Safety Regulations as adopted in section 75-363. Upon the discovery of any violation by an interstate motor carrier of section 75-307, 75-352, 75-363, or 75-364 based upon an inspection conducted pursuant to section 75-366, the superintendent shall immediately refer such violation to the appropriate federal agency for disposition.

Sec. 4. Any order issued by the Superintendent of Law Enforcement and Public Safety under section 3 of this act shall include at least (1) the date of the order, (2) a description of each act or omission upon which the violation is based, (3) the manner in which and the place where the respondent may pay the civil penalty or request a hearing within fifteen business days after receipt of the order, and (4) a notice that if the respondent fails to respond to the order within fifteen business days after receipt of the order, the order shall automatically become final and the civil penalty may be collected by civil action in the district court of Lancaster County.

Sec. 5. Civil penalties assessed pursuant to section 3 of this act and unpaid shall constitute a debt to the State of Nebraska which may be collected in the form of a lien foreclosure or recovered in a proper form of action in the name of the State of Nebraska in the district court of Lancaster County. Any civil penalty collected shall be remitted on a monthly basis to the State Treasurer for credit

to the permanent school fund.

Sec. 6. (1) If no hearing is requested and none is ordered by the Superintendent of Law Enforcement and Public Safety, the summary order shall automatically become a final order after fifteen business days after receipt of the order.

(2) If a hearing is requested or ordered, the superintendent shall appoint as hearing officer an attorney licensed to practice law in Nebraska. Every hearing pursuant to this act shall be conducted in accordance with the Administrative Procedure Act.

(3) Every hearing in an administrative proceeding under this section shall be public unless the hearing officer grants a request joined in by all the respondents that the hearing be conducted privately.

(4) Upon agreement by all the parties any time before or during the hearing under this section, the hearing officer may compromise, mitigate, or aggravate any civil penalty. In determining the amount of the civil penalty, the hearing officer shall consider the appropriateness of the civil penalty in light of the gravity of the violation and the good faith of such violator in attempting to achieve compliance after notification of the violation.

(5) The hearing officer, within ten days after the conclusion of the hearing, shall make written findings of fact and conclusions of law to the superintendent. Such findings of fact and conclusions of law shall not be binding upon the superintendent.

(6) If a hearing is requested or ordered, the superintendent, after notice of and opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination.

(7) No final order or order after hearing may be returned by the superintendent without (a) appropriate notice to all interested persons, (b) opportunity for hearing to all interested persons, and (c) entry of written findings of fact and conclusions of law. Any order or decision of the superintendent may be appealed. The appeal shall be in accordance with the Administrative Procedure Act.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Doug Kristensen, Chairperson

Judiciary

LEGISLATIVE BILL 250. Placed on General File.
LEGISLATIVE BILL 458. Placed on General File.
LEGISLATIVE BILL 467. Placed on General File.

LEGISLATIVE BILL 820. Placed on General File.

LEGISLATIVE BILL 362. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 185. Placed on General File as amended.
Standing Committee amendment to LB 185:
AM0875

1. On page 4, line 25, strike both occurrences of "judicial" and insert "official"; and in line 27 after "knowledge" insert "and the rules and regulations adopted and promulgated by such agency".

2. On page 5, line 2, after the period insert "The record shall contain a written record of everything officially noticed."; in line 18 strike "causing" and insert "cause"; in line 26 after "subdivisions" insert "(6)" and strike "subsection" and insert "section"; and in line 27 strike "public".

3. On page 6, line 7, strike "this subsection" and insert "subdivision (6) of this section"; and in line 10 after the underscored period insert the following new subdivision:

"(f) Subdivision (6) of this section shall not apply to any agency established by the Constitution of Nebraska whose members are elected officials".

LEGISLATIVE BILL 401. Placed on General File as amended.
Standing Committee amendment to LB 401:
AM0874

1. Strike the original sections and insert the following new section:

"Section 1. In order to facilitate dissemination and use of county records in counties with a population in excess of two hundred thousand, custodians of the records in such counties may make them available to the public by alternative means such as photocopies, computer tapes, remote computer access, and other similar means. The additional costs of providing access to such county records by such alternative means may be recovered from the persons requesting access to the records. Such costs may include actual charges for the additional overhead, personnel costs, and capital expenditures necessary to provide access by such alternative means.".

LEGISLATIVE BILL 552. Placed on General File as amended.
Standing Committee amendment to LB 552:
AM0592

1. On page 2, line 4, strike "otherwise set out in subsection (2) of this section" and insert "a special use-vehicle as prescribed in section 81-1011 and a motor vehicle in which a state agency holds the title"; strike beginning with "The" in line 12 through the underscored period in line 16 and insert "Each operator of a special-use vehicle as prescribed in section 81-1011 or a motor vehicle in which a state agency holds the title shall follow the policy and use the travel report form which shall be established by the director or designated head of the agency owning such motor vehicle."; in line 17 after the second comma insert "the total daily mileage or total hours of daily operation,"; and strike line 19 and insert "State agencies".

2. On page 3, after line 15 insert:

"(5) For purposes of this section, state agency shall include an agency, department, board, bureau, or commission of the state except the transportation services bureau.".

LEGISLATIVE BILL 601. Placed on General File as amended.
Standing Committee amendment to LB 601:
AM0873

1. Strike original section 1 and insert the following new section:

"Section 1. That section 49-1492, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1492. (1) No person shall be employed as a lobbyist for compensation contingent in any manner upon the outcome of an administrative or legislative action.

(2) No person shall instigate the introduction of legislation for the purpose of obtaining employment in opposition thereto.

(3) No person shall attempt to influence the vote of the legislators on any matters pending or to be proposed by the promise of financial support or the financing of opposition to his or her candidacy at any future election.

(4) No person shall engage in practices which reflect discredit on the practice of lobbying or on the Legislature.

(5) No person shall engage in lobbying activities as a registered lobbyist for compensation for two years from the date he or she ceases to be a member of the Legislature, except that any person who was a member of the Legislature within such time and was registered with the Clerk of the Legislature as a lobbyist on the effective date of this act shall be exempt from this subsection.

(6) ~~(5)~~ Any person violating the provisions of this section shall be guilty of a Class III misdemeanor.".

(Signed) DiAnna R. Schimek, Chairperson

Revenue

LEGISLATIVE BILL 725. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0856.)

(Signed) Jerome Warner, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 536. Placed on Select File as amended.
E & R amendment to LB 536:
AM5415

1. In the Wesely amendment, AM0377, on page 1, line 9, strike "the".

2. In the Standing Committee amendment, AM0237:

a. On page 7, line 12, strike the comma;

b. On page 8, line 14, strike "such", show as stricken, and insert "the"; and

c. On page 11, line 26, after the second "business" insert an underscored semicolon.

3. On page 1, line 4, strike "71-3503" and insert "71-3501, 71-3503, 71-3507, 71-3508.03"; in line 7 after "sections" insert "71-168.01,"; and strike beginning with "change" in line 10 through line 16 and insert "provide for release of medical record and health information as prescribed; to provide, change, and eliminate definitions; to provide a penalty; to change provisions relating to investigational records and reports, temporary certificates to practice respiratory care, confidentiality and release of information on certificates filed with or issued by the Bureau of Vital Statistics, charges for review of such certificates, the birth defects registry, nurse practitioners, certified registered nurse anesthetists, certified nurse midwives, the Council of Certified Nurse Midwifery, radiation control, manufactured homes, recreational vehicles, payments for practice in a designated medical profession shortage area, the cancer registry, and the brain injury registry; to provide for licensing of persons and businesses engaged in radon measurement and mitigation, directed review under the Nebraska Regulation of Health Professions Act, and confidentiality of certain information under the Critical Incident Stress Debriefing Act; to eliminate provisions relating to certain laboratory reports, preceptorship programs for nurse practitioners, a termination date, and a penalty; to harmonize provisions;".

4. On page 2, strike beginning with line 1 through "and" in line 13; and in line 17 after "1992" insert "; and to declare an emergency".

5. On page 4, line 11, after "act" insert an underscored comma; in line 25 after "injuries" insert an underscored comma and after "and" insert "that"; in line 26 strike "shall" and insert "will"; and in line 27 strike the second "shall".

6. On page 6, line 3, strike "which".

7. On page 7, line 14, strike "hereof" and insert "thereof".

8. On page 8, line 5, after "under" insert "sections 1 to 13 of"; and in lines 13 and 14 strike "as defined in section 2 of this act".

9. On page 10, lines 9, 10, and 11, strike the new matter and reinstate the stricken matter.

10. Renumber original sections 14, 15, 16, 17, 18, 19, 20, and 21 as sections 16, 17, 18, 19, 20, 21, 22, and 15, respectively.

11. On page 22, line 8, strike "to", show as stricken, and insert "through".

12. On page 36, line 8, after the first comma insert "as amended,"; and strike beginning with the second comma in line 8 through the period in line 9.

13. On page 41, line 4, strike the second comma; and in line 25 strike "department" and insert "Department of Health".

14. On page 45, line 26, strike the comma.

15. On page 46, line 15, strike the first comma and show as stricken.

16. On page 47, line 11, strike "standards", show as stricken, and insert "standard"; in line 17 strike "of any defect"; and in line 18 strike "71-4614" and insert "71-4616".

17. On page 49, line 2, after "home" insert "or recreational vehicle".

18. On page 59, line 13, reinstate the stricken "the" and after the reinstated "the" insert "failure to conform".

19. On page 60, line 7, strike "defect or" and show as stricken; and in line 8 strike "comply", show as stricken, and insert "conform".

20. Renumber original sections 52, 53, 54, 55, 56, 57, and 58 as sections 61, 62, 56, 57, 58, 59, and 60, respectively.

21. On page 61, line 11, strike "53" and all amendments thereto and insert "62"; and in line 25 strike "56 to 58" and all amendments thereto and insert "58 to 60".

22. On page 62, lines 3 and 4, strike "56 and 57" and all amendments thereto and insert "58 and 59"; in lines

10, 22, and 28 strike "technical"; and in line 26 strike the comma.

23. On page 70, line 20, strike "such" and show as stricken and after "sections" insert "81-653 to 81-661"; and in line 24 strike "(5)", show as stricken, and insert "(3)".

24. On page 71, line 21, strike "such" and show as stricken and after "sections" insert "81-657 and 81-658"; and in line 22 after "sections" insert "71-1,232," and strike "71-1,232,".

25. On page 72, line 2, after "sections" insert "71-1713,".

LEGISLATIVE BILL 236. Placed on Select File.
LEGISLATIVE BILL 44. Placed on Select File.
LEGISLATIVE BILL 44A. Placed on Select File.
LEGISLATIVE BILL 90. Placed on Select File.
LEGISLATIVE BILL 588A. Placed on Select File.
LEGISLATIVE BILL 155. Placed on Select File.

LEGISLATIVE BILL 364. Placed on Select File as amended.
E & R amendment to LB 364:
AM5413

1. On page 1, line 3, after the fourth comma insert "66-4,124,"; and in line 8 after the second semicolon insert "to change provisions relating to a tax credit;".

2. On page 5, strike lines 7 through 14 and show as stricken; in line 18 strike "(4)" and insert "(3)"; in line 20 strike "(5)" and insert "(4)"; and in line 21 strike "a", show as stricken, and insert "an agricultural".

3. On page 6, line 2, strike "fund" and insert "Agricultural Alcohol Fuel Tax Fund".

4. On page 7, lines 22 and 27, strike "term for" and insert "terms of"; in line 24 strike "term" and insert "terms"; and in lines 25 and 28 strike "of".

5. On page 9, line 2, strike "13" and insert "11"; and in line 5 after the first "the" insert "following: The".

6. On page 10, lines 23 and 24, strike the comma.

7. On page 13, line 7, strike "the"; and in line 17 strike "fund", show as stricken, and insert "Ethanol Production Incentive Cash Fund".

8. On page 23, line 9, strike "66-1307, 66-1307.02,".

LEGISLATIVE BILL 246. Placed on Select File.

LEGISLATIVE BILL 462. Placed on Select File as amended.
E & R amendment to LB 462:
AM5404

1. On page 1, strike beginning with the second "to"

in line 3 through the semicolon in line 4.

LEGISLATIVE BILL 593. Placed on Select File.
LEGISLATIVE BILL 58. Placed on Select File.

LEGISLATIVE BILL 128. Placed on Select File as amended.
E & R amendment to LB 128:
AM5407

1. On page 3, line 20, strike "the" and show as stricken.

2. On page 6, line 26, strike the first "the" and show as stricken.

3. On page 7, line 25, strike "45-104.02" and insert "5 of this act".

LEGISLATIVE BILL 479. Placed on Select File.

LEGISLATIVE BILL 626. Placed on Select File as amended.
E & R amendment to LB 626:
AM5410

1. On page 1, line 6; and page 9, line 16, after "sections" insert "31-1004 and".

2. On page 6, line 11, strike the new matter and reinstate the stricken matter and after the reinstated "to" insert "31-1023;".

3. On page 9, line 7, strike the comma and show as stricken.

LEGISLATIVE BILL 42. Placed on Select File as amended.
E & R amendment to LB 42:
AM5409

1. On page 1, line 5, strike "orders," and the second comma.

2. On page 3, line 13, strike ", provided that" and insert "if".

3. On page 4, line 19, strike the comma.

4. On page 5, strike beginning with "these" in line 11 through "rules" in line 12 and insert "the act and rules and regulations".

5. On page 6, line 3, strike "shall deem", show as stricken and insert "deems"; in line 5 strike "shall direct", show as stricken, and insert "directs"; in line 13 strike "shall be", show as stricken, and insert "is"; in line 14 strike "it be" and show as stricken; and in line 24 strike the second comma and show as stricken.

6. On page 7, line 11, strike the first comma and show as stricken; and in line 12 strike the first comma and show as stricken.

LEGISLATIVE BILL 145. Placed on Select File as amended.
E & R amendment to LB 145:
AM5406

1. On page 4, line 14, strike "who is" and show as stricken; and in line 24 before "state" insert "a" and strike "must" and insert "shall".

LEGISLATIVE BILL 340. Placed on Select File as amended.
E & R amendment to LB 340:
AM5408

1. On page 21, line 12, strike "such" and show as stricken and after "sections" insert "60-102 to 60-117".

LEGISLATIVE BILL 477. Placed on Select File as amended.
E & R amendment to LB 477:
AM5405

1. On page 2, line 13, strike the comma and show as stricken.

LEGISLATIVE BILL 604. Placed on Select File.

LEGISLATIVE BILL 299. Placed on Select File as amended.
E & R amendment to LB 299:
AM5411

1. On page 4, strike beginning with "Credible" in line 8 through "(4)" in line 13 and show as stricken; in line 15 strike "(5)", show as stricken, and insert "(4)"; in line 20 strike "(6)", show as stricken, and insert "(5)"; and in line 27 strike "(7)", show as stricken, and insert "(6)".

2. On page 6, lines 5 and 6, strike "sections 28-311.03 and", show as stricken, and insert "section".

(Signed) Kurt A. Hohenstein, Chairperson

SELECT FILE

LEGISLATIVE BILL 520. E & R amendment, AM5400, found in the Journal on page 898, was adopted.

Mrs. Rasmussen renewed her pending amendment, AM0796, found in the Journal on page 966.

The Rasmussen amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Messrs. Byars, Kristensen, Beutler, and Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Pending.

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 422	Wednesday, March 24, 1993	4:00 p.m.
LB 19	Thursday, March 25, 1993	1:30 p.m.
LB 132	Thursday, March 25, 1993	1:30 p.m.
LB 245	Thursday, March 25, 1993	1:30 p.m.

(Signed) Chris Beutler, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 55. Introduced by Vrtiska, 1.

WHEREAS, the Sterling Jets won the State Class C-2 High School Boys' Basketball Championship by defeating Indianola-Republican Valley; and

WHEREAS, the Jets defeated their opponents in the state tournaments by an average margin of 22.7 points; and

WHEREAS, the Jets compiled a record of twenty wins and three losses in the 1992-93 season; and

WHEREAS, we should continue to recognize the achievements of our young people in the areas of academics, athletics, and the arts.

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

1. That the Sterling Jets boys basketball team be congratulated for their accomplishments during the 1992-93 basketball season.

2. That a copy of this resolution be sent to Coach Brad Buller, Sterling Public Schools, 250 Main St., Box 39, Sterling, Nebraska 68443.

Laid over.

LEGISLATIVE RESOLUTION 56. Introduced by Withem, 14; Janssen, 15.

WHEREAS, Jodi Janssen of the Papillion/La Vista diving team took first place in the Class A state diving championship; and

WHEREAS, Jodi achieved the Class A diving championship for the third consecutive year; and

WHEREAS, Jodi is an excellent student and has expended tremendous effort; and

WHEREAS, due to her superior diving ability, Jodi Janssen has qualified for championships on the national level.

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

1. That the Legislature extends its congratulations to Jodi Janssen for her high achievement and wish her well at the national championships.

2. That the Legislature recognizes Jodi's coach Lynn Weaver for her assistance in developing Jodi's talent and to Jodi's parents Lynette and Joel Janssen for their support and encouragement.

3. That a copy of this resolution be forwarded to Jodi Janssen and to the Papillion/La Vista High School.

Laid over.

LEGISLATIVE RESOLUTION 57. Introduced by Withem, 14.

WHEREAS, the Papillion/La Vista High School boys' basketball team won the 1993 Class A State Boys' Basketball Championship by defeating Omaha Burke High School; and

WHEREAS, the Papillion/La Vista boys' basketball team claimed their first Class A championship topping a 20-4 seasons; and

WHEREAS, the Papillion/La Vista boys' basketball team succeeded as a wild card team.

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

1. That the Legislature congratulates Coach Kevin Albers and his team: James Tindell, Marqual Mungin, Jason Sokolowicz, Jon Ruff, Chad Kalal, Ryan Black, Scott Swanson, Willy Solomon, Kevin Sourdyke, Chris Johnston, David Teixeuira, and Kevin Mungin on their winning season and their attainment of the Class A Title in Boys' basketball.

2. That a copy of this resolution be forwarded to their school in recognition of their achievement.

Laid over.

LEGISLATIVE RESOLUTION 58. Introduced by Schmitt, 41.

WHEREAS, the St. Paul High School girls' basketball team is the champion of the 1993 Class B Girls' State Basketball Tournament; and

WHEREAS, extraordinary teamwork was shown by team members throughout the 1992-1993 basketball season; and

WHEREAS, the hard work and dedication put forth by the players and coaches resulted in St. Paul's first undefeated season and a record of 26-0; and

WHEREAS, the achievements of the St. Paul High School girls' basketball team are deserving of special recognition by the Legislature.

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

1. That the Legislature extends its congratulations and best wishes to the members of the St. Paul High School girls' basketball team for winning the 1993 Class B state championship.

2. That a copy of this resolution be sent to the members of the 1993 St. Paul High School girls' basketball team and their coach, Tom Schacht.

Laid over.

LEGISLATIVE RESOLUTION 59. Introduced by Schmitt, 41.

WHEREAS, the Burwell High School Longhorns won the 1993 Class D State Wrestling Tournament; and

WHEREAS, Jeff Eppenbach and Luke Gideon won individual championships in their weight classes; and

WHEREAS, the teamwork and dedication put forth by the Burwell High School wrestlers and coaches throughout the season built a winning attitude; and

WHEREAS, the achievements of the Burwell High School wrestling team are deserving of special recognition by the Legislature.

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

1. That the Legislature extends it congratulations and best wishes to the members of the Burwell High School wrestling team for winning the 1993 Class D state championship.

2. That a copy of this resolution be sent to the members of the Burwell High School wrestling team and their coach, Todd Westover.

Laid over.

LEGISLATIVE RESOLUTION 60. Introduced by Robak, 22.

WHEREAS, agriculture continues to be of prime importance to the economy of Nebraska; and

WHEREAS, it is important to recognize those farmers who have contributed to excellence in agriculture; and

WHEREAS, Arthur Bakenhus and Luther Bakenhus were inducted into the Ridge Till Hall of Fame at the Seventh Annual National Ridge Till Conference in Omaha.

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

1. That the Legislature congratulate Arthur Bakenhus of Columbus and Luther Bakenhus of Columbus for their induction into the Ridge Till Hall of Fame.

2. That a copy of this resolution be sent to both Arthur Bakenhus and Luther Bakenhus.

Laid over.

LEGISLATIVE RESOLUTION 61. Introduced by Ashford, 6.

WHEREAS, Mr. V.J. Skutt was a long-time resident of the 6th Legislative district; and

WHEREAS, Mr. Skutt served as chair of the board of Mutual of Omaha for thirty-one years; and

WHEREAS, Mr. Skutt transformed the nature of the insurance industry to one focused on people and is a member of Omaha's Business Hall of Fame; and

WHEREAS, Mr. Skutt brought conservation issues to the national forefront through "Mutual of Omaha's Wild Kingdom" and "New Discovery"; and

WHEREAS, during Mr. Skutt's lifetime he served as community leader with character, integrity, and distinction and as a result was the recipient of numerous achievement awards, including the Distinguished Nebraskalander award and the Golden Plate award; and

WHEREAS, Mr. Skutt's work as civic leader and philanthropist is a great inspiration to the City of Omaha and the State of Nebraska; and

WHEREAS, V.J. Skutt passed away on February 23, 1993; and

WHEREAS, V.J. Skutt is survived by two of his three children, Tom and Sally Jane.

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

1. That the members of the Legislature express their deepest sympathy to the family of V.J. Skutt.

2. That a copy of this resolution be sent to the family of V.J. Skutt.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 53 was referred to the Reference Committee.

ANNOUNCEMENT

Mr. Cudaback designates LB 193 as his priority bill.

UNANIMOUS CONSENT - Print in Journal

Mr. Wehrbein asked unanimous consent to print the following amendment to LB 364 in the Journal. No objections. So ordered.

AM0870

1. On page 5, line 2, after "facility" insert "or ethanol facility"; in line 26 strike ", including" and insert "or of"; and in line 27 strike the comma.

2. On page 9, line 20, after the period insert "Funds collected pursuant to this section shall be remitted to the State Treasurer for credit to the Agricultural Alcohol Fuel Tax Fund.".

Mr. Hohenstein asked unanimous consent to print the following amendment to LB 627 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0863.)

UNANIMOUS CONSENT - Add Cointroducers

Mr. Coordsen asked unanimous consent to have his name added as cointroducer to LB 575. No objections. So ordered.

Mr. Robinson asked unanimous consent to have his name added as cointroducer to LB 575. No objections. So ordered.

Mr. Hartnett asked unanimous consent to have his name added as cointroducer to LB 575. No objections. So ordered.

Mrs. McKenzie asked unanimous consent to have her name added as cointroducer to LR 48. No objections. So ordered.

ANNOUNCEMENT

Mr. Schellpeper announced the General Affairs Committee will hold an Executive Session on Wednesday, March 17 at 8:30 a.m. in Room 2022.

VISITORS

Visitors to the Chamber were Senator Jones' son, Pastor Vernon Jones, from Wellsville, Kansas; and 31 fourth grade students and sponsors from Lincoln Christian, Lincoln.

ADJOURNMENT

At 11:55 a.m., on a motion by Mr. Wesely, the Legislature adjourned until 9:00 a.m., Wednesday, March 17, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-THIRD DAY - MARCH 17, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 17, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Avery, Chambers, Coordsen, Hall, Kristensen, Landis, Lindsay, Moore, Warner, Wesely, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 465. Placed on Select File as amended.
E & R amendment to LB 465:
AM5416

1. Insert the following new section:

"Sec. 14. That section 79-2929, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2929. The authority may mortgage all or any portion of any project or any other facilities conveyed to the authority for such purpose and the site or sites thereof, whether presently owned or subsequently acquired, for the benefit of the holders of the bonds of the authority issued to finance such project or any portion thereof or issued to

refund or refinance outstanding indebtedness or to reimburse an endowment or any similar fund of a private institution of higher education as permitted by ~~sections 79-2901 to 79-2959~~ the Nebraska Educational Finance Authority Act.".

2. On page 1, line 4, after the second comma insert "79-2929,"; in line 7 after "authority" insert "and the act"; and in line 8 after the semicolon insert "to authorize the issuance of bonds;".

3. On page 3, line 18, strike "33 to 35" and insert "34 to 37".

4. On page 4, line 6, strike "is" and insert "are"; and in lines 12, 14, 16 to 19, and 22 strike the new matter and reinstate the stricken matter.

5. On page 5, line 14, before "Nebraska" insert "the".

6. On page 7, line 14, strike "33 to 35" and insert "34 to 36".

7. On page 17, lines 17 and 18, strike the second "to" and show as stricken; and in line 22 strike "to", show as stricken, and insert "may".

8. On page 19, line 9, strike "funds" and insert "bonds".

9. On page 21, line 18, strike the comma and show as stricken.

10. On page 23, line 10, strike "under" and show as stricken; and in line 22 after "and" insert an underscored comma.

11. On page 24, line 2, strike "or" and insert "and".

12. On page 25, line 27, strike "are" and insert "is".

13. On page 26, line 25, after the fifth comma insert "or" and strike the sixth comma and show as stricken.

14. On page 27, line 4, strike "act" and insert "Nebraska Educational Finance Authority Act"; in line 14 reinstate the stricken comma; and in line 19 strike "such sections", show as stricken, and insert "the act".

15. On page 28, line 8, strike "35" and insert "36"; in line 19 strike "34" and insert "35"; and in line 21 strike "33 to 35" and insert "34 to 36".

16. On page 29, line 19, after the second comma insert "79-2929,".

17. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 767. Placed on Select File.
LEGISLATIVE BILL 455. Placed on Select File.

LEGISLATIVE BILL 677. Placed on Select File as amended.
E & R amendment to LB 677:

AM5412

1. In the Pirsch amendment, FA29, on page 1, line 7, strike "section" and insert "subdivision"; and in line 8 after "risk-assessment" insert "criteria".

LEGISLATIVE BILL 623. Placed on Select File as amended.
E & R amendment to LB 623:
AM5414

1. On page 1, line 1; and page 37, line 14, strike "14-102,".

2. On page 1, line 3; and page 37, line 15, after "1992" insert ", and section 14-102, Revised Statutes Supplement, 1992, as amended by section 61, Legislative Bill 138, Ninety-third Legislature, First Session, 1993".

3. On page 1, line 5, strike "penalty"; and in line 8 strike "Control" and insert "Quality".

4. On page 2, line 2, after the second comma insert "as amended by section 61, Legislative Bill 138, Ninety-third Legislature, First Session, 1993,".

5. On page 34, line 8, strike "section", show as stricken, and insert "subsection".

LEGISLATIVE BILL 789. Placed on Select File as amended.
E & R amendment to LB 789:
AM5417

1. On page 1, line 7, strike "interbasin" and insert "intrabasin".

2. On page 4, line 20, reinstate the second stricken comma.

3. On page 5, line 17, strike "sections 46-288 and", show as stricken, and insert "this section and section".

4. On page 7, line 8, strike "to", show as stricken, and insert "through".

5. On page 9, line 11, strike the underscored comma.

LEGISLATIVE BILL 375. Placed on Select File.
LEGISLATIVE BILL 818. Placed on Select File.
LEGISLATIVE BILL 526. Placed on Select File.

LEGISLATIVE BILL 726. Placed on Select File as amended.
E & R amendment to LB 726:
AM5418

1. Insert the following new section:

"Sec. 9. That section 39-2513, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-2513. The incentive payment to the various municipalities shall be based on the population of each municipality, as determined by the most recent federal

decennial census and as calculated pursuant to sections 1 and 2 of this act, according to the following table:

Population	Payment
Not more than 500	$ 300.00
501 to 1,000	500.00
1,001 to 2,500	1,500.00
2,501 to 5,000	2,000.00
5,001 to 10,000	3,000.00
10,001 to 20,000	3,500.00
20,001 to 40,000	3,750.00
40,001 to 200,000	4,000.00
200,001 and more	4,250.00.".

2. On page 1, line 2, after the fifth comma insert "39-2513,"; and in line 6 after "villages" insert "and calculation of state aid".

3. On page 3, line 3, strike "of" and insert "or"; in line 13 after the comma insert "section 39-2513,"; in line 19 strike "shall" and show as stricken; and in line 20 strike the comma and show as stricken.

4. On page 5, line 21, strike the comma and show as stricken; and in line 23 strike "shall have", show as stricken, and insert "has".

5. On page 6, line 5, strike "said", show as stricken, and insert "the"; and in line 7 strike the comma, show as stricken, and insert "and".

6. On page 9, line 11, after the third comma insert "39-2513,".

7. Renumber the remaining sections accordingly.

(Signed) Kurt A. Hohenstein, Chairperson

ANNOUNCEMENTS

Mr. Lynch designates LB 292 as his priority bill.

Ms. Schimek designates LB 493 as her priority bill.

The Revenue Committee designates LB 345 and LB 220 as its priority bills.

Ms. Day designates LB 564 as her priority bill.

Mr. Hartnett designates LB 725 as his priority bill.

The Urban Affairs Committee designates LB 632 and LB 732 as its priority bills.

UNANIMOUS CONSENT - Print in Journal

Mr. Hohenstein asked unanimous consent to print the following amendment to LB 817 in the Journal. No objections. So ordered.

AM0877

1. On page 2, line 12, after "71-2029" insert "or, if in another state, licensed in such state"; and in line 18 strike "this" and insert "any".

2. On page 3, line 24, after "facilities" insert ", including those hospitals in other states,".

Mr. Warner asked unanimous consent to print the following amendment to LB 441 in the Journal. No objections. So ordered.

AM0774

(Amendments to Standing Committee amendments, AM0364)

1. On page 1, line 6, after "ordinance" insert "or resolution following a public hearing".

PROPOSED RULES CHANGES

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

Amend Rule 7, Section 7. (c) by adding:
v. Any motion to reconsider any action which requires a three fifths or two thirds vote, shall require that same vote which is required for the main motion.

Referred to the Rules Committee.

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

Amend Rule 3, section 2, subparagraph (b) to read as follows:
(b) Immediately following chairmanship and Committee on Committees membership elections, the ~~the~~ Committee, shall meet and by a majority vote of all its members, ~~shall recommend~~ submit to the Legislature a preliminary report of ~~for its approval~~ appointments to the standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute. On the following day, the Committee on Committees shall meet and, by a majority vote of all its members, submit to the Legislature a final report for its approval, appointments to the standing and select committees, each with a number of members as hereinafter set forth, unless otherwise provided for by rule or by statute. Once the final report is presented to the Legislature, no amendments shall be considered. If the Legislature, by majority vote, rejects the final report of the Committees on Committees, such report shall be returned to Committee.

Referred to the Rules Committee.

COMMUNICATIONS

March 15, 1993

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

Dear Mr. O'Donnell:

Pursuant to the provisions of Section 85-408, Reissue Revised Statutes of Nebraska, 1943, as amended, the State College Board of Trustees is submitting to the Legislature for consideration, two resolutions authorizing Wayne State College to use Revenue Bond Surplus Funds to undertake two deferred repair projects to its revenue bond facilities.

Attached is the following material:

1. Information sheets submitted to the Board of Trustees by Wayne State College as the requests for these two projects were reviewed and approved.
2. Copies of the two resolutions that were approved by the Board of Trustees on January 22, 1993. As required by RRS 85-1415, these same resolutions were submitted to the Coordinating Commission for Postsecondary Education for its consideration. Please note on the enclosed resolutions that the Coordinating Commission approved both projects at its March, 1993 meeting and the Executive Director for that agency has so indicated by his signature.

Should the Legislature require additional information on these projects, please feel free to contact me at 471-2505.

Respectfully Submitted,
(Signed) Dr. Carrol Krause
Executive Director
State College Board of Trustees

March 17, 1993

Senator Tim Hall
Chairperson, Executive Board
2010 State Capitol Bldg.
Lincoln, NE 68509

Dear Senator Hall:

Enclosed is correspondence I received from Dr. Carrol Krause, Executive Director, State College Board of Trustees. The communication involves two resolutions authorizing Wayne State College to use Revenue Bond Surplus Funds for repair projects.

I am forwarding this correspondence to you for reference to the appropriate standing committee.

With kind regards.

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

PJO:r
Enc.

REPORT

Received report from the Department of Administrative Services on Employee Relations regarding the status of negotiations as per State Statute 81-1384.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 32	Wednesday, March 24, 1993	1:30 p.m.
LB 276	Wednesday, March 24, 1993	1:30 p.m.
LB 619	Wednesday, March 24, 1993	1:30 p.m.
LB 667	Wednesday, March 24, 1993	1:30 p.m.
LR 29CA	Wednesday, March 24, 1993	1:30 p.m.
LB 188	Thursday, March 25, 1993	1:30 p.m.
LB 463	Thursday, March 25, 1993	1:30 p.m.
LB 538	Thursday, March 25, 1993	1:30 p.m.
LB 617	Thursday, March 25, 1993	1:30 p.m.
LB 719	Thursday, March 25, 1993	1:30 p.m.
LB 825	Thursday, March 25, 1993	1:30 p.m.
LR 16	Thursday, March 25, 1993	1:30 p.m.

(Signed) John Lindsay, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 48, LR 49, and LR 50.

RESOLUTIONS

LEGISLATIVE RESOLUTION 51. Read. Considered.

LR 51 was adopted with 20 ayes, 0 nays, and 29 not voting.

LEGISLATIVE RESOLUTION 52. Read. Considered.

LR 52 was adopted with 20 ayes, 0 nays, and 29 not voting.

LEGISLATIVE RESOLUTION 54. Read. Considered.

LR 54 was adopted with 22 ayes, 0 nays, and 27 not voting.

LEGISLATIVE RESOLUTION 55. Read. Considered.

LR 55 was adopted with 21 ayes, 0 nays, and 28 not voting.

LEGISLATIVE RESOLUTION 56. Read. Considered.

LR 56 was adopted with 21 ayes, 0 nays, and 28 not voting.

LEGISLATIVE RESOLUTION 57. Read. Considered.

LR 57 was adopted with 22 ayes, 0 nays, and 27 not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Elmer asked unanimous consent to print the following amendment to LB 345 in the Journal. No objections. So ordered.

AM0861

1. Insert the following new sections:

"Sec. 71. (1) The proceeds derived from the sale of production from any well producing oil, gas, or related hydrocarbons in the State of Nebraska shall be paid to all persons legally entitled thereto, except as hereinafter provided, commencing not later than six months after the first day of the month following the date of first sale and thereafter not later than sixty days after the end of the calendar month within which subsequent production is sold unless other periods or arrangements for the first and subsequent payments are provided for in a valid contract with the person or persons entitled to such proceeds. Payment shall be made directly to the person or persons entitled thereto by the lessee or operator or by any party who assumes such payment obligation under any legal arrangement.

(2) Payments shall be remitted to the person or persons entitled to proceeds from production annually for the aggregate of up to twelve months accumulation of proceeds if the total amount owed is twenty-five dollars or less.

(3) The lessee or operator shall be exempt from sections 71 to 74 of this act, and the purchaser shall assume the operator's responsibilities for making such payments, if the operator and purchaser have entered into arrangements whereby the proceeds are paid by the purchaser to those legally entitled thereto.

Sec. 72. Any delay in determining any person legally entitled to an interest in the proceeds from production shall not affect payments to all other persons entitled to payment. In instances when payment cannot be made for any reason within the time limits specified in section 71 of this act, the lessee or operator, purchaser, or other party legally responsible for payment shall deposit all proceeds credited to the eventual interest owner to an escrow account in a federally insured bank or savings and loan institution, using a standard escrow document form, which deposit shall earn interest at the highest rate being offered by that institution for the amount and term of such deposits. The escrow agent may commingle money received into escrow from any one lessee or operator, purchaser, or other party legally responsible for payment. Payment of principal and accrued interest from such accounts shall be paid by the escrow agent to all persons legally entitled thereto within thirty days from the date of receipt by the escrow agent of final legal determination of entitlement thereto. Applicable escrow fees shall be deducted from the payments.

Sec. 73. (1) The district court for the county in which a well producing oil, gas, or related hydrocarbons is located has jurisdiction over all proceedings brought pursuant to sections 71 to 74 of this act, and the prevailing party in any proceedings brought pursuant to such sections shall be entitled to recover all court costs and reasonable attorney's fees.

(2) Any person who fails to provide royalty information as provided in section 74 of this act shall be liable to the affected royalty, overriding royalty, or other nonworking interest owner in the amount of one hundred dollars per month that complete reporting is not provided to the interest owners.

Sec. 74. (1) A division order may not alter or amend the terms of an oil or gas lease or other contractual agreement. An order that alters or amends the terms of an oil and gas lease or other contractual agreement shall be invalid to the extent of the alteration or amendment, and the terms of the oil and gas lease or other contractual agreement shall take precedence.

(2) Whenever payment is made for oil or gas production to an interest owner, all of the following information shall be included and labeled on the check stub or

on an attachment to the form of payment unless the information is otherwise provided on a regular monthly basis;

(a) The lease, property, or well name or any lease, property, or well identification number used to identify the lease property or well;

(b) The month and year during which sales occurred for which payment is being made;

(c) The total number of barrels of oil or thousands of cubic feet of gas sold;

(d) The price per barrel of oil or the price per thousand cubic feet of gas;

(e) The total amount of severance, property, and other production taxes;

(f) An itemized list of any other deductions or adjustments;

(g) The net value of total sales after deductions;

(h) The owner's interest in sales from the lease, property, or well expressed as a decimal;

(i) The owner's share of the total value of sales prior to any deductions;

(j) The owner's share of the sales value less deductions; and

(k) An address where additional information pertaining to the owner's interest in production may be obtained and questions answered. If information is requested by certified mail, an answer shall be mailed by certified mail within thirty days of receipt of the request.".

2. In the Standing Committee amendments, AM0210, on page 12, line 25, strike "becomes" and insert "and sections 71 to 74 of this act become".

3. Renumber the remaining sections accordingly.

ANNOUNCEMENTS

Mr. Beutler designates LB 389 as his priority bill.

The Natural Resources Committee designates LB 737 and LB 739 as its priority bills.

NOTICE OF COMMITTEE HEARING
Natural Resources

Governor Appointment Thursday, March 25, 1993 1:30 p.m.
Dr. Tim Biga - Game and Parks Commission

(Signed) Chris Beutler, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 91. With Emergency.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-3205, Reissue Revised Statutes of Nebraska, 1943; to provide for certain investments of funds by a bank or trust company acting as fiduciary; to provide for compensation; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Coordsen	Hillman	McKenzie	Schmitt
Ashford	Crosby	Hohenstein	Pedersen	Warner
Baack	Cudaback	Horgan	Pirsch	Wehrbein
Bernard-Stevens	Day	Hudkins	Preister	Wesely
	Dierks	Janssen	Rasmussen	Wickersham
Beutler	Elmer	Jones	Robak	Will
Bohlke	Fisher	Landis	Robinson	Witek
Bromm	Haberman	Lindsay	Schellpeper	Withem
Byars	Hartnett	Lynch	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Vrtiska

Excused and not voting, 5:

Avery	Chambers	Hall	Kristensen	Moore

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 112. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 18-1214, 39-6,183, 60-108, 60-110, 60-111, 60-113, 60-119, 60-122, 60-302.01, 60-302.02, 60-302.04, 60-303, 60-305.04, 60-305.08, 60-311.12, 60-311.13, 60-312, 60-315.01, 60-318, 60-319, 60-324, 60-329, 60-331, 60-331.01, 60-331.04, 60-339, 60-345, 60-528, 60-1803, 60-2003, 60-2010.01, 77-1240.04, and 83-123, Reissue Revised Statutes of Nebraska, 1943, sections 18-1738, 18-1738.01,

60-106, 60-107, 60-112, 60-115, 60-302, 60-315, 60-320, 60-326.01, and 77-1240.03, Revised Statutes Supplement, 1992, and section 77-2703, Revised Statutes Supplement, 1992, as amended by section 26, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992; to authorize county boards to consolidate certain services relating to motor vehicles; to provide powers and duties for various county officials and the Department of Motor Vehicles; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Coordsen	Hohenstein	Moore	Schmitt
Ashford	Crosby	Horgan	Pedersen	Vrtiska
Avery	Cudaback	Hudkins	Pirsch	Warner
Baack	Day	Janssen	Preister	Wehrbein
Bernard-Stevens	Dierks	Jones	Rasmussen	Wesely
Beutler	Elmer	Kristensen	Robak	Wickersham
Bohlke	Fisher	Landis	Robinson	Will
Bromm	Haberman	Lindsay	Schellpeper	Witek
Byars	Hall	McKenzie	Schimek	Withem
	Hillman			

Voting in the negative, 1:

Lynch

Present and not voting, 1:

Hartnett

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 122. With Emergency.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,120.01, Revised Statutes Supplement, 1992; to revise the power of credit unions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Coordsen	Hohenstein	Moore	Schmitt
Ashford	Crosby	Horgan	Pedersen	Vrtiska
Avery	Cudaback	Hudkins	Pirsch	Warner
Baack	Day	Janssen	Preister	Wehrbein
Bernard-Stevens	Dierks	Jones	Rasmussen	Wesely
Beutler	Elmer	Kristensen	Robak	Wickersham
Bohlke	Fisher	Landis	Robinson	Will
Bromm	Haberman	Lindsay	Schellpeper	Witek
Byars	Hall	McKenzie	Schimek	Withem
	Hartnett			

Voting in the negative, 0.

Present and not voting, 2:

Hillman Lynch

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 192. With Emergency.

A BILL FOR AN ACT relating to the State Electrical Act; to amend section 81-2104, Revised Statutes Supplement, 1992; to change a reference to a code; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Abboud	Bernard-Stevens	Bromm	Cudaback	Fisher
Ashford	Beutler	Byars	Day	Haberman
Avery	Bohlke	Coordsen	Dierks	Hall
Baack		Crosby	Elmer	Hartnett

Hillman	Kristensen	Pedersen	Schellpeper	Wesely
Hohenstein	Landis	Pirsch	Schimek	Wickersham
Horgan	Lindsay	Preister	Schmitt	Will
Hudkins	Lynch	Rasmussen	Vrtiska	Witek
Janssen	McKenzie	Robak	Warner	Withem
Jones	Moore	Robinson	Wehrbein	

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 215.

A BILL FOR AN ACT relating to the State Electrical Act; to amend section 81-2101, Reissue Revised Statutes of Nebraska, 1943, and section 81-2104, Revised Statutes Supplement, 1992; to require continuing education for electricians; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Coordsen	Hillman	McKenzie	Schmitt
Ashford	Crosby	Hohenstein	Pedersen	Vrtiska
Avery	Cudaback	Horgan	Pirsch	Warner
Baack	Day	Hudkins	Preister	Wehrbein
Bernard-Stevens	Dierks	Janssen	Rasmussen	Wesely
	Elmer	Jones	Robak	Wickersham
Beutler	Fisher	Kristensen	Robinson	Will
Bohlke	Haberman	Landis	Schellpeper	Witek
Bromm	Hall	Lindsay	Schimek	Withem
Byars	Hartnett	Lynch		

Voting in the negative, 0.

Present and not voting, 1:

Moore

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 288. With Emergency.

A BILL FOR AN ACT relating to savings and loan associations; to amend section 8-355, Revised Statutes Supplement, 1992; to change provisions relating to powers of savings and loan associations; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	Coordsen	Hohenstein	Moore	Schmitt
Ashford	Crosby	Horgan	Pedersen	Vrtiska
Avery	Cudaback	Hudkins	Pirsch	Warner
Baack	Day	Janssen	Preister	Wehrbein
Bernard-Stevens	Dierks	Jones	Rasmussen	Wesely
	Elmer	Kristensen	Robak	Wickersham
Beutler	Haberman	Landis	Robinson	Will
Bohlke	Hall	Lindsay	Schellpeper	Witek
Bromm	Hartnett	Lynch	Schimek	Withem
Byars	Hillman	McKenzie		

Voting in the negative, 0.

Present and not voting, 1:

Fisher

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 356. With Emergency.

A BILL FOR AN ACT relating to public funds; to amend section 77-2326.04, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to contents of the written receipt delivered by a

depository to court officials as prescribed; to provide an exemption from certain provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	Coordsen	Hohenstein	Moore	Schmitt
Ashford	Crosby	Horgan	Pedersen	Vrtiska
Avery	Cudaback	Hudkins	Pirsch	Warner
Baack	Day	Janssen	Preister	Wehrbein
Bernard-Stevens	Dierks	Jones	Rasmussen	Wesely
Beutler	Elmer	Kristensen	Robak	Wickersham
Bohlke	Haberman	Landis	Robinson	Will
Bromm	Hall	Lindsay	Schellpeper	Witek
Byars	Hartnett	Lynch	Schimek	Withem
	Hillman	McKenzie		

Voting in the negative, 0.

Present and not voting, 1:

Fisher

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 91, 112, 122, 192, 215, 288, and 356.

MOTION - Return LB 311 to Select File

Mr. Warner moved to return LB 311 to Select File for his specific amendment, AM0791, found in the Journal on page 954.

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

SELECT FILE

LEGISLATIVE BILL 311. The Warner specific amendment, AM0791, found in the Journal on page 954, was adopted with 38 ayes, 0 nays, and 11 present and not voting.

Advanced to E & R for reengrossment.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 56 and LR 57.

ANNOUNCEMENTS

Mr. Janssen designates LB 597 as his priority bill.

The Education Committee designates LB 94 as its priority bill.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 51. Placed on General File as amended.
Standing Committee amendment to LB 51:
AM0603

1. Strike original section 1 and insert the following new section:

"Section 1. That section 30-2818, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2818. (1) Unless previously barred by adjudication, consent, or limitation, ~~or unless otherwise provided by the instrument creating the trust,~~ any claim against a trustee for breach of trust or breach of any fiduciary duty arising out of the trust is barred as to any beneficiary who has received a final account or other statement fully disclosing the matter subject to the claim and showing termination of the trust relationship between the trustee and the beneficiary unless a proceeding to assert the claim is commenced within six months after receipt of the final account or statement. In any event and notwithstanding lack of full disclosure, any claim against a trustee shall be barred as to any beneficiary who has received ~~a trustee who has issued~~ a final account or statement ~~received by the beneficiary~~ and ~~has~~ who was informed ~~the beneficiary~~ of the location and availability of records for his or her examination unless an action on such claim is commenced within three years after receiving the final account or statement and being so informed.

(2) Unless previously barred by adjudication, consent, limitation, or subsection (1) of this section, any claim against a trustee for breach of trust or breach of any fiduciary duty arising out of the trust is barred as to any beneficiary who has received an annual or a periodic account or statement fully disclosing the matter subject to the claim unless a proceeding to assert the claim is commenced within four years after receipt of such account or statement and such account or statement contains a statement that claims against the trustee for breach of trust or breach of any fiduciary duty arising out of the trust may not be made after the expiration of four years from the date the beneficiary receives an annual or periodic account or statement fully disclosing the matter subject to such claim.

(3) For purposes of this section, a ~~is protected after three years. A~~ beneficiary is deemed to have received a final, annual, or periodic account or statement if, being an adult, it is received by him or her personally or if, being a minor or disabled person, it is received by his or her representative as described in ~~section 30-2222(1) and (2)~~ subdivisions (1) and (2) of section 30-2222.".

(Signed) John Lindsay, Chairperson

Health and Human Services

LEGISLATIVE BILL 152. Placed on General File as amended.
Standing Committee amendment to LB 152:
AM0449

1. On page 4, line 10, strike "1993" and insert "1991".

LEGISLATIVE BILL 429. Placed on General File as amended.
Standing Committee amendment to LB 429:
AM0801

1. On page 2, line 13, after "of" insert "superficial eyelid, conjunctival, and corneal"; strike beginning with "which" in line 17 through the first comma in line 18, show as stricken, and insert an underscored comma; and strike the new matter in lines 27 and 28 and insert "which treat eye infection, inflammation, and superficial abrasions, or oral analgesics, including oral analgesics enumerated in Schedules III and IV of section 28-405 necessary to treat conditions of the eye and visual system, or oral pharmaceutical agents for the treatment of infections of the eye and visual system, or oral anti-inflammatory agents to treat conditions of the eye and visual system excluding steroids".

2. On page 3, strike the new matter in line 1.

LEGISLATIVE BILL 505. Placed on General File as amended.
Standing Committee amendment to LB 505:
AM0802

1. Strike the original sections and insert the following new sections:

"Section 1. Sections 1 to 9 of this act shall be known and may be cited as the Rural Health Opportunities Loan Act.

Sec. 2. The Legislature finds that:

(1)(a) Residents of rural Nebraska frequently encounter difficulties in obtaining medical care due to the lack of health care providers, facilities, and services, (b) many rural communities experience problems in recruiting and retaining health care providers, (c) rural residents are often required to travel long distances in order to obtain health care services, (d) elderly and uninsured persons constitute a high proportion of the population in rural Nebraska, (e) many rural hospitals are experiencing declining patient revenue and are being forced to reconsider the scope and nature of the health care services they provide, (f) the physical and economic stresses of rural living can lead to an increased need for mental health services in rural Nebraska, (g) the conditions described in this section can lead to situations in which residents of rural Nebraska receive a lower level of health care services than their urban counterparts, and (h) some of the conditions described in this subsection also exist in underserved portions of metropolitan areas within the state;

(2) The health care industry is a vital component of the economic base of many rural communities and that the maintenance and enhancement of this industry can play a significant role in efforts to further the economic development of rural communities;

(3) The inherent limitations imposed upon health care delivery mechanisms by the rural environment can be partially overcome through a greater emphasis on the development of health care systems that emphasize the linkage and integration of health care resources in neighboring communities as well as the development of new resources; and

(4) Postsecondary education of health care professionals is important to the welfare of the state. The Legislature further recognizes and declares that the state can help alleviate the problems of maldistribution and shortages of health care professionals through programs offering financial incentives to practice in areas of shortage.

Sec. 3. The purposes of the Rural Health Opportunities Loan Act shall be to (1) establish a student loan program that will provide financial incentives to

medical, dental, pharmacy, nursing, and allied health students who are enrolled in the rural health opportunities program at the University of Nebraska Medical Center, (2) establish a community loan repayment program that will constitute an agreement between the health care provider and the community in which services will be performed, (3) provide for the administration of loan pool funds by the Board of Regents of the University of Nebraska or by an appropriate department of the University of Nebraska Medical Center designated by the board, and (4) provide for an appropriation by the Legislature that, when matched equally with federal, private, or other such funds not appropriated by the Legislature, may be loaned to students enrolled in the program.

Sec. 4. For purposes of the Rural Health Opportunities Loan Act:

(1) Allied health professions shall include, but not be limited to, medical technology, physician assistants practice, physical therapy, clinical perfusion, diagnostic medical sonography, nuclear medicine technology, radiologic technology, medical nutrition, and radiation therapy technology;

(2) Designated medical profession shortage area shall mean such areas as determined by the Nebraska Rural Health Advisory Commission pursuant to section 71-5665;

(3) Designated professional practice area shall mean those areas of the state not included in the federal census standard metropolitan statistical areas;

(4) Eligible disciplines shall mean family practice, general practice, general internal medicine, general pediatrics, general surgery, obstetrics and gynecology, psychiatry, dentistry, dental hygiene, pharmacy, nursing, and allied health professions; and

(5) Full-time practice shall mean a minimum employment of forty hours per week.

Sec. 5. (1) There is hereby created the Rural Health Opportunities Loan Pool Fund. The fund shall consist of funds appropriated by the Legislature, other matching funds, and student loan repayments which are made pursuant to the Rural Health Opportunities Loan Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

(2) The fund shall be administered by the Board of Regents of the University of Nebraska or an appropriate department of the University of Nebraska Medical Center designated by the board for the purpose of making loans to students in eligible disciplines. On or before September 1 of each year, the board shall present a report to the Governor and the Clerk of the Legislature describing the use of the fund, and the report shall include a financial statement of

the fund.

Sec. 6. To be eligible for a student loan under the Rural Health Opportunities Loan Act, a student shall be enrolled in the rural health opportunities program and be a student at the University of Nebraska Medical Center. In determining the eligibility of a student, consideration shall be given to (1) the motivation of the student to practice the eligible discipline in a designated professional practice area in Nebraska, (2) the motivation and preference of the student toward the eligible discipline, and (3) other factors which would influence a choice to practice in a designated professional practice area in Nebraska. The first consideration shall be given to students who are found to be most likely to practice in a designated medical profession shortage area. The student shall be enrolled in a program of studies for an eligible discipline and shall complete such program with satisfactory progress as determined by the academic unit in which the student is enrolled. The student shall also sign an agreement with the Board of Regents of the University of Nebraska which establishes loan repayment schedules pursuant to section 7 of this act.

Sec. 7. (1) The maximum amount of the student loans provided by the Rural Health Opportunities Loan Act per student per year shall be the amount of the tuition per year for the student.

(2) Each student loan recipient shall execute an agreement for repayment of any loan received under the act with the Board of Regents of the University of Nebraska which includes the following terms:

(a) The borrower shall practice an eligible discipline full-time in a designated professional practice area for a period which is the equivalent of the number of years of study for which loans were received. If the borrower practices less than full-time, the duration of employment shall be extended to a period of time which would be the equivalent of full-time practice for the number of years of study for which loans were received;

(b) The borrower shall sign an agreement with a sponsoring community or communities within six months after his or her completion of formal education which may include a period not to exceed five years to complete specialty training. If no community sponsor can be found to assume responsibility for the loan payments as provided in section 8 of this act, the borrower shall repay the loan. Repayment shall begin within one year of completion of formal training, which may include a period not to exceed five years to complete specialty training. Repayment shall be completed within ten years after the student's graduation from the health profession program;

(c) If the borrower practices in a Nebraska standard metropolitan statistical area or practices outside Nebraska, the borrower shall repay two hundred percent of the outstanding loan principal, and if such borrower does not practice in an eligible discipline, the borrower shall repay three hundred percent of the outstanding loan principal, any other statute to the contrary notwithstanding. Such repayment shall be with interest at a rate of one point below the prime interest rate, shall commence within three months of completion of formal training which may include a period not to exceed five years to complete specialty training, and shall be completed within three to five years;

(d) If a borrower determines during the first or second year of health care professional education that his or her commitment to the loan program cannot be honored, the borrower shall repay the outstanding loan principal with interest at a rate of one point below the prime interest rate no later than one year after graduation. Such repayment shall commence at the time it is determined by the borrower that his or her commitment cannot be honored;

(e) If the borrower discontinues the course of study for which the loan was granted, the borrower shall repay one hundred percent of the outstanding loan principal with interest at a rate of one point below the prime interest rate. Such repayment shall commence within six months of the date of discontinuation of the course of study and shall be completed within the number of years for which loans were awarded;

(f) All loan payments shall be made directly to the Rural Health Opportunities Loan Pool Fund in monthly payments; and

(g) In the event of a borrower's total and permanent disability or death, the unpaid debt accrued under the Rural Health Opportunities Loan Act shall be canceled.

Sec. 8. (1) The University of Nebraska Medical Center, the Office of Rural Health, and the Department of Health shall develop, implement, and coordinate a program by which communities or groups of communities within designated professional practice areas provide repayment agreements for students receiving loans under the Rural Health Opportunities Loan Act. Such communities shall sign agreements with the Board of Regents of the University of Nebraska to assume the student's loan repayment responsibility contingent upon continued practice in the community or communities by the loan recipient. Whenever possible, an elected official of the community or communities should be a party to the agreement.

(2) If a sponsoring community is found, the community or communities, the Board of Regents of the University of Nebraska, and the student shall execute an agreement which states the terms of employment and

compensation and states that the community or communities shall assume the loans of the student provided by the Rural Health Opportunities Loan Act and shall repay the loans with interest at a rate of one point below the prime interest rate and retire one year's worth of loan debt for each year of full-time practice in the community or communities. If the practice is less than full-time the loan shall be retired accordingly. Payments by the community or communities shall be made directly to the Rural Health Opportunities Loan Pool Fund in quarterly payments. The term of the agreement shall be equal to the number of years of study for which loans were received if the practice is full-time or extended to a duration which is the equivalent if the practice is less than full-time.

Sec. 9. The Board of Regents of the University of Nebraska shall adopt and promulgate rules and regulations necessary to the administration of the Rural Health Opportunities Loan Act.

Sec. 10. It is the intent of the Legislature that the University of Nebraska Medical Center develop a plan to increase the number of graduates of the center who specialize in primary care fields, who take residencies in primary care fields, and who establish practices in rural areas and other medically underserved areas of the state. The plan shall include a listing of the barriers that need to be addressed and the resources needed and should also address methodologies to provide adequate numbers of graduates in the fields of physical therapy, nursing, physician assistant, occupational therapy, and other health care professions in the rural areas and in other medically underserved areas of the state. The plan shall be submitted to the Legislature not later than November 1, 1993.

Sec. 11. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Don Wesely, Chairperson

GENERAL FILE

LEGISLATIVE BILL 677A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, and 24 present and not voting.

LEGISLATIVE BILL 635. Title read. Considered.

Standing Committee amendment, AM0392, found in the Journal on page 969, was adopted with 27 ayes, 0 nays, and 22 present and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, and 21 present and not voting.

LEGISLATIVE BILL 301. Title read. Considered.

Standing Committee amendment, AM0747, printed separately from the Journal and referred to on page 977, was considered.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Bernard-Stevens requested a record vote on the adoption of the Standing Committee amendment.

Voting in the affirmative, 44:

Ashford	Coordsen	Hillman	Lynch	Schellpeper
Avery	Crosby	Hohenstein	McKenzie	Schimek
Baack	Cudaback	Horgan	Moore	Schmitt
Bernard-Stevens	Day	Hudkins	Pedersen	Warner
Beutler	Dierks	Janssen	Pirsch	Wehrbein
Bohlke	Elmer	Jones	Preister	Wickersham
Bromm	Fisher	Kristensen	Rasmussen	Will
Byars	Haberman	Landis	Robak	Witek
	Hartnett	Lindsay	Robinson	Withem

Voting in the negative, 0.

Present and not voting, 5:

Abboud	Chambers	Hall	Vrtiska	Wesely

The Standing Committee amendment was adopted with 44 ayes, 0 nays, and 5 present and not voting.

Advanced to E & R for review with 39 ayes, 0 nays, and 10 present and not voting.

Messrs. Bernard-Stevens and Hohenstein asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 365. Title read. Considered.

Advanced to E & R for review with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

ANNOUNCEMENTS

Mr. Elmer designates LB 429 as his priority bill.

Mr. Horgan designates LB 203 as his priority bill.

Mr. Dierks designates LB 110 as his priority bill.

The Agriculture Committee designates LB 447 and LB 139 as its priority bills.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 17, 1993, at 10:40 a.m., were the following bills: 91, 112, 122, 192, 215, 288, and 356.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

STANDING COMMITTEE REPORTS

Nebraska Retirement Systems

LEGISLATIVE BILL 460. Placed on General File.

LEGISLATIVE BILL 724. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0729.)

(Signed) Tom Horgan, Chairperson

Transportation

LEGISLATIVE BILL 126. Placed on General File.
LEGISLATIVE BILL 420. Placed on General File.

LEGISLATIVE BILL 56. Indefinitely postponed.
LEGISLATIVE BILL 60. Indefinitely postponed.
LEGISLATIVE BILL 492. Indefinitely postponed.
LEGISLATIVE BILL 655. Indefinitely postponed.
LEGISLATIVE BILL 664. Indefinitely postponed.
LEGISLATIVE BILL 777. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 564A. Introduced by Day, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 564, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 342A. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 342, Ninety-third Legislature, First Session, 1993.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 53.

LR	Committee
53	Judiciary

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 627. Title read. Considered.

Standing Committee amendment, AM0712, printed separately from the Journal and referred to on page 895, was considered.

PRESIDENT MOUL PRESIDING

Pending.

MOTION - Suspend Rules

Ms. Schimek moved to suspend the rules, Rule 5, Section 5 (e) to permit the selection of LB 431 as her priority bill and withdrawal of LB 493.

Mr. Cudaback asked unanimous consent to be excused. No objections. So ordered.

The Schimek motion to suspend the rules prevailed with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 62. Introduced by Robak, 22; Dierks, 40.

WHEREAS, Nebraska agriculture is recognized as the single most important industry to the state's economy; and

WHEREAS, Nebraska's cultural heritage is founded on a strong rural background, the values of which continue to be the basis of our society today; and

WHEREAS, the economic growth of manufacturing, retail sales, and service industries in the state are dependent upon a healthy agricultural community; and

WHEREAS, Nebraska agriculturalists are exhibiting the strength, durability, and innovation shared by their pioneer forefathers in meeting the challenges and opportunities of today's agricultural economy; and

WHEREAS, it is appropriate for all Nebraska citizens to recognize the significance and appreciate the importance of agriculture's relationship to our state economy and general well-being; and

WHEREAS, Scott and Patricia Mueller, the Junior Chamber of Commerce National Outstanding Young Farmer award winner, epitomize the hard work, innovation, strength, and character found in Nebraska's farm families and are one of only four such families recognized throughout the United States.

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

1. That the Legislature proclaims the week of March 14th through the 20th, 1993, as National Agriculture Week throughout the State of Nebraska, and urges all citizens to take due note of the observance.

2. That the Legislature recognizes and congratulates Scott and Patricia Mueller for their accomplishment in being named the Junior Chamber of Commerce National Outstanding Young Farmer and that a copy of this resolution be sent to Scott and Patricia Mueller.

Laid over.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 690	Wednesday, March 24, 1993	1:30 p.m.
LR 25	Wednesday, March 24, 1993	1:30 p.m.
LR 18CA	Wednesday, March 24, 1993	1:30 p.m.
LR 22CA	Wednesday, March 24, 1993	1:30 p.m.
LB 702	Wednesday, March 24, 1993	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 170. Placed on General File.
LEGISLATIVE BILL 682. Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

ANNOUNCEMENTS

Mr. Kristensen designates LB 253 as his priority bill.

The Banking, Commerce and Insurance Committee designates LB 121 as its priority bill.

MOTION - Introduce New Bill

Mr. Horgan moved for the introduction of a new bill by the Nebraska Retirement Systems Committee, req. #1253.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 831. Introduced by Appropriations Committee: Moore, 24, Chairperson, Avery, 3, Bernard-Stevens, 42, Crosby, 29, Hillman, 48, Hohenstein, 17, Lynch, 13, Wehrbein, 2, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Administrative Services; and to declare an emergency.

LEGISLATIVE BILL 832. Introduced by Appropriations Committee: Moore, 24, Chairperson, Avery, 3, Bernard-Stevens, 42, Crosby, 29, Hillman, 48, Hohenstein, 17, Lynch, 13, Wehrbein, 2, at the request of the Governor.

A BILL FOR AN ACT relating to courts; to create a fund; to provide for administration and use of the fund; to establish a court automation fee; to provide duties for the Supreme Court; to provide an operative date; and to declare an emergency.

ANNOUNCEMENT

The Judiciary Committee designates LB 262 and LB 500 as its priority bills.

MESSAGE FROM THE GOVERNOR

October 15, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

APPOINTEE: David S. Sands, 700 Van Dorn, Lincoln, NE 68502

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

UNANIMOUS CONSENT - Add Cointroducers

Mr. Byars asked unanimous consent to have his name added as cointroducer to LB 575. No objections. So ordered.

Mr. Horgan asked unanimous consent to have his name added as cointroducer to LB 575. No objections. So ordered.

Mr. Preister asked unanimous consent to have his name added as cointroducer to LR 52. No objections. So ordered.

Mrs. McKenzie asked unanimous consent to have her name added as cointroducer to LB 713. No objections. So ordered.

VISITORS

Visitors to the Chamber were 24 fourth and fifth grade students and teacher from St. John Lutheran School, Seward; seven eighth and ninth grade students and sponsors from Park Jr. High, Lincoln; Mauricao Garay from El Salvador and Matt Zabel from Western; Galen Stehlik from Grand Island; and Bob Tichota from Blair.

ADJOURNMENT

At 12:07 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Thursday, March 18, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-FOURTH DAY - MARCH 18, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 18, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Fred Tedder, Church of the Nazarene, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Baack and Janssen who was excused; and Messrs. Abboud, Avery, Byars, Chambers, Dierks, Haberman, Hall, Hartnett, Kristensen, Landis, Lynch, Moore, Warner, Wesely, Will, Mmes. Bohlke, Hudkins, and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-third day was approved.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 597. Placed on General File.

(Signed) Ron Withem, Chairperson

Transportation

LEGISLATIVE BILL 424. Placed on General File as amended.
Standing Committee amendment to LB 424:
AM0657
1 1. Strike the original sections and insert the

following new sections:

"Section 1. That section 60-106, Revised Statutes Supplement, 1992, be amended to read as follows:

60-106. (1) Application for a certificate of title shall be made upon a form prescribed by the Department of Motor Vehicles and shall be sworn to before a notary public or other officer empowered to administer oaths. All applications shall be accompanied by the fee prescribed in section 60-115.

(2)(a) If the motor vehicle has tax situs in Nebraska, the application shall be filed with the county clerk of the county in which the vehicle has tax situs as defined in section 77-1240.

(b) If the applicant is a nonresident, the application shall be filed in the county in which the transaction is consummated.

(c) All applicants registering a vehicle pursuant to section 60-305.09 shall file the application for title to the vehicle with the Department of Motor Vehicles. The department shall deliver the certificate to the applicant if there are no liens on the vehicle. If there are any liens on the vehicle, the department shall deliver or mail the certificate of title to the holder of the first lien on the day of issuance. All certificates of title issued by the department shall be issued in the manner prescribed for the county clerk in section 60-107.

(3) If a certificate of title has previously been issued for the motor vehicle in this state, the application for a new certificate of title shall be accompanied by the certificate of title duly assigned unless otherwise provided for in sections 60-102 to 60-117. If a certificate of title has not previously been issued for the motor vehicle in this state, the application, unless otherwise provided for in such sections, shall be accompanied by a manufacturer's or importer's certificate, as provided for in such sections, a duly certified copy thereof, a certificate of title, a court order issued by a court of record, a manufacturer's certificate of origin, or an assigned registration certificate, if the law of the state from which the motor vehicle was brought into this state does not have a certificate of title law. The county clerk shall retain the evidence of title presented by the applicant and on which the certificate of title is issued.

(4) The county clerk shall use reasonable diligence in ascertaining whether or not the statements in the application for a certificate of title are true by checking the application and documents accompanying the same with the records of motor vehicles in his or her office. If he or she is satisfied that the applicant is the owner of such motor vehicle and that the application is in the proper form, the

county clerk shall issue a certificate of title over his or her signature and sealed with his or her seal.

(5) In the case of the sale of a motor vehicle, the certificate of title shall be obtained in the name of the purchaser upon application signed by the purchaser, except that (a) for titles to be held by husband and wife, applications may be accepted by the clerk upon the signature of either one as a signature for himself or herself and as agent for his or her spouse and (b) for an applicant providing proof that he or she is a handicapped or disabled person as defined in section 18-1738, applications may be accepted by the clerk upon the signature of the applicant's parent, legal guardian, foster parent, or agent.

(6) In all cases of transfers of motor vehicles, commercial trailers, semitrailers, or cabin trailers, the application for a certificate of title shall be filed within thirty days after the delivery of such vehicle or trailer. A licensed dealer need not apply for certificates of title for motor vehicles, commercial trailers, semitrailers, or cabin trailers in stock or acquired for stock purposes, but upon transfer of such vehicle or trailer in stock or acquired for stock purposes, the licensed dealer shall give the transferee a reassignment of the certificate of title on such vehicle or trailer or an assignment of a manufacturer's or importer's certificate. If all reassignments on the certificate of title have been used, the licensed dealer shall obtain title in his or her name prior to any subsequent transfer.

(7) An application for a certificate of title shall include a statement that an identification inspection has been conducted on the vehicle unless (a) the title sought is a salvage certificate of title as defined in section 60-129 or a nontransferable certificate of title provided for in section 60-131, (b) the surrendered ownership document is a Nebraska certificate of title, a manufacturer's statement of origin, an importer's statement of origin, a United States Government Certificate of Release of a motor vehicle, or a nontransferable certificate of title issued under section 60-131, (c) the application for a certificate of title contains a statement that such vehicle is to be registered under section 60-305.09, ~~or~~ (d) the vehicle is a cabin trailer, (e) the title sought is the first title for a motor vehicle sold directly by the manufacturer of the motor vehicle to a licensed dealer franchised by the manufacturer, or (f) the vehicle was sold at an auction authorized by the manufacturer and purchased by a licensed dealer franchised by the manufacturer of the motor vehicle. The Department of Motor Vehicles shall prescribe a form to be executed by a dealer and submitted with an application for a certificate of title for vehicles exempt from inspection pursuant to

subdivision (7)(e) or (f) of this section, which form shall clearly identify the vehicle and state under penalty of law that the vehicle is exempt from inspection. The statement that an identification inspection has been conducted shall be furnished by the county sheriff of ~~the~~ any county ~~in which application is made~~ or by any other holder of a current certificate of training issued pursuant to section 60-121 and shall be in a format as determined by the ~~Department of Motor Vehicles~~ department. The clerk ~~may~~ shall accept a certificate of inspection, approved by the Superintendent of Law Enforcement and Public Safety, from an officer of a state police agency of another state. For each inspection a fee of ten dollars shall be paid to the county treasurer. All such fees shall be credited to the county sheriff's vehicle inspection account within the county general fund. The identification inspection required by this subsection shall include examination and notation of the current odometer reading and a comparison of the vehicle identification number with the number listed on the ownership records, except that if a lien is registered against a vehicle and recorded on the vehicle's ownership records, the county clerk shall provide a copy of the ownership records for use in making such comparison. If such numbers are not identical or if there is reason to believe further inspection is necessary, the person performing the inspection shall make a further inspection of the vehicle which may include, but shall not be limited to, examination of other identifying numbers placed on the vehicle by the manufacturer and an inquiry into the numbering system used by the state issuing such ownership records to determine ownership of a vehicle. The identification inspection shall also include a statement that the vehicle identification number has been checked for entry in the National Crime Information Center and the Nebraska Crime Information Service. If there is cause to believe that odometer fraud exists, written notification shall be given to the office of the Attorney General. If after such inspection the sheriff or his or her designee determines that the vehicle is not the vehicle described by the ownership records, no statement shall be issued. In the case of an assembled vehicle such inspection shall include, but not be limited to, an examination of the records showing the date of receipt and source of each major component part as defined in section 60-2601.

Sec. 2. That original section 60-106, Revised Statutes Supplement, 1992, is repealed.".

(Signed) Doug Kristensen, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 268. Placed on Select File as amended.
E & R amendment to LB 268:
AM5421

1. On page 9, line 13; page 10, line 18; and page 13, line 8, strike "subsection" and insert "subdivision".
2. On page 12, line 8, before "Food" insert "federal"; in line 17 strike "record" and insert "records"; in line 20 strike the comma; and in line 21 strike "a".
3. On page 14, line 18, strike "standard methods", show as stricken, and insert "laboratory procedures".
4. On page 17, line 28, strike "drug".
5. On page 34, line 26, strike "haulers", show as stricken, and insert "hauler".
6. On page 36, line 3, strike the comma and show as stricken; and in line 4 strike "such" and insert "a".
7. On page 38, line 6 after "manufacturer" insert an underscored comma.
8. On page 44, line 13, strike the comma and show as stricken.

LEGISLATIVE BILL 191. Placed on Select File as amended.
E & R amendment to LB 191:
AM5419

1. On page 1, line 3, strike "additional alcohol tests" and insert "and change provisions relating to chemical tests to determine alcohol concentration as prescribed; to harmonize provisions".

LEGISLATIVE BILL 590. Placed on Select File as amended.
E & R amendment to LB 590:
AM5420

1. On page 3, line 8, strike "department" and insert "Department of Motor Vehicles".

LEGISLATIVE BILL 23. Placed on Select File.
LEGISLATIVE BILL 377A. Placed on Select File.
LEGISLATIVE BILL 364A. Placed on Select File.

LEGISLATIVE BILL 629. Placed on Select File as amended.
E & R amendment to LB 629:
AM5423

1. In the Chambers amendment, FA30, on page 1, line 1, strike "5 and 6" and insert "24 and 25".
2. In the Standing Committee amendment, AM0578, on page 1, line 1, strike "3, after '42' insert 'except'" and insert "4, after 'issue' insert 'except any proceeding under'".
3. On page 4, line 9, strike "its" and insert "the"

and after "availability" insert "of mediation".

4. On page 9, line 18, strike the comma; and in line 20 strike "courts" and insert "court".

5. On page 10, line 1, strike "counsel" and insert "counsels".

6. On page 13, line 10, after "One" insert "parent has", reinstate the stricken matter, and strike the new matter.

LEGISLATIVE BILL 346. Placed on Select File as amended.
E & R amendment to LB 346:
AM5422

1. In the Cudaback amendment, AM0640:

a. On page 3, line 20, strike "He or she", show the old matter as stricken, and insert "The county treasurer"; in line 22 strike the comma and show as stricken; and in line 24 strike "same has", show as stricken, and insert "taxes have"; and

b. On page 4, line 4, insert paragraphing after the period.

2. In the Standing Committee amendment, AM0211, on page 1, line 9, strike "19 after 'school' " and insert "17 after 'year' ".

3. On page 1, strike beginning with "motor" in line 1 through "1992" in line 6 and insert "fees and taxes; to amend sections sections 33-114, 60-318, 70-651.04, 77-1239.01, 77-1239.02, 77-1706, and 77-2208, Reissue Revised Statutes of Nebraska, 1943, and sections 60-106, 60-302, 60-344, 77-1238, 77-1239, 77-1240.01, 77-1240.03, 77-1241.01, 77-1242.01, and 77-1704, Revised Statutes Supplement, 1992; to change a collection fee retained by county treasurers"; and in line 8 after the first semicolon insert "to change provisions relating to the distribution of in-lieu-of-tax payments and receipts for taxes and other payments;".

4. On page 10, line 10, after "protest" insert an underscored comma.

5. On page 14, line 6, strike the new matter and after "with" insert "or refunded".

(Signed) Kurt A. Hohenstein, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 305A. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 305, Ninety-third Legislature, First Session, 1993.

ANNOUNCEMENTS

Mr. Wickersham designates LB 302 as his priority bill.

Mr. Chambers designates LB 717 as his priority bill.

Mr. Hall designates LB 598 as his priority bill.

Mr. Coordsen designates LB 757 as his priority bill.

Mr. Baack designates LB 235 as his priority bill.

The Appropriations Committee designates LB 322 and LB 507 as its priority bills.

The Business and Labor Committee designates LB 754 and LB 248 as its priority bills.

Mrs. Pirsch designates LB 421 as her priority bill.

MESSAGES FROM THE GOVERNOR

March 12, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Agricultural Land Valuation Advisory Board, requiring legislative approval.

APPOINTEE: Bruce B. Johnson, 309 Filly Hall, Lincoln, NE 68583

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

March 12, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Agricultural Land Valuation Advisory Board, requiring legislative approval.

APPOINTEE: Paul Grabouski, RR 4, Box 94, Beatrice, NE 68310

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

March 12, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Agricultural Land Valuation Advisory Board, requiring legislative approval.

APPOINTEE: James W. Galyen, 203 S. Hyde, Atkinson, NE 68173

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

March 15, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Agricultural Land Valuation Advisory Board, requiring legislative approval.

APPOINTEE: Ivan Schmedding, RR, Box 70, Winnebago, NE 68071

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

March 16, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Trust, requiring legislative approval.

APPOINTEE: Gail Yanney, 6520 Rainwood Road, Omaha, NE 68152

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

March 16, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Trust, requiring legislative approval.

APPOINTEE: David A. Wilken, 362 N. 41st Avenue, Omaha, NE 68131

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

March 16, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Trust, requiring legislative approval.

APPOINTEE: Richard W. Mercer, RR 4, Box 293, Kearney, NE 68847

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

March 16, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Trust, requiring legislative approval.

APPOINTEE: Bradley J. Hansen, P.O. Box 173, Hemingford, NE 69348

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

March 16, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Trust, requiring legislative approval.

APPOINTEE: Lynn A. Roper, 3227 South 29th Street, Lincoln, NE 68502

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

March 16, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Trust, requiring legislative approval.

APPOINTEE: Susan S. Seacrest, 6540 Crooked Creek Drive, Lincoln, NE 68516

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

March 16, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Trust, requiring legislative approval.

APPOINTEE: Vincent J. Kramper, 498 - 190th Street, Dakota City, NE 68731

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

March 16, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Trust, requiring legislative approval.

APPOINTEE: John D. Ellsworth, 9749 Fieldcrest Drive, Omaha, NE 68114

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

March 16, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Trust, requiring legislative approval.

APPOINTEE: Charles L. Jura, 1203 53rd Street, Columbus, NE 68601

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

REPORT

Received maps from the Department of Roads of the State Highway System of Nebraska and of the current Nebraska roads, highways, and streets which have been designated as federal-aid primary roads as of January 1, 1993.

RESOLUTIONS

LEGISLATIVE RESOLUTION 58. Read. Considered.

LR 58 was adopted with 17 ayes, 0 nays, and 32 not voting.

LEGISLATIVE RESOLUTION 59. Read. Considered.

LR 59 was adopted with 19 ayes, 0 nays, and 30 not voting.

LEGISLATIVE RESOLUTION 60. Read. Considered.

LR 60 was adopted with 18 ayes, 0 nays, and 31 not voting.

LEGISLATIVE RESOLUTION 61. Read. Considered.

LR 61 was adopted with 24 ayes, 0 nays, and 25 not voting.

UNANIMOUS CONSENT - Member Excused

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

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 111.

A BILL FOR AN ACT relating to the Consumer Rental Purchase Agreement Act; to amend sections 69-2101, 69-2103, 69-2109, and 69-2110, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to prohibit a lessor from assessing charges or utilizing forms as prescribed; to authorize a reinstatement fee; to provide for enforcement of the act; to provide powers and duties for the Director of Banking and Finance; to provide for appeals; to provide for personal jurisdiction; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud	Cudaback	Hohenstein	Pedersen	Schmitt
Ashford	Day	Horgan	Pirsch	Vrtiska
Bernard-Stevens	Dierks	Jones	Preister	Warner
	Elmer	Kristensen	Robak	Wehrbein
Beutler	Fisher	Landis	Robinson	Wickersham
Bromm	Haberman	Lynch	Schellpeper	Witek
Coordsen	Hartnett	McKenzie	Schimek	Withem
Crosby	Hillman	Moore		

Voting in the negative, 0.

Present and not voting, 1:

Avery

Excused and not voting, 11:

Baack	Chambers	Hudkins	Lindsay	Wesely
Bohlke	Hall	Janssen	Rasmussen	Will
Byars				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 230. With Emergency.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-203, Uniform Commercial Code; to eliminate provisions relating to a debtor's rights in contracts and accounts; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Abboud	Cudaback	Hohenstein	Pedersen	Schmitt
Ashford	Day	Horgan	Pirsch	Vrtiska
Bernard-Stevens	Dierks	Jones	Preister	Warner
	Elmer	Kristensen	Robak	Wehrbein
Beutler	Fisher	Landis	Robinson	Wickersham
Bromm	Haberman	Lynch	Schellpeper	Witek
Coordsen	Hartnett	McKenzie	Schimek	Withem
Crosby	Hillman	Moore		

Voting in the negative, 0.

Present and not voting, 1:

Avery

Excused and not voting, 11:

Baack	Chambers	Hudkins	Lindsay	Wesely
Bohlke	Hall	Janssen	Rasmussen	Will
Byars				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 270.

A BILL FOR AN ACT relating to loan brokers; to amend sections 45-191 and 59-1617, Reissue Revised Statutes of Nebraska, 1943, and section 45-190, Revised Statutes Supplement, 1992; to define terms; to prohibit acts as prescribed; to eliminate provisions relating to investigations, orders, hearings, and penalties; to provide for a disclosure statement as prescribed, fees, public access to disclosure documents, penalties, a loan brokerage agreement as prescribed, rules and regulations, and voidance of the loan brokerage agreement as prescribed; to provide for investigations, orders, and hearings as

prescribed; to provide powers and duties for the Director of Banking and Finance; to provide for an administrative fine, civil penalties, and exemptions; to harmonize provisions; and to repeal the original sections, and also sections 45-192 and 45-193, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud	Day	Hohenstein	Moore	Schimek
Ashford	Dierks	Horgan	Pedersen	Schmitt
Bernard-Stevens	Elmer	Jones	Pirsch	Vrtiska
Beutler	Fisher	Kristensen	Preister	Warner
Bromm	Haberman	Landis	Rasmussen	Wehrbein
Coordsen	Hall	Lindsay	Robak	Wickersham
Crosby	Hartnett	Lynch	Robinson	Witek
Cudaback	Hillman	McKenzie	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 1:

Avery

Excused and not voting, 8:

Baack	Byars	Hudkins	Wesely	Will
Bohlke	Chambers	Janssen		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 283.

A BILL FOR AN ACT relating to the Commodity Code; to amend sections 8-1701, 8-1704 to 8-1707, 8-1719, 8-1721, 8-1724, and 8-1726, Reissue Revised Statutes of Nebraska, 1943; to adopt federal rules as prescribed; to redefine terms; to change applicability of the code as prescribed; to provide for additional prohibited acts as prescribed; to provide for restitution; to provide for civil actions and limitations on civil actions as prescribed; to provide an affirmative defense; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Abboud	Day	Hohenstein	Moore	Schimek
Ashford	Dierks	Horgan	Pedersen	Schmitt
Bernard-Stevens	Elmer	Jones	Pirsch	Vrtiska
	Fisher	Kristensen	Preister	Warner
Beutler	Haberman	Landis	Rasmussen	Wehrbein
Bromm	Hall	Lindsay	Robak	Wickersham
Coordsen	Hartnett	Lynch	Robinson	Witek
Crosby	Hillman	McKenzie	Schellpeper	Withem
Cudaback				

Voting in the negative, 0.

Present and not voting, 1:

Avery

Excused and not voting, 8:

Baack	Byars	Hudkins	Wesely	Will
Bohlke	Chambers	Janssen		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Member Excused

Messrs. Lindsay, Avery, and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Introduce New Bill

Mr. Horgan renewed his pending motion, found in the Journal on page 1048, for the introduction of a new bill by the Nebraska Retirement Systems Committee, req. #1253.

The Horgan motion prevailed with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 833. Introduced by Nebraska Retirement Systems Committee: Horgan, 4, Chairperson; Crosby, 29; Day, 19; Fisher, 35; Moore, 24; Robak, 22.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2309.01, 23-2311, 23-2315, 23-2318, 23-2323, 23-2331, 24-702, 24-704 to 24-708, 24-710.02, 24-712, 48-155.01, 84-1320, and 84-1325, Reissue Revised Statutes of Nebraska, 1943, sections 23-2310, 24-701, 24-703, 24-710, 24-710.03, 24-714, 79-1501, 79-1501.01, 79-1528, 79-1531, 81-2014, 81-2015, 81-2017 to 81-2019, 81-2021, 81-2025, 81-2026, 81-2031, 81-2032, 84-1310.01, 84-1311, 84-1331, and 84-1503, Revised Statutes Supplement, 1992, and section 23-2301, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 417, Ninety-third Legislature, First Session, 1993; to change provisions relating to state and local retirement systems; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections, and also sections 79-1522.03 and 84-1312, Reissue Revised Statutes of Nebraska, 1943.

UNANIMOUS CONSENT - Print in Journal

Mr. Horgan asked unanimous consent to print the following amendment to LB 460 in the Journal. No objections. So ordered.

AM0884

1. On page 2, line 4 and lines 5 and 6, strike "or county" and show as stricken; and in line 26 strike "or county".

2. On page 3, line 12, strike "county or".

Mr. Dierks asked unanimous consent to print the following amendment to LB 575 in the Journal. No objections. So ordered.

AM0919

1. On page 3, line 21, after the period insert "This subdivision shall not apply when overtaking horses or any horse-drawn vehicles.".

BILLS ON FIRST READING

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

LEGISLATIVE BILL 277A. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 277, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 453A. Introduced by Withem, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 453, Ninety-third Legislature, First Session, 1993.

ANNOUNCEMENT

The Transportation Committee designates LB 420 as its priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 63. Introduced by Bernard-Stevens, 42.

WHEREAS, the Hershey Panthers won the 1993 Class C-1 High School Boys' State Basketball Championship on March 13, 1993; and

WHEREAS, the Hershey boys' basketball team claimed their first state championship; and

WHEREAS, the community of Hershey demonstrated dedicated enthusiasm in cheering on the Panthers to victory; and

WHEREAS, Greg Bringewatt and Dustin Jorgenson finished as the top two scorers in the C-1 State Tournament.

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

1. That the Legislature congratulates the Hershey Panthers on their accomplishments during the 1992-93 basketball season.

2. That a copy of this resolution be sent to the 1993 Class C-1 High School Boys' State Basketball Champions and their coach, Rick Elsasser, at Hershey High School.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 831, 832, and 833, Bond Issue for Wayne State College, and Governor appointment.

LB	Committee
831	Appropriations
832	Appropriations
833	Nebraska Retirement Systems

Bond Issue - Wayne State College - Appropriations

Sands, David S. - Nebraska Environmental Control Council - Natural Resources

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 111, 230, 270, and 283.

MOTION - Place LB 272 on General File

Mr. Pedersen renewed his pending motion, found in the Journal on page 966, to place LB 272 on General File notwithstanding the action of the Judiciary Committee.

MR. HALL PRESIDING

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

Ms. Day asked unanimous consent to be excused. No objections. So ordered.

Mrs. Pirsch moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Pedersen requested a roll call vote on his motion to place LB 272 on General File.

Voting in the affirmative, 22:

Abboud	Cudaback	Horgan	Pedersen	Schmitt
Avery	Dierks	Hudkins	Pirsch	Vrtiska
Bromm	Fisher	Jones	Preister	Wehrbein
Byars	Haberman	Moore	Robinson	Witek
Coordsen	Hohenstein			

Voting in the negative, 15:

Ashford	Chambers	Hillman	McKenzie	Schimek
Bernard-Stevens	Hall	Kristensen	Rasmussen	Warner
Bohlke	Hartnett	Lindsay	Schellpeper	Wickersham

Present and not voting, 6:

Crosby	Landis	Robak	Wesely	Withem
Elmer				

Excused and not voting, 6:

Baack	Day	Janssen	Lynch	Will
Beutler				

The Pedersen motion lost with 22 ayes, 15 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 206. Placed on General File as amended.
Standing Committee amendment to LB 206:
AM0355

1. Strike the original sections and insert the following new sections:

"Section 1. (1) Except as otherwise provided in this section, it shall be unlawful for any person to knowingly or intentionally keep or allow to be kept in a motor vehicle, when it is upon a public highway, any bottle, can, or other receptacle containing any alcoholic liquor which has been opened, the seal of which has been broken, or the contents of which have been partially removed, or any other open receptacle containing alcoholic liquor.

(2) This section shall not apply if such bottle, can, or other receptacle is kept in the trunk of the vehicle or kept in some other area of the car not normally accessible to the driver or passengers. For purposes of this section, a glove compartment or utility compartment shall be deemed to be within an area normally accessible to the driver or passengers.

(3) This section shall not apply to a carrier of a charter party or special party or to a formal or luxury limousine granted authority to operate under section 75-309 when the passengers of such carrier or limousine are twenty-one years of age or older, are not in the driving compartment of such vehicle, and there is a physical barrier between the driver and the passengers which will prevent the passage of any container of alcoholic liquor between any passenger and the driver.

(4) Any person violating section 1 of this act shall be guilty of a Class IV misdemeanor.

Sec. 2. That section 39-6,122, Revised Statutes Supplement, 1992, be amended to read as follows:

39-6,122. Sections 39-601 to 39-6,122 and section 1 of this act shall be known and may be cited as the Nebraska

Rules of the Road.

Sec. 3. That section 53-186, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-186. (1) It shall be unlawful for any person to consume alcoholic liquors ~~in the~~ upon a public ~~streets, alleys, parking areas, roads, or highways, or~~ street, alley, parking area, road, or highway outside a vehicle unless otherwise authorized under the Nebraska Liquor Control Act.

(2) It shall be unlawful for any person to consume alcoholic liquor inside ~~vehicles~~ a vehicle while upon ~~the~~ a public ~~streets, alleys, parking areas, roads, or highways; or~~ street, alley, parking area, road, or highway, except that this subsection shall not apply to the passengers of a carrier of a charter party or special party or to a formal or luxury limousine granted authority to operate under section 75-309 when the passengers of such carrier or limousine are twenty-one years of age or older, are not in the driving compartment of such vehicle, and there is a physical barrier between the driver and the passengers which will prevent the passage of any container of alcoholic liquor between any passenger and the driver.

(3) It shall be unlawful for any person to consume alcohol upon property owned by the state or any governmental subdivision thereof, unless authorized by the governing ~~bodies~~ body having jurisdiction over such property, except ~~properties; PROVIDED,~~ that the commission may issue licenses for the sale of alcoholic liquor at retail on lands owned by public power districts, public power and irrigation districts, the Bureau of Reclamation, or the Corps of Army Engineers, or for locations within or on structures on land owned by cities or villages or on lands controlled by airport authorities with the consent of the governing body thereof. Any person violating this section shall be guilty of a Class IV misdemeanor.

Sec. 4. That original section 53-186, Reissue Revised Statutes of Nebraska, 1943, and section 39-6,122, Revised Statutes Supplement, 1992, are repealed.".

LEGISLATIVE BILL 489. Placed on General File as amended.
Standing Committee amendment to LB 489:
AM0797

1. Strike original sections 2, 3, and 5.

2. On page 6, line 18, strike "9-321.01, 9-344,"; in line 19 strike "9-625,"; and in line 20 after the third comma insert "and" and strike "9-643, and 9-644,".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 17. Indefinitely postponed.
LEGISLATIVE BILL 127. Indefinitely postponed.

LEGISLATIVE BILL 129. Indefinitely postponed.
LEGISLATIVE BILL 425. Indefinitely postponed.
LEGISLATIVE BILL 700. Indefinitely postponed.

(Signed) Stan Schellpeper, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 697. Placed on General File as amended.
Standing Committee amendment to LB 697:
AM0902

1. On page 2, line 3, reinstate the stricken "(1)"; reinstate beginning with line 15 through the stricken "holidays" in line 25 and after the reinstated "holidays" insert ". Employees"; and reinstate beginning with the stricken "who" in line 25 through line 27.

2. On page 8, lines 10 through 16 reinstate the stricken matter.

(Signed) DiAnna R. Schimek, Chairperson

ANNOUNCEMENTS

Mrs. Hudkins designates LB 220 as her priority bill.

The Nebraska Retirement Systems Committee designates LB 724 and LB 833 as its priority bills.

The Government, Military and Veterans Affairs Committee designates LB 697 and LB 587 as its priority bills.

Mr. Moore designates LB 37 as his priority bill.

Mr. Abboud designates LB 430 as his priority bill.

Mr. Warner designates LB 38 as his priority bill.

Mr. Avery designates LB 669 as his priority bill.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 18, 1993, at 10:40 a.m., were the following bills: 111, 230, 270, and 283.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

BILL ON FIRST READING

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

LEGISLATIVE BILL 523A. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 523, Ninety-third Legislature, First Session, 1993.

RESOLUTION

LEGISLATIVE RESOLUTION 64. Introduced by Pirsch, 10.

WHEREAS, the promotion of travel and tourism to our great state is of tremendous importance to economic development; and

WHEREAS, Peggy Briggs, Director of the Travel and Tourism Division of the Department of Economic Development, has for more than eight years provided leadership in the promotion of travel and tourism; and

WHEREAS, Director Briggs' leadership has been a positive force in leading many communities across Nebraska to recognize and develop their tourism potential; and

WHEREAS, Director Briggs has won the respect and esteem of her colleagues and they have recognized her "obvious and measurable improvement of a state's 'travel and tourism profile' " and presented her with the State Travel Director of the Year Award.

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

1. That the Legislature recognizes Peggy Briggs for her leadership in the promotion and development of travel and tourism opportunities across Nebraska.

2. That the Legislature congratulates and honors Peggy Briggs for earning national recognition as the State Travel Director of the Year as a result of her dedicated work toward improving travel and tourism across Nebraska.

3. That a copy of this resolution be sent to Peggy Briggs, Director of Travel and Tourism.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Horgan and Mrs. Rasmussen asked unanimous consent to print the following amendment to LB 377 in the Journal. No objections. So ordered.

AM0921

(Amendments to E & R Amendments, AM5402)

1. Strike section 3 and insert the following new

section:

"Sec. 3. That section 72-1122, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~72-1122.~~ The ~~Public Buildings Safety Advisory Committee~~ State Fire Marshal, with the advice of the Accessibility Advisory Committee, shall adopt and promulgate standards, specifications, and exclusions ~~may promulgate and implement codes pursuant to sections 72-1101 to 72-1119~~ which are consistent with the most current ~~the~~ uniform ~~building codes~~ guidelines and standards set by the ~~American Standards Association, Inc.~~ federal Americans with Disabilities Act of 1990, as amended, for (1) buildings and facilities which are newly constructed for first occupancy and (2) alterations of existing buildings and facilities used by the public. For purposes of this section, alterations of an existing building or facility used by the public shall include remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangements in the plan or configuration of the height of walls or partitions. Normal maintenance, reroofing, painting, wallpapering, asbestos removal, or changes to mechanical and electrical systems shall not be considered alterations.".

2. On page 6, strike line 7; in line 8 after "act" insert "for (1) buildings and facilities which are newly constructed for first occupancy and (2) alterations of existing facilities used by the public"; in lines 21 and 22 strike the new matter; and in line 27 strike "ninety", show as stricken, and insert "one hundred twenty".

3. On page 7, line 12, strike "newly constructed and remodeled public" and insert "(i)"; and in line 13 after "facilities" insert "which are newly constructed for first occupancy and (ii) alterations of existing buildings and facilities used by the public".

Mr. Warner asked unanimous consent to print the following amendment to LB 575 in the Journal. No objections. So ordered.

AM0887

1. On page 3, strike beginning with "bicycles" in line 16 through "or" in line 17 and show as stricken; and in line 20 strike "vehicle or animal", show as stricken, and insert "implement".

SELECT FILE

LEGISLATIVE BILL 520. Considered.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Robinson offered the following amendment:
AM0927

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 79-3301, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3301. Sections 79-3301 to 79-3365 and sections 3 to 9 of this act shall be known and may be cited as the Special Education Act.

Sec. 2. That section 79-3303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-3303. As used in the Special Education Act, unless the context otherwise requires, the definitions found in sections 79-3304 to 79-3314 and section 3 of this act shall be used.

Sec. 3. Child with a disability shall mean a handicapped child.

Sec. 4. (1) The Legislature finds and declares that:

(a) Special education is and will continue to be of significant interest to education policy makers, educators, parents, taxpayers, and, most importantly, to students;

(b) The fiscal resources requested to provide educational services to children with disabilities and the need for accountability for those resources requires a comprehensive and reliable system of review;

(c) Fiscal resources are limited while program expansion and pressures for additional programs and services are being experienced;

(d) Nebraska needs to establish educational standards for children with disabilities, including special education and related services which must be provided to children with disabilities;

(e) Current accountability systems do not adequately measure the efficiency and effectiveness of special education programs;

(f) Current accountability systems do not adequately measure the efficiency and effectiveness of special education programs in a cost-effective manner; and

(g) Local school boards should retain responsibility for the content of instructional programs within the broad program framework developed under section 7 of this act.

(2) It is the intent of the Legislature to establish a process for (a) developing a clear understanding of the range of services required by law to meet the educational needs of children with disabilities, (b) assuring that the

intent of rules and regulations are carried out in the most cost-efficient manner, and (c) establishing an effective and meaningful system of program standards and evaluation of student outcomes.

Sec. 5. There is hereby created the Special Education Accountability Commission. The commission shall consist of thirteen members as follows: One representative from the Governor's office, one public school classroom teacher not in special education, one public school special education teacher, one administrator or administrative staff member not involved in special education, one special education administrator or administrative staff member, two parents, one representative of postsecondary special education, one school board member, and four representatives not directly related to the administration, delivery, or receipt of special education services, all appointed by the Governor with the consent of a majority of the Legislature upon the recommendations of associations and organizations representing parents, teachers, school administrators, and school board members. Members shall be appointed no later than September 1, 1993, and shall serve for one three-year term. A vacancy caused by a member appointed by the Governor shall be filled by the Governor for the remainder of the term. Members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 6. The primary goal of the Special Education Accountability Commission shall be to identify strategies for accomplishing cost containment in special education that will result in average special education costs increasing at a rate no greater than the average annual education growth rate.

Sec. 7. (1) The Special Education Accountability Commission shall develop an accountability system which adequately measures efficiency and effectiveness of special education programs in a cost-effective manner. The commission shall:

(a) Review all applicable federal and state laws;

(b) Examine the funding mechanism;

(c) Review any regulatory or procedural changes to determine compatibility with existing law, fiscal impact, and impact on student outcomes;

(d) Review findings of previous committees which have conducted similar studies;

(e) Develop broad frameworks for special education program standards;

(f) Establish a system for assessing student outcomes;

(g) Focus efforts on the establishment of a system for management and monitoring of special education costs and their impact on total education costs; and

(h) Select demonstration sites for the purpose of pilot implementation of program models which can document cost containment while maintaining appropriate services to children with disabilities. Demonstration sites shall be exempt from the provisions of the Special Education Act but shall comply with the federal Individuals with Disabilities Education Act, as amended, 20 U.S.C. 1400 et seq. The State Department of Education shall monitor each demonstration site to determine how such site would differ if it were not exempt from the Special Education Act.

(2) The commission shall annually report its activities and recommendations to the Education Committee of the Legislature, the Appropriations Committee of the Legislature, and the State Board of Education and shall make its final report on or before September 1, 1996, except that initial recommendations for statutory or procedural changes in the funding mechanism shall be made on or before November 1, 1994.

Sec. 8. The Special Education Accountability Commission and the State Department of Education may work with other states to develop a conceptual and technical framework for examining alternative approaches to funding of special education and developing systems of assessing student outcomes. The commission shall consult with the members of the School Finance Review Committee and the Nebraska Schools Accountability Commission to ensure compatibility of effort. The department shall provide staff support to the Special Education Accountability Commission in all phases.

Sec. 9. The Special Education Accountability Commission shall terminate September 1, 1996.

Sec. 10. That original section 79-3303, Reissue Revised Statutes of Nebraska, 1943, and section 79-3301, Revised Statutes Supplement, 1992, are repealed.

Sec. 11. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Withem offered the following amendment to the Robinson pending amendment:
FA34
Amend AM0927 as follows:
Strike on page 1, line 1 through "and" in line 2.
Renumber remaining sections

Mr. Fisher asked unanimous consent to be excused. No objections. So ordered.

Mr. Robinson moved to bracket LB 520 to Thursday, April 2, 1993.

Messrs. Landis and Schellpeper asked unanimous consent to be excused. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 18. Indefinitely postponed.
LEGISLATIVE BILL 104. Indefinitely postponed.
LEGISLATIVE BILL 373. Indefinitely postponed.
LEGISLATIVE BILL 764. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 292. Placed on General File as amended.
Standing Committee amendment to LB 292:
AM0879

1. Strike the original sections and insert the following new sections:

"Section 1. That section 79-1501.01, Revised Statutes Supplement, 1992, be amended to read as follows:

79-1501.01. Sections 79-1501 to 79-1566 and section 4 of this act shall be known and may be cited as the School Employees Retirement Act.

Sec. 2. That section 79-1520, Revised Statutes Supplement, 1992, be amended to read as follows:

79-1520. Upon filing a retirement application with the retirement system:

(1) A ~~,~~ ~~a~~ member who has completed thirty-five years of creditable service may retire at any age; or

(2) A ~~or a~~ member who has completed at least five years of creditable service and is at least sixty years of age may retire.

Sec. 3. That section 79-1522.01, Revised Statutes Supplement, 1992, be amended to read as follows:

79-1522.01. In lieu of the school retirement allowance provided by section 79-1522, any member who is not an employee of a Class V school district and who becomes eligible to make application for and receive a school retirement allowance under section 79-1520 may receive a formula annuity retirement allowance if it is greater than the school retirement allowance provided by section 79-1522.

Subject to the other provisions of this section, the monthly formula annuity in the normal form shall be determined by multiplying the number of years of service for which such member would otherwise receive the service annuity provided by

section 79-1522 (1) by one and one-quarter percent of his or her final average compensation, (2) by one and one-half percent of his or her final average compensation, ~~or~~ (3) by one and sixty-five-hundredths percent of his or her final average compensation, or (4) by one and eighty-hundredths percent of his or her final average compensation. If the annuity begins prior to the sixty-fifth birthday of the member and the member has completed ~~thirty-five~~ thirty or more years of creditable service and is at least sixty years of age, the annuity shall not be reduced. If the annuity begins on or after the sixtieth birthday of the member and the member has completed five or more but less than thirty years of creditable service, the annuity shall be reduced by three percent for each year by which the member's age is less than the age at which the member's age plus years of service would have totaled ninety or three percent for each year after the member's sixtieth birthday and prior to his or her sixty-fifty birthday, whichever provides the greater annuity. ~~If the annuity begins prior to the sixty-fifth birthday of the member and the member has completed five or more but less than thirty years of creditable service, the annuity at the date it begins shall be reduced by three percent for each year after the member's sixtieth birthday and prior to his or her sixty-fifth birthday. If the annuity begins on or after the sixtieth birthday of the member and the member has completed at least thirty but less than thirty-five years of creditable service, the annuity at the date it begins shall be reduced by three percent for each year by which the member's years of creditable service is less than thirty-five years or for each year by which the member is less than sixty-five years of age, whichever provides the greater annuity.~~ A member shall have acquired the equivalent of one-half year of service or more as a public school employee under the retirement system following August 24, 1975, to be eligible for computation of his or her formula annuity using one and one-quarter percent of his or her final average compensation as one of the factors, shall have acquired the equivalent of one-half year of service or more as a public school employee under the retirement system following July 17, 1982, to be eligible for computation of his or her formula annuity using one and one-half percent of his or her final average compensation as one of the factors, or shall have acquired the equivalent of one-half year of service or more as a public school employee under the retirement system following July 1, 1984, to be eligible for computation of his or her formula annuity using one and sixty-five-hundredths percent of his or her final average compensation as one of the factors. A member shall be actively employed as a public school employee under the retirement system on the operative date of this act to be

eligible for computation of his or her formula annuity using one and eighty-hundredths percent of his or her final average compensation as one of the factors.

The normal form of the formula annuity shall be an annuity payable monthly during the remainder of the member's life with the provision that in the event of his or her death before sixty monthly payments have been made the monthly payments will be continued to his or her estate or to the beneficiary he or she has designated until sixty monthly payments have been made. A member may elect to receive in lieu of the normal form of annuity an actuarially equivalent annuity in any optional form provided by section 79-1530.

Final average compensation for full-time employees shall be determined by dividing the member's total compensation subject to required deposits for the three fiscal years in which such compensation was the highest by thirty-six. Final average compensation for part-time employees shall be determined by dividing total adjusted compensation subject to required deposits for the three fiscal years in which such adjusted compensation was the highest by thirty-six. If a member has such compensation for less than three such fiscal years, his or her final average compensation shall be determined by dividing his or her total compensation in all such years by twelve times the total number of years of his or her service therefor. Adjusted compensation for any year shall be equal to actual pay times the ratio of one to the actual credited service for such year. ~~A member shall have acquired the equivalent of one-half year of service or more as a public school employee under the retirement system following August 24, 1975, to be eligible for computation of his or her formula annuity using only five fiscal years in the determination of his or her final average compensation.~~

All formula annuities shall be paid from the Annuity Reserve Account. Upon the granting of a formula annuity, there shall be transferred to the Annuity Reserve Account: (a) From the Service Annuity Account, the value of the service annuity which would otherwise be payable; (b) from the School Employees Savings Account, the accumulated contributions of the member; and (c) from the School Employers Deposit Account, the value of the formula annuity in excess of the amounts transferred from the Service Annuity Account and the School Employees Savings Account. The amounts transferred from the Service Annuity Account at any time after such member attains sixty years of age and prior to his or her sixty-fifth birthday or thirty-five years of creditable service shall be on an actuarially reduced basis.

A person receiving a retirement benefit may accept employment in a postsecondary school under the control and management of the Board of Trustees of the Nebraska State

Colleges, the Board of Regents of the University of Nebraska, or any other state agency without having to waive retirement payments, without having to notify the retirement board, and without being subject to any withholding of future retirement payments.

Sec. 4. (1) There is hereby created the School Employees Retirement System Reserve Fund. Required deposits from the compensation of members and employers shall be accumulated in the fund to provide a cost-of-living benefit adjustment for each person who is retired or each surviving beneficiary who is receiving a retirement annuity from the School Retirement System of the State of Nebraska. The purpose of the cost-of-living benefit adjustment shall be to reflect changes in the cost-of-living and wage levels that have occurred subsequent to the date of retirement.

(2) Member contributions into the fund shall equal three-tenths of one percent of compensation. Employer contributions into the fund shall be one hundred one percent of member contributions to the fund.

(3) Upon verification by the actuary, when amounts accumulated in the fund are sufficient to provide a three percent cost-of-living benefit adjustment for all qualified persons, the retirement board shall determine the amount of the cost-of-living benefit adjustment as provided by this section for each member and beneficiary. The retirement board shall make transfers to and from the School Employees System Reserve Fund and any other fund of the School Retirement System of the State of Nebraska administered by the retirement board in order to comply with this section.

(4) It is the intent of the Legislature that a cost-of-living benefit adjustment provided in this section shall be granted automatically in future years whenever funds are sufficient for such a benefit and the increase in the cost-of-living or wage levels justifies the adjustment as provided by this section. The cost-of-living benefit adjustment shall be the equivalent of three percent of benefits provided pursuant to the School Employees Retirement Act. The cost-of-living benefit adjustment shall be paid to a retired person or surviving beneficiary during his or her life.

(5) For members who retired prior to the operative date of this act, the cost-of-living benefit adjustment shall be calculated based on the amount of benefit the member is receiving on the operative date of this act. For members who retire after the operative date of this act, the cost-of-living benefit adjustment shall be calculated based on the amount of benefit the member receives on the date of retirement. Any subsequent cost-of-living benefit adjustment shall be calculated based on three percent of the amount of

benefit the member is receiving on the operative date of this act or three percent of the amount of benefit the member will receive on the date of retirement if he or she retires subsequent to the operative date of this act.

Sec. 5. That section 79-1545, Revised Statutes Supplement, 1992, be amended to read as follows:

79-1545. All assets of the retirement system shall be credited, according to the purpose for which they are held, to the Expense Fund, to the School Employees Retirement System Reserve Fund, or to one of five accounts in the School Retirement Fund, namely, the School Employees Savings Account, the School Employers Deposit Account, the Service Annuity Account, the Annuity Reserve Account, and the Contingent Account. Any money in these accounts or funds available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to ~~72-1269~~ 72-1276.

Sec. 6. That section 79-1549, Revised Statutes Supplement, 1992, be amended to read as follows:

79-1549. A Contingent Account is hereby created (1) to facilitate the crediting of regular interest on the amounts in the various other accounts, with the exception of the Expense Fund, (2) to fund the adjusted supplemental retirement benefit provided by section 79-1566, and (3) to provide an account to cover any special requirements of the Annuity Reserve Account or the Expense Fund, insofar as the state is responsible for such accounts or fund. All income, interest, and dividends derived from the deposits and investments authorized by the School Employees Retirement Act shall be paid into the Contingent Account. The retirement board may accept gifts, devises, and bequests. Any funds which may come into the possession of the retirement system in this manner or which may be transferred from the School Employees Savings Account by reason of the lack of a claimant or because of a surplus in any fund or account described in section 79-1545 other than the School Employees Retirement System Reserve Fund, or any other money the disposition of which is not otherwise provided for in the act, shall be credited to the Contingent Account. The interest allowed by the retirement board to each of the funds or accounts shall be paid to such funds or accounts from the Contingent Account or shall be used to fund the adjusted supplemental retirement benefit provided by section 79-1566. Any deficit occurring in the Annuity Reserve Account or in the Expense Fund, insofar as the state is responsible for such account or fund, shall be met by payments to the fund or account in question from the Contingent Account. Annually the retirement board shall estimate the amount of money deemed necessary to pay the obligation levied against the Contingent Account, including regular interest. If such amount exceeds the revenue

estimated to accrue to the fund or account for that year, such excess shall be certified to the State Treasurer and shall, on warrant of the Director of Administrative Services, be transferred from funds appropriated by the state for such purpose to the Contingent Account.

Sec. 7. This act shall become operative on July 1, 1993.

Sec. 8. That original sections 79-1501.01, 79-1520, 79-1522.01, 79-1545, and 79-1549, Revised Statutes Supplement, 1992, are repealed.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 639. Placed on General File as amended.
Standing Committee amendment to LB 639:
AM0876

1. Strike original sections 1 and 2.

2. On page 6, line 16, after the comma insert "and has attained the age of fifty years"; and in line 17 after "at" insert "the age of fifty years with".

3. On page 7, lines 11 and 12, strike the new matter and insert "or on or after the fiftieth birthday of a member who has been in the employ of the state for twenty-five years, as calculated in section 81-2033"; in line 18 after "member" insert "who has been in the employ of the state for less than twenty-five years, as calculated in section 81-2033"; in line 21 after "fifty-five" insert "or for each month by which the early retirement date precedes the date upon which the member has served for twenty-five years, whichever is earlier"; and reinstate the stricken matter in lines 21 through 24.

4. On page 11, line 23, after "System" insert ". Length of service shall also include credit for time served in the armed forces pursuant to section 81-2034"; and in line 24 strike "sections 81-1325, 81-1328, and" and insert "section".

5. Renumber the remaining sections accordingly.

(Signed) Tom Horgan, Chairperson

Agriculture

LEGISLATIVE BILL 447. Placed on General File as amended.
Standing Committee amendment to LB 447:
AM0889

1. Strike the original sections and insert the following new sections:

"Section 1. The Legislature finds that:

(1) The livestock industry is vitally important to

the State of Nebraska. It generates income and jobs not only to those who own and sell livestock, but to grain farmers, livestock processing operations, and other agribusinesses. Since Nebraska livestock producers, must compete with other states where livestock may not be subject to property taxation, there is a compelling and legitimate state interest that a rational basis exists to support the different classification and taxation of livestock;

(2) There is considerable case law and statutory law which recognizes the unique nature of livestock and how it should be legally classified and taxed. Section 9-109, Uniform Commercial Code, recognizes the legal paradox of livestock and treats it as a farm product. The Uniform Commercial Code considers animals in a herd of livestock, whether acquired by purchase or result from natural increase, as farm products as long as they are in the possession of a debtor engaged in farming operations and have not been subjected to a manufacturing process; and

(3) The distinction between livestock acquired by purchase and those that are a result from natural increase becomes confusing when the Internal Revenue Code of 1986, as amended, allows the deduction for income tax purposes livestock acquired for work, breeding, or dairy purposes unless included as inventory. The legal paradox is that while the Federal Tax Reform Act required the expense capitalization of raised breeding livestock in 1987, Congress subsequently repealed the provision because of the questionable validity of the deductions and classifications.

Sec. 2. The Department of Revenue shall on or before December 31, 1993, examine and document the incidence of a personal property tax system which subjects certain breeding livestock to property taxation based on its depreciated cost while other breeding livestock, as well as other livestock, is nondepreciable and exempt from taxation.

(Signed) Merton L. Dierks, Chairperson

Business and Labor

LEGISLATIVE BILL 248. Placed on General File as amended.
Standing Committee amendment to LB 248:
AM0335

1. Insert the following new section:

"Sec. 6. Before performing any construction work in this state with a contract or contracts of five thousand dollars or more in value, an out-of-state contractor shall file a surety bond with the department for each such contract. The bond shall be the greater of (1) one thousand dollars or (2) five percent of the value of each such contract or

contracts.".

2. On page 2, line 1, strike "18" and insert "19".

3. On page 4, line 13, strike "7" and insert "8".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 640. Placed on General File as amended.
Standing Committee amendment to LB 640:
AM0727

1. Insert the following new sections:

"Sec. 3. That section 48-1118, Revised Statutes Supplement, 1992, be amended to read as follows:

48-1118. (1) Whenever it is charged in writing under oath or affirmation by or on behalf of a person or persons claiming to be aggrieved and such charge sets forth the facts upon which it is based that an employer, employment agency, or labor organization has engaged in an unlawful employment practice, the commission shall furnish such employer, employment agency, or labor organization with a copy of such charge within ten days, including a statement of the date, place, and circumstances of the alleged unlawful employment practice, and shall make an investigation of such charge, but such charge shall not be made public by the commission. If the commission determines after such investigation that there is reasonable cause to believe that the charge is true, the commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be made public by the commission without the written consent of the parties or used as evidence in a subsequent proceeding. Any officer or employee of the commission, who ~~shall make~~ makes public in any manner whatever any information in violation of this subsection, shall be guilty of a Class III misdemeanor except as provided in subdivision (3) of section 48-1117.

(2) A written charge of violation of the Nebraska Fair Employment Practice Act shall be filed within ~~one hundred eighty~~ three hundred days after the occurrence of the alleged unlawful employment practice, and notice of the charge, including a statement of the date, place, and circumstances of the alleged unlawful employment practice, shall be served upon the person against whom such charge is made within ten days thereafter.

(3) In connection with any investigation of a charge filed under this section, the commission or its authorized agents may, at any time after a charge is filed, issue or cause to be served interrogatories and shall have at all reasonable times access to, for the purposes of examination, and the right to copy any evidence or records of any person

being investigated or proceeded against that relate to unlawful employment practices covered by the act and are relevant to the charge under investigation. The commission may seek judicial enforcement through the office of the Attorney General to require the answering of interrogatories and in order to gain access to evidence or records.

Sec. 4. That section 48-1119, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1119. (1) In case of failure to eliminate any unlawful employment practice by informal methods of conference, conciliation, and persuasion, the commission may order a public hearing. If such hearing is ordered, the commission shall ~~cause to be issued~~ issue and cause to be served a written notice, together with a copy of the complaint, requiring the person, employer, labor organization or employment agency named in the complaint, hereinafter referred to as respondent, to answer such charges at a hearing before the commission at a time and place which shall be specified in such notice. Such hearing shall be within the county where the alleged unfair practice occurred. The complainant shall be a party to the proceeding, and in the discretion of the commission any other person whose testimony has a bearing on the matter may be allowed to intervene therein. Both the complainant and the respondent, in addition to the commission, may introduce witnesses at the hearing. The respondent may file a verified answer to the allegations of the complaint and may appear at such hearing in person and with or without counsel. Testimony or other evidence may be introduced by either party. All evidence shall be under oath and a record thereof shall be made and preserved. Such proceedings shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in the district courts of the State of Nebraska~~,~~ and shall be of public record.

(2) No person shall be excused from testifying or from producing any book, document, paper, or account in any investigation~~,~~ or inquiry by~~,~~ or hearing before the commission when ordered to do so, upon the ground that the testimony or evidence, book, document, paper, or account required of such person may tend to incriminate such person in or subject such person to penalty or forfeiture; but no person shall be prosecuted, punished, or subjected to any forfeiture or penalty for or on account of any act, transaction, matter, or thing concerning which such person shall have been compelled under oath to testify or produce documentary evidence, except ~~; PROVIDED, that~~ no person so testifying shall be exempt from prosecution or punishment for any perjury committed by such person in his or her testimony. This ~~; AND PROVIDED FURTHER, that the~~ immunity shall extend only to a natural person who,

in obedience to a subpoena, gives testimony under oath or produces evidence, documentary or otherwise, under oath. Nothing in this subsection shall be construed as precluding any person from claiming any right or privilege available to such person under the fifth amendment to the Constitution of the United States.

(3) After the conclusion of the hearing, the commission shall make and file its findings of fact and conclusions thereon; and make and enter an appropriate order. Such findings shall be in sufficient detail to enable the court on appeal to determine the controverted questions presented by the proceedings and whether proper weight was given to the evidence. If the commission ~~shall determine~~ determines that the respondent has intentionally engaged in or is intentionally engaging in any unlawful employment practice, it shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful employment practice and order such other affirmative action as may be appropriate; which may include reinstatement or hiring of employees, with or without backpay. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the backpay otherwise allowable. A complainant who has suffered physical, emotional, or financial harm as a result of a violation of the Nebraska Fair Employment Practice Act shall be entitled to injunctive relief, general and special damages, reasonable attorney's fees, and costs. No order of the commission shall require the admission or reinstatement of an individual as a member of a labor organization or the hiring, reinstatement, or promotion of an individual as an employee; or the payment to him or her of any backpay; if such individual was refused admission, ~~suspended, or~~ expelled, ~~or was~~ refused employment or advancement, ~~or was~~ suspended, or discharged for any reason other than discrimination on account of race, color, religion, sex, disability, marital status, or national origin; or in violation of section 48-1114. If the commission ~~shall find~~ finds that the respondent has not engaged in any unfair employment practice, it shall state its findings of fact and conclusion thereon. A copy of any order shall be served upon the person against whom it runs; or his or her attorney, and notice thereof shall be given to the other parties to the proceedings or their attorneys. Such order shall take effect twenty days after the service thereof, unless otherwise provided, and shall continue in force; either for a period which may be designated therein or until changed or revoked by the commission.

(4) Until a transcript of the record of the proceedings ~~shall be~~ is filed in a court as provided in section 48-1120, the commission may, at any time, upon

reasonable notice~~,~~ and in such a manner it ~~shall deem~~ deems proper, modify or set aside, in whole or in part, any finding or order made by it.".

2. On pages 2 and 3, strike the new matter and reinstate the stricken matter.

3. On page 5, line 26, after "original" insert "section 48-1119, Reissue Revised Statutes of Nebraska, 1943, and" and strike "and 48-1104" and insert ", 48-1104, and 48-1118".

4. Renumber the remaining section accordingly.

(Signed) Chris Abboud, Chairperson

Judiciary

LEGISLATIVE BILL 493. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0838.)

LEGISLATIVE BILL 589. Placed on General File as amended. Standing Committee amendment to LB 589:
AM0901

1. Strike original section 4.

2. On page 2, lines 2, 9, and 26; and page 4, line 12, strike "nineteen" and insert "eighteen".

3. On page 2, line 23, strike the new matter and reinstate the stricken matter; strike beginning with "(a)" in line 26 through "(b)" in line 28; and in line 28 after "plea" insert "or admission".

4. On page 3, line 1, strike "parents", show as stricken, and insert "parent"; and in lines 25 through 28 strike the new matter and reinstate the stricken matter.

5. On page 4, line 13, strike "appear before the court" and insert "be required to tender a plea or admission"; in line 19 after "present" insert "including the acceptance of admissions"; and in line 26 strike "6" and insert "5".

6. On page 5, line 1, strike ", 29-412,".

7. Renumber remaining sections accordingly.

(Signed) John Lindsay, Chairperson

ANNOUNCEMENTS

Mr. Will designates LB 137 as his priority bill.

Mr. Vrtiska designates LB 152 as his priority bill.

Mr. Wesely designates LB 827 as his priority bill.

Mr. Lindsay designates LB 782 as his priority bill.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 106, 200, 363, 410, and 452.

Enrollment and Review Change to LB 106

The following changes, required to be reported for publication in the Journal, have been made:
ER7220

1. On page 1, line 4, "to change provisions relating to hearings;" has been inserted after the second semicolon.

2. On page 2, line 19, "or" has been inserted after the first comma, the second comma has been struck and shown as stricken, and "any" has been reinstated.

Enrollment and Review Change to LB 363

The following changes, required to be reported for publication in the Journal, have been made:
ER7219

1. On page 1, line 1, "section 24-710.03" has been struck and "sections 24-710.03 and 24-729" inserted; in line 4 "and" has been struck and "to define the term retired judge;" inserted and "section" has been struck and "sections; and to declare an emergency" inserted.

(Signed) Kurt Hohenstein, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 65. Introduced by Bromm, 23.

WHEREAS, the Wahoo High School boys' basketball team has been Class B state champions five times in the past six years, including 1988, 1989, 1990, 1991, and 1993; and

WHEREAS, the team has been undefeated four times in six years, going 26-0 in 1989, 1990, and 1991 and 23-0 in 1993; and

WHEREAS, the team has a six-year winning percentage of 98.7 percent with a record of 150 wins only 2 losses; and

WHEREAS, the team has won five consecutive Capitol Conference tournament championships, six consecutive Capitol Conference regular-season championships, and six consecutive holiday tournament titles; and

WHEREAS, the team has had seven consecutive state tournament appearances and one hundred fourteen consecutive wins, the third-longest winning streak in the nation; and

WHEREAS, the 1993 Class B title game was won by Wahoo by the largest winning margin ever in a Class B championship, 74-42, with a thirty-two point difference; and

WHEREAS, the Omaha World-Herald's 1993 top-ten ranking of the team as third in the state is the highest ranking ever attained by a non-Class-A team in the newspaper's history; and

WHEREAS, Wahoo scored an average of ninety points during the 1993 season, the highest average of any team to win a state tournament; and

WHEREAS, the average margin of victory for the team in 1993 was forty-two points.

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

1. That the Legislature congratulates the Wahoo High School boys' basketball team, coaches Mick Anderson and Mark Watton, and team members Josh Anderson, Justin Anderson, Tim Bohaty, Dan Brown, Brett Eddie, Ryan Fiala, Ryan Glock, Greg Hain, Mike Hancock, Mike Simons, Travis Toline, Joel Weyand, and Louie Wotipka.

2. That a copy of this resolution be sent to Wahoo High School.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 332 in the Journal. No objections. So ordered.

AM0890

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 53-101, Revised Statutes Supplement, 1992, as amended by section 1, Legislative Bill 183, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

53-101. Sections 53-101 to 53-1,121 and sections 2 to 4 of this act shall be known and may be cited as the Nebraska Liquor Control Act.

Sec. 2. The Legislature finds that every year hundreds of people, many of them teenagers, are seriously injured or killed as a result of alcohol-related accidents. Beer appears to be the most popular alcoholic beverage throughout the state. In recognition of such facts it is the intent of the Legislature, through the implementation of section 3 of this act, to protect the public health, safety, and welfare of all Nebraskans.

Sec. 3. When any person licensed to sell alcoholic liquor at retail sells beer for consumption off the premises in a container with a liquid capacity of five or more gallons or eighteen and ninety-two hundredths or more liters, the seller shall record the date of the sale, the keg identification number, the purchaser's name and address, and the number of the purchaser's motor vehicle operator's license, state identification card, or military identification, if such military identification contains a picture of the purchaser, together with the purchaser's signature. Such record shall be on a form prescribed by the commission and shall be kept by the licensee at the retail establishment where the purchase was made for not less than six months.

The commission shall adopt and promulgate rules and regulations which require the licensee to place a label on the beer container, which label shall at least contain a keg identification number and shall be on a form prescribed by the commission. Such label shall be placed on the keg at the time of retail sale. The licensee shall purchase the forms referred to in this section from the commission. The cost incurred to produce and distribute such forms shall be reasonable and shall not exceed the reasonable and necessary costs of producing and distributing the forms. Any money collected by the commission relating to the sale of such forms shall be credited to the Nebraska Liquor Control Commission Rule and Regulation Cash Fund.

The keg identification number for each container shall be registered with the commission. The records kept pursuant to this section shall be available for inspection by any law enforcement officer during normal business hours or at any other reasonable time. Any person violating this section shall, upon conviction, be guilty of a Class III misdemeanor.

Sec. 4. (1) Any person who unlawfully tampers with, alters, or removes the keg identification number from a beer container after such container has been taken from the licensed premises pursuant to a retail sale and before its return to such licensed premises or other place where returned kegs are accepted shall be guilty of a Class III misdemeanor.

(2) A licensee may require a deposit of not more than fifty dollars from a person purchasing beer for consumption off the premises in a container described in section 3 of this act. Such deposit may be retained by the licensee, in the amount of actual damages, if upon return the container or any associated equipment is damaged or if the keg identification number has been unlawfully tampered with, altered, or removed and such tampering, alteration, or removal has been reported to a law enforcement officer.

Sec. 5. That section 53-117.06, Revised Statutes

Supplement, 1992, as amended by section 7, Legislative Bill 183, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

53-117.06. Any money collected by the commission pursuant to section 53-117.05 or section 3 of this act shall be credited to the Nebraska Liquor Control Commission Rule and Regulation Cash Fund, which fund is hereby created. The purpose of the fund shall be to cover any costs incurred by the commission in producing or distributing the material referred to in such ~~section~~ sections. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 6. That section 53-180.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-180.04. Every licensee of a place where alcoholic liquor is sold at retail shall display at all times in a prominent place a printed card with a minimum height of twenty inches and a width of fourteen inches, with each letter to be a minimum of one-fourth inch in height, which shall read as follows:

WARNING TO PERSONS UNDER 21
YOU ARE SUBJECT TO A PENALTY UP TO
$500 FINE
3 MONTHS IN JAIL
OR BOTH
IF YOU ARE UNDER 21 AND YOU PURCHASE
OR ATTEMPT TO PURCHASE
OR HAVE IN YOUR POSSESSION
ALCOHOLIC LIQUOR IN THIS ESTABLISHMENT
AND
WARNING TO ADULTS
YOU ARE SUBJECT TO A PENALTY UP TO
$1000 FINE
1 YEAR IN JAIL
OR BOTH
IF YOU ARE 21 OR OVER AND YOU PURCHASE ALCOHOLIC LIQUOR
FOR A PERSON UNDER 21
AND
WARNING TO PURCHASERS OF BEER KEGS
PROPER IDENTIFICATION AND PURCHASER'S SIGNATURE ARE REQUIRED
LAWS OF THE STATE OF NEBRASKA

Sec. 7. That original section 53-180.04, Reissue Revised Statutes of Nebraska, 1943, and sections 53-101 and 53-117.06, Revised Statutes Supplement, 1992, as amended by sections 1 and 7, respectively, Legislative Bill 183, Ninety-third Legislature, 1993, are repealed.

Sec. 8. Since an emergency exists, this act shall

be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 137 in the Journal. No objections. So ordered.

AM0916

1. Strike original section 1 and insert the following new section:

"Section 1. That section 25-224, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-224. (1) All product liability actions as defined in section 25-21,180, except one governed by subsection (5) of this section, shall ~~be commenced~~ commence within four years ~~next~~ after the date on which the death, injury, or damage complained of occurs.

(2) Notwithstanding subsection (1) of this section or any other statutory provision to the contrary, any product liability action involving a product manufactured in the State of Nebraska, except one governed by section 2-725, Uniform Commercial Code or by subsection (5) of this section, shall ~~be commenced~~ commence within ten years after the date when the product which allegedly caused the personal injury, death, or damage was first sold or leased for use or consumption. The limitation described in this subsection shall not apply to products manufactured outside of the State of Nebraska.

(3) The limitations contained in ~~subsection (1), (2), or (5) of~~ this section shall not be applicable to indemnity or contribution actions brought by a manufacturer or seller of a product against a person who is or may be liable to such manufacturer or seller for all or any portion of any judgment rendered against a manufacturer or seller.

(4) Notwithstanding ~~the provisions of~~ subsections (1) and (2) of this section, any cause of action or claim which any person may have on July 22, 1978, may be brought not later than two years following such date.

(5) Any action to recover damages based on injury allegedly resulting from exposure to asbestos composed of chrysotile, amosite, crocidolite, tremolite, anthrophyllite, actinolite, or any combination thereof, shall ~~be commenced~~ commence within four years after the injured person has been informed of discovery of the injury by competent medical authority and that such injury was caused by exposure to such asbestos ~~as described herein,~~ or within four years after the discovery of facts which would reasonably lead to such discovery, whichever is earlier. No action ~~commenced~~ under this subsection based on the doctrine of strict liability in tort shall be commenced or maintained against any seller of a product which is alleged to contain or possess a defective

condition unreasonably dangerous to the buyer, user, or consumer unless such seller is also the manufacturer of such product or the manufacturer of the part thereof claimed to be defective. Nothing in this subsection shall be construed to permit an action to be brought based on an injury described in this subsection discovered more than two years prior to August 30, 1981.

(6) It is the intent of the Legislature that the changes made to this section by this legislative bill be applied retroactively to revive causes of action for injury caused by defective products which were barred by interpretation of this section prior to the effective date of this act. It is further the intent of the Legislature to protect Nebraska Manufacturers and to foster a good business climate in the state.".

NOTICE OF COMMITTEE HEARINGS

Appropriations

LB 831 Thursday, March 25, 1993 1:30 p.m.

(Signed) Scott Moore, Chairperson

Judiciary

LR 53 Thursday, March 25, 1993 1:00 p.m.

(Signed) John Lindsay, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bill 832.

LB	Committee
832	Judiciary

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Add Cointroducer

Mrs. Hudkins asked unanimous consent to have her name added as cointroducer to LB 220 and LB 575. No objections. So ordered.

VISITORS

Visitors to the Chamber were Gregg Kozol from Hastings; 30 fourth grade students and teacher from Gretna Elementary; 120 members from the Nebraska Nurses Association; and 45 seventh grade students and sponsors from Sandy Creek, Fairfield.

ADJOURNMENT

At 12:07 p.m., on a motion by Mr. Horgan, the Legislature adjourned until 9:00 a.m., Friday, March 19, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-FIFTH DAY - MARCH 19, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 19, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Father Lloyd Gnirk, Roncalli High School, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Wesely and Withem who were excused; and Messrs. Abboud, Ashford, Avery, Beutler, Chambers, Coordsen, Hall, Hartnett, Landis, Lindsay, Moore, Warner, Will, and Mrs. Bohlke who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fourth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: 205.

Correctly Engrossed

The following bills were correctly engrossed: 43, 119, 367, 369, 384, 390, and 508.

Enrollment and Review Change to LB 119

The following changes, required to be reported for publication in the Journal, have been made:
ER7222

1. In the Standing Committee amendment, AM0178, on page 1, line 12, "chief of police" has been struck and "marshal of such city" inserted.

Enrollment and Review Change to LB 367

The following changes, required to be reported for publication in the Journal, have been made:
ER7221

1. In the E & R amendments, AM5387, on page 4, the matter beginning with "county" in line 4 through the first "city" in line 5 has been struck and "register of deeds" inserted.

(Signed) Kurt Hohenstein, Chairperson

UNANIMOUS CONSENT - Member Excused

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 66. Introduced by Schimek, 27; Wesely, 26; Warner, 25; Crosby, 29; Landis, 46.

WHEREAS, Fern Hubbard Orme was a long-time resident of Lincoln, Nebraska; and

WHEREAS, Fern Hubbard Orme served for ten years on the Lincoln City Council; and

WHEREAS, Fern Hubbard Orme was a State Senator for twelve years; and

WHEREAS, Fern Hubbard Orme fought for the passage of the Equal Rights Amendment; and

WHEREAS, Fern Hubbard Orme was instrumental in securing legislation establishing Nebraska Educational Television; and

WHEREAS, Fern Hubbard Orme was the honored recipient of both the Nebraska Builder Award and the Addison E. Sheldon Award for achievement in preserving or interpreting state history; and

WHEREAS, Fern Hubbard Orme passed away on March 17, 1993.

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

1. That the members of the Legislature express their deepest sympathy to the family of Fern Hubbard Orme.

2. That a copy of this resolution be sent to the family of Fern Hubbard Orme.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 588 in the Journal. No objections. So ordered.

AM0908

(Amendments to E & R amendments, AM5401)

1. Insert the following new section:

"Sec. 36. That section 71-2510, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2510. The provisions of sections 71-2502 to 71-2511 shall not apply to sales of poisons made to those practitioners of the healing arts, named in section 71-102, who are duly authorized by law to administer or professionally use those poisons specifically named in section 71-2501, ~~or~~ to sales made by any manufacturer, wholesale dealer, or licensed pharmacist to another manufacturer, wholesale dealer, or licensed pharmacist~~, or~~ to a hospital, college, school, or scientific or public institution, ~~or~~ to any person using any of such poisons in the arts~~,~~ or for industrial, manufacturing, or agricultural purposes~~,~~ and believed to be purchasing any poison for legitimate use, ~~nor shall it apply~~ or to the sales of ~~economic poisons~~ pesticides used in agricultural and industrial arts, or products used for the control of insect or animal pests or weeds or fungus diseases, if ~~; PROVIDED, that~~ in all such cases, except sales for use in industrial arts, manufacturing or processing, the poisons are labeled in accordance with the provisions of section 71-2502.".

2. On page 4, line 25, after "Agriculture" insert "or his or her designee".

3. On page 19, line 26, after "information" insert "relating to the use and distribution of pesticides".

4. On page 29, line 15, strike "or"; in line 19 after "pesticides" insert "; or

(d) Persons who sell only general use pesticides for household use"; in line 21 strike "or to" and insert an underscored comma; in line 22 after "dealer" insert ", or, under rules and regulations adopted by the department, a person who is not a certified applicator for application by a certified applicator".

5. On page 32, line 10, after "171" insert "and any other categories established pursuant to rules and regulations necessary to meet the requirements of the state".

6. On page 38, line 4, after the comma insert "(a)

an individual required to be licensed as a certified applicator may use such pesticides as a noncertified applicator for a period of up to sixty consecutive days. In order to use pesticides as a noncertified applicator, the individual or his or her employer shall apply to the department for a certified applicator license within ten days of making the first pesticide use. An individual may only use pesticides as a noncertified applicator for one sixty-day period. The application for a certified applicator license shall include the name and license number of the certified applicator who is supervising the noncertified applicator. All pesticide uses made by an individual as a noncertified applicator shall be made under the direct supervision of a certified applicator. The certified applicator shall provide such training and supervision as is necessary to: (i) Determine the level of experience and knowledge of the noncertified applicator in the use of a pesticide; (ii) provide verifiable, detailed guidance on how to conduct each individual pesticide use performed under his or her direct supervision; (iii) accompany the noncertified applicator to at least one site which would be typical of each type of pesticide use that the noncertified applicator performs; (iv) be accessible to provide further instructions at all times during the noncertified applicator's use of the pesticide; and (v) be able to be physically on the site, should the need arise, where the pesticide use or storage is taking place within a reasonable period of time. Both the certified and noncertified applicators shall be responsible for the acts of the noncertified applicator and each shall be subject to all penalties and violations under the act. The department may deny or suspend the use of pesticides by a noncertified applicator if it has reasonable cause to believe that such person may not become eligible to become a certified applicator or uses any pesticide in violation of the act; and (b)"; and in lines 16 and 17 and 22 and 23 strike "and may require such records to be kept separate from other business records".

7. On page 43, line 5, after the semicolon, insert ", except that it shall not be unlawful to 9(a) apply a pesticide at any dosage, concentration, or frequency less than that specified on the labeling unless the labeling specifically prohibits deviation from the specified dosage, concentration, or frequency, (b) apply a pesticide against any target pest not specified on the labeling if the application is to the crop, animal, or site specified on the labeling, unless the labeling specifically states that the pesticide may be used only for the pests specified on the labeling, (c) employ any method of application not prohibited by the labeling unless the labeling specifically states that the

product may be applied only by the methods specified on the labeling, (d) mix a pesticide or pesticides with a fertilizer when such mixture is not prohibited by the labeling, (e) use a pesticide in conformance with section 136c, 136p, or 136v of the federal act or section 5 of this act, or (f) in a manner that the director determines to be consistent with the purposes of the Pesticide Act".

8. On page 51, line 24, strike "and 38" and insert "37, and 39".

9. On page 52, line 1, after "2-958" insert ", 71-2510,".

10. Renumber the remaining sections accordingly.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 18, 1993. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Chizek, Gerald E. - Omaha	County Judges Association
Downey, Robert A. - Lincoln	Capital Humane Society
Erickson & Sederstrom, P.C. Thone, Charles - Lincoln	Anderson Management Services, Inc.
Jensen, Ronald L. - Lincoln	Nebraska Association of Private Resources
Licht, Alice L. - Lincoln	Nebraska Lodging Association, Inc.
McFarland, James D. - Lincoln	F & F Oil Company, Inc.
Moors, H. Jack - Lincoln	Nebraskans for HealthCare Equity
Neeson, John L. - Carrickfergus, Northern Ireland (Withdrawn 3/17/93)	Department of Economic Development
Pappas, James E. - Lincoln	Metropolitan Utilities District
Rogers, Carson - Ord	Bunker Hill Cattle Company
Smith, Alvin T. - Lincoln	Nebraskans First
White, Mary R. - Lincoln (Withdrawn 3/15/93)	Nebraska Chamber of Commerce & Industry

MESSAGE FROM THE GOVERNOR

March 18, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that Lora Villarreal has asked that her name be withdrawn for confirmation as a member of the Nebraska State Personnel Board. Thank you for your assistance in this matter.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

RESOLUTION

LEGISLATIVE RESOLUTION 67. Introduced by Lynch, 13.

WHEREAS, the Omaha North High School Vikings won the 1993 Class A State Wrestling Tournament; and

WHEREAS, Curlee Abdul Alexander won the championship in the 103 pound weight division with an undefeated record of 28-0; and

WHEREAS, Chauncey Park won the championship in the 125 pound weight division with an undefeated record of 30-0; and

WHEREAS, Willie Hill won the championship in the 171 pound weight division; and

WHEREAS, Troy Allgood and Ed Enyard placed in their weight divisions; and

WHEREAS, the teamwork and dedication put forth by the Omaha North High School wrestlers and coaches throughout the season built a winning attitude; and

WHEREAS, the achievements of the Omaha North High School wrestling team are deserving of special recognition by the Legislature.

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

1. That the Legislature extends its congratulations and best wishes to the members of the Omaha North High School wrestling team for winning the 1993 Class A State Wrestling Tournament.

2. That a copy of this resolution be sent to the members of the Omaha North High School wrestling team and their head coach, Curlee Alexander.

Laid over.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 51, 52, 54, 55, 58, 59, 60, and 61.

RESOLUTIONS

LEGISLATIVE RESOLUTION 62. Read. Considered.

LR 62 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 63. Read. Considered.

LR 63 was adopted with 23 ayes, 0 nays, and 26 not voting.

LEGISLATIVE RESOLUTION 64. Read. Considered.

LR 64 was adopted with 26 ayes, 0 nays, and 23 not voting.

ANNOUNCEMENT

The Chair announced today is Senator Bromm's birthday.

RESOLUTION

LEGISLATIVE RESOLUTION 65. Read. Considered.

LR 65 was adopted with 27 ayes, 0 nays, and 22 not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 505A. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 505, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

SELECT FILE

LEGISLATIVE BILL 520. Mr. Robinson withdrew his pending motion, found in the Journal on page 1078, to bracket to Thursday, April 2, 1993.

Mr. Robinson moved to bracket LB 520 to Friday, April 2, 1993.

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Robinson motion to bracket lost with 8 ayes, 18 nays, 15 present and not voting, and 8 excused and not voting.

The Withem pending amendment, FA34, found in the Journal on page 1078, to the Robinson pending amendment, AM0927, found in the Journal on page 1076, was renewed.

The Withem amendment was adopted with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

The Robinson amendment, AM0927, found in the Journal on page 1076, as amended, was adopted with 25 ayes, 2 nays, 15 present and not voting, and 7 excused and not voting.

Ms. Schimek moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 10 nays, and 20 not voting.

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

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Rasmussen moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mrs. Rasmussen requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 34:

Abboud	Bohlke	Dierks	Janssen	Rasmussen
Ashford	Bromm	Haberman	Landis	Robak
Avery	Byars	Hartnett	Lynch	Schimek
Baack	Chambers	Hillman	McKenzie	Warner
Bernard-Stevens	Crosby	Hohenstein	Pedersen	Wehrbein
Beutler	Cudaback	Horgan	Pirsch	Wickersham
	Day	Hudkins	Preister	Will

Voting in the negative, 8:

Coordsen	Fisher	Kristensen	Robinson	Schmitt
Elmer	Jones	Moore		

Present and not voting, 3:

Schellpeper	Vrtiska	Witek

Excused and not voting, 4:

Hall Lindsay Wesely Withem

Advanced to E & R for engrossment with 34 ayes, 8 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

ATTORNEY GENERAL'S OPINION

Opinion No. 93018

DATE: March 19, 1993

SUBJECT: Constitutionality of LB 619, an Act Relating To Crimes

REQUESTED BY: Senator Dwite A. Pedersen, 39th District

WRITTEN BY: Don Stenberg, Attorney General
Sam Grimminger, Deputy Attorney General

You have inquired whether LB 619, which provides for a surcharge to be paid by criminal defendants, is valid under the Nebraska constitution. The surcharge, applied to criminal defendants who are convicted, plead guilty, or nolo contendre, is to be deposited into the Victims' Compensation Fund and the Crime Victim and Witness Assistance Fund.

In our opinion, this Act and the mechanism it creates to provide funding for the Victims' funds does not violate the Nebraska constitutional provisions of Article VII, Section 5, which provides that any fines or penalties be paid to the counties to be applied to the common schools. Although the Nebraska Supreme Court as recently as 1990 declined to determine the constitutionality of restitution as provided in Neb. Rev. Stat. §§ 29-2280 to 29-2289 (Reissue 1989), it is our opinion that the surcharge would not operate as a fine or penalty for the purposes of Neb. Const. Art. VII, § 5, but would properly be characterized as liquidated damages collected for the benefit of those who have suffered uncompensated injury by the wrongful acts of criminals.

As a preliminary matter, we note that a statute is presumed to be constitutional, and all reasonable doubts will be resolved in favor of its constitutionality. In Re Application A-16642, 236 Neb. 671, 463 N.W.2d 591 (1990). Further, the party claiming a statute to be unconstitutional has the burden of clearly establishing its unconstitutionality. Haman v. Marsh, 237 Neb. 699, 467 N.W2d 836, (1991). The Nebraska Supreme Court is also obligated to endeavor to interpret a challenged statute in a manner consistent with the Constitution. In Re Application U-2, 226 Neb. 594, 413 N.W.2d 290.

Section 5, Article VII of the Constitution provides: "All fines {and} penalties...arising under the general laws of this state, shall belong and be paid over to the counties respectively...All such fines {and} penalties shall be appropriated exclusively to the use and support of the common schools...where the {penalty or fine} shall accrue." In the drafting of LB 619, it appears the legislature was aware of the above section, as the statute provides: "In addition to any fine or other penalty prescribed by law, a defendant...shall be assessed a surcharge of twenty-five dollars." LB 619 § 1, (1) (1993) (emphasis added). Section 1 (5) further distinguishes between the surcharge and penalties and fines. It is clearly legislative intent that the surcharge not be classified as a fine or penalty for the purposes of Article VII, Section 5. That intent does not control, however, if the Supreme Court determines that despite the legislative intent the legal effect of the surcharge is as a penalty or fine.

Whether an amount collected from a defendant in a civil or criminal action is a penalty or fine has been recurrently addressed by the Supreme Court. See Graham v. Kibble, 9 Neb. 182, 2 N.W. 455 (1879), Phoenix Ins. Co. v. Bohman, 28 Neb. 251, 44 N.W. 111 (1889), Clearwater Bank v. Kurkonski, 45 Neb. 1, 63 N.W. 133 (1895), Sunderland Bros. Co. v. Chicago, B. & Q. R.R. Co., 104 Neb. 319, 177 N.W. 156 (1920), reh'g 104 Neb. 322, 179 N.W. 546 (1920). The Court has continued to make individual determinations under the section, and a review of the more recent cases is illuminating.

In School District of the City of Omaha v. Adams, 147 Neb. 1060, 26 N.W.2d 24 (1946), an amount was collected from the estate of the deceased as a statutory penalty for failure to list certain property for taxation. In the course of determining the proper allocation of funds between the school district and other governmental entities, the Court addressed the constitutionality of the tax penalty in light of Article VII, Section 5:

> Clearly a statutory provision for liquidated damages in favor of a private person where it is not so oppressive as to offend constitutional requirements as to due process, although in the form of a penalty, does not create a penalty that must be apportioned to the use and support of the common schools within the meaning of Section 5, Article VII, of the Constitution.

Id. at 1064. The Court drew a distinction between remedial and penal statutes, in that penal statutes are enforced for punishment and deterrence. Remedial statutes are for the purpose of adjusting the rights of the parties as between themselves in respect to the wrong alleged. The Court in Adams noted the tax penalty served a punitive function as to the wrongdoer, but was remedial as to the taxing bodies. Thus the penalty was held to not be of the type contemplated in Article VII, Section 5. Id. at 1066.

Where damages of a party are difficult to measure, the Court has held that liquidated damages statutes will not be construed as a penalty:

> It is clearly within the province of the Legislature to provide for liquidated damages in favor of a private person, although in the form of a penalty, if the amount provided bears a reasonable relation to the actual damages which might be sustained and which damages are not susceptible of measurement by ordinary pecuniary standards. But where it appears that the provision provides for the payment of an amount clearly in excess of compensatory damages, it is a penalty and violates the due process clause of the Constitution when considered with Article VII, Section 5, thereof.

Abel v. Conover, 170 Neb. 926, 104 N.W.2d 684 (1960). Although the matter in Abel was civil rather than criminal, the reasoning of the court should be relevant in any restitution analysis. The liquidated damages in LB 619 also differ from contractual liquidated damages in two important respects. The surcharge in LB 619 is applied to a fund for all victims of crime, not just for damages between the parties, and the criminal may have paid an amount for fines or penalties or in restitution to the actual victim. However, the mechanism of funding a reserve for the payment of compensation is more efficient and may provide for compensation to victims when the criminal is unable to pay any amount of restitution. In addition, the twenty-five dollar amount is an insignificant amount given the difficulty in determining any precise amount of damages that was inflicted on victims in criminal acts. Neb. Rev. Stat. § 81-1817 (Reissue 1987) provides that compensation for losses and expenses are compensable from the Victims' Compensation Fund only to the extent the victim is not compensated by the offender or certain other parties. Thus the legislature, by charging criminals an amount for liquidating damages which victims have not recovered, provides the victims with a compensatory amount. The surcharge is not punitive in nature.

As early as 1913 the propriety of liquidated damages in a compensatory scheme was clearly established. The United States Supreme Court, surveying Nebraska case law in this area noted: "These cases (referring to Graham, Phoenix Insurance, and others finding penalties) are distinguishable...and the {Nebraska Supreme Court}, in the case at bar, explicitly distinguished them from cases in which liquidated damages were provided for. In other words, the court decided that the statute imposed only compensatory damages, fixing them at a sum certain because of the difficulty 'of the ascertainment of the actual damages suffered by the aggrieved person.'" Chicago, B. & Q. R.R. Co. v. Cram, 228 U.S. 70, 84 (1913) (emphasis added). LB 619 may come closest to resembling an early case dealing with a county official convicted of embezzlement. In Everson v. State, 66 Neb. 154, 92 N.W. 137 (1902), the convicted criminal was statutorily required to pay double the amount embezzled for the use of the party whose money he had embezzled. The court admitted the amount was a fine in the most accurate definition of that term, but stated: "{T}his court has said, in a case involving the same principle, that Section 5 of Article 8 (now article 7) was not intended to deprive the legislature of the power to pass statutes of this character, whereby a fixed sum, in

the nature of liquidated damages, is given to one who has suffered injury by the wrongful act..." Id. at 158.

In DeCamp v. City of Lincoln, 202 Neb. 727, 277 N.W.2d 83 (1979), the Court determined that court costs were not penalties or fines within the meaning of Article VII, Section 5 of the Constitution. Court costs were recognized as different from fines and penalties at the time of enactment of the constitution, so it followed that the framers were aware that they would not be included in the provisions of Article VII, Section 5. In reply to the plaintiffs contention that the court costs were actually penalties in disguise, the Court stated: "The purpose of the costs appears to be compensatory and the record does not contradict that conclusion." Id. at 735. This was contrasted with an earlier case, School District of McCook v. City of McCook, 163 Neb. 817, 81 N.W.2d 224 (1957) in which the Court determined that amounts paid for parking meter violations were punitive in nature. As in Adams, the determination of the punitive or compensatory nature of the statute continued to be controlling.

However, the Court in 1990 left open the issue of whether restitution is constitutional under Article VII, Section 5. In State v. Yost, 235 Neb. 325, 455 N.W.2d 162 (1990), an award including restitution was reviewed for abuse of discretion. The court noted on it's own volition that an issue as to the constitutionality of restitution existed. The court cited State v. War Bonnet, 229 Neb 681, 428 N.W.2d 508 (1988) and State v. Duran, 224 Neb. 774, 401 N.W.2d 482 (1987) holding that restitution ordered by a court is a criminal penalty imposed as punishment for a crime, but also cited State v. Arvizo, 233 Neb. 327, 444 N.W.2d 409 (1989) and State v. Mentzer, 233 Neb. 843, 448 N.W.2d 409 (1989) holding that restitution ordered is properly payable to the victim. The court appears to have invited a future party to challenge Neb. Rev. Stat. §§ 29-2280 to 29-2289, which provide for restitution to victims.

In Duran, the Court held that restitution under Neb. Rev. Stat. § 29-2280 was a criminal penalty. They noted the use of the words "sentencing court" and "sentence" in the statute, and held that as the statute became effective after the date of the crime, to allow restitution under § 29-2280 would be invalid as an ex post facto law. In War Bonnet, the Court held that under § 29-2280 restitution was a criminal penalty, and that the defendant must be made aware of the possibility of restitution before entering a plea bargain. Both cases are distinguishable from the effect of LB 619 however, in that they deal with restitution as it applies to the defendant. As was noted in Adams, a penalty can be both punitive as to the wrongdoer, but remedial to the victim. Thus for the purposes of ex post facto laws and knowledge of possible penalties, restitution is penal in nature. However, for the purposes of Article VII, Section 5, and from the viewpoint of a victim, the surcharge is clearly compensatory in nature. The Courts decisions in Arvizo, and Mentzer allowed restitution to the victim, implicitly holding that restitution is properly payable to the victims. To be properly payable to the victims, the Court must have determined that

restitution is compensatory in nature if it is applied properly in respect to its penal nature.

In our opinion, the provisions of LB 619 are compensatory in nature, and thus are not fines or penalties for the purposes of Article VII, Section 5 of the Constitution. School District of City of Omaha v. Adams, supra, DeCamp v. City of Lincoln, supra. The fact that the surcharge is a fixed amount does not alter the analysis, Abel v. Conover, supra, and Everson v. State, supra. As compensatory in nature, the surcharge is constitutional. See Op. Att'y Gen. 87-013 (Wyo. 1987).

Sincerely,
DON STENBERG
Attorney General
(Signed) Sam Grimminger
Deputy Attorney General

04-10-0

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

LB 833 Tuesday, March 30, 1993 12:00 p.m.

(Signed) Tom Horgan, Chairperson

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 737. Placed on General File as amended.
Standing Committee amendment to LB 737:
AM0748

1. Strike the original sections and insert the following new sections:

"Section 1. That section 81-801, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-801. (1) The Game and Parks Commission shall consist of ~~seven~~ nine members, one from each of the ~~seven~~ nine districts provided for by section 81-801.01, and shall be appointed by the Governor with the consent of a majority ~~of all members~~ of the Legislature. Members of the commission shall be legal residents and citizens of Nebraska, and shall be well informed on wildlife conservation and restoration. At least two members of the commission shall be actually engaged in agricultural pursuits and shall reside on a farm or ranch and not more than ~~four~~ five of the members of the commission shall be affiliated with one political party.

(2) When the term of any member of the commission ~~shall expire~~ expires, the Governor shall appoint a successor for a term of five years from the same district as the member

whose term has expired. Each member shall serve until the appointment and qualification of his or her successor. In case of a vacancy occurring prior to the expiration of the term of a member, the appointment shall be made only for the remainder of the term.

(3) All members of the commission shall be citizens and bona fide residents of the district from which they are appointed. When a member ceases to be a bona fide resident of the district, from which he or she was appointed, ~~his~~ the office shall be immediately vacated.

(4) If the Legislature is not in session when members of the commission are appointed by the Governor, they shall take office and act as recess appointees until the Legislature next thereafter convenes.

(5) Members may be removed by the Governor for inefficiency, neglect of duty, or misconduct in office, but only after delivering to the member a copy of the charges and affording him or her an opportunity of being publicly heard in person or by counsel in his or her own defense, upon not less than ten days' notice. Such hearing shall be held before the Governor.

(6) If such member ~~shall be~~ is removed, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against such member and his or her findings thereon, together with a complete record of the proceedings. No person who has served a full five-year term shall be eligible for reappointment as a member of the commission until at least five years have elapsed between any previous term which he or she might have served, and the effective date of ~~his~~ the new appointment.

Sec. 2. That section 81-801.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-801.01. ~~For the purpose of sections 81-801, 81-801.01 and 81-804, the~~ (1) The state is hereby divided into ~~seven~~ nine districts for purposes of appointing members to the Game and Parks Commission. ~~The~~ One member of the commission shall be appointed from each district.

(2) The limits and designations of the ~~seven~~ nine districts shall be as follows:

~~(1)~~ (a) District No. 1~~. The counties of Richardson, Pawnee, Nemaha, Johnson, Otoe, Cass, Lancaster, Saunders, Butler, Gage, Seward, Saline and Jefferson.~~ shall contain that part of Lancaster County beginning at the intersection of Northwest 56th Street and West Fletcher Avenue, east on West Fletcher Avenue to the corporate limits of the city of Lincoln, east, northwest, east, southeast, and east along the corporate limits of the city of Lincoln to West Fletcher Avenue, east on West Fletcher Avenue to the corporate limits of the city of Lincoln, north along the corporate limits of

the city of Lincoln to U.S. Highway 34, southeast along U.S. Highway 34 to Fletcher Avenue, northeast and east along Fletcher Avenue and continuing east along an east-west line extending from Fletcher Avenue to the corporate limits of the city of Lincoln, east, north, and east along the corporate limits of the city of Lincoln to North 27th Street, south on North 27th Street to the point where the northern corporate limits of the city of Lincoln proceed east again, east following along the corporate limits of the city of Lincoln to the intersection of U.S. Highway 6 and Fletcher Avenue, east on Fletcher Avenue to North 112th Street, south on North 112th Street to Saltillo Road, west on Saltillo Road to Southwest 56th Street, north on Southwest 56th Street to the corporate limits of the city of Lincoln, and north along the corporate limits of the city of Lincoln to the point of beginning;

~~(2)~~ (b) District No. 2. ~~The counties of Sarpy and Douglas.~~ shall contain that part of Douglas County beginning at the intersection of the Platte River and the Dodge-Douglas County line, east along the Dodge-Douglas County line to the Douglas-Washington County line, east along the Douglas-Washington County line to the Nebraska-Iowa state line, south along the Nebraska-Iowa state line to the Union Pacific Railroad right-of-way, west along the Union Pacific Railroad right-of-way to the Burlington Northern Railroad right-of-way, northwest along the Burlington Northern Railroad right-of-way to a point extending due east from Jones Street, west along such line to Jones Street, west on Jones Street to 6th Street, south on 6th Street to Leavenworth Street, west on Leavenworth Street to the Union Pacific Railroad right-of-way, southwest along the Union Pacific Railroad right-of-way to 13th Street, north on 13th Street to Leavenworth Street, west on Leavenworth Street to 16th Street, south on 16th Street to Pierce Street, west on Pierce Street and continuing west along an east-west line extending from Pierce Street to the intersection of 19th and Pierce Streets, west on Pierce Street to 20th Street, north on 20th Street to Pacific Street, west on Pacific Street to Turner Boulevard, southwest and northwest on Turner Boulevard to Pacific Street, west on Pacific Street to 120th Street, south on 120th Street to West Center Road, west on West Center Road to 180th Street, south on 180th Street to the Douglas-Sarpy County line, west along the Douglas-Sarpy County line to the Platte River, and north along the Platte River to the point of beginning;

~~(3)~~ (c) District No. 3. ~~The~~ shall contain the counties of Washington, Dodge, Colfax, Platte, ~~Merrick, Nance, Boone,~~ Madison, Stanton, Cuming, Burt, Thurston, Wayne, Pierce, ~~Antelope, Knox,~~ Cedar, Dixon, and Dakota; ~~.~~

~~(4)~~ (d) District No. 4. ~~The~~ shall contain the counties of Thayer, Nuckolls, Webster, Adams, Clay, Fillmore,

York, Polk, Hamilton, Hall, Buffalo, Kearney, and Franklin; ~~.~~

~~(5)~~ (e) District No. 5. ~~The~~ shall contain the counties of Harlan, Furnas, Red Willow, Hitchcock, Dundy, Chase, Hayes, Frontier, Gosper, Phelps, Dawson, Lincoln, and Perkins; ~~.~~

~~(6)~~ (f) District No. 6. ~~The~~ shall contain the counties of Howard, Greeley, Wheeler, Sherman, Valley, Knox, Antelope, Boone, Nance, Merrick, Garfield, Holt, Boyd, Keya Paha, Rock, Brown, Loup, Blaine, Custer, Logan, McPherson, ~~Arthur, Grant,~~ Hooker, and Thomas; ~~and Cherry.~~

~~(7)~~ (g) District No. 7. ~~The~~ shall contain the counties of Deuel, Garden, Keith, Sheridan, Cherry, Grant, Arthur, Cheyenne, Morrill, Box Butte, Dawes, Sioux, Scotts Bluff, Banner, and Kimball;

(h) District No. 8 shall contain the county of Sarpy and that part of Douglas County not included in District No. 2; and

(i) District No. 9 shall contain the counties of Butler, Saunders, Cass, Otoe, Johnson, Nemaha, Richardson, Pawnee, Gage, Jefferson, Saline, Seward, and that part of Lancaster County not included in District No. 1.

Sec. 4. Each member of the Game and Parks Commission holding office on the effective date of this act shall be eligible to serve the remainder of his or her term, if he or she is otherwise eligible under section 81-801.

Sec. 5. The cities mentioned in section 81-801.01 are the cities set out in the 1990 Census of Population by the United States Department of Commerce, Bureau of the Census. References to any city or the limits thereof shall mean the limits of such city as it existed on April 1, 1990. References to streets, roads, boulevards, avenues, highways, or other public ways, railroad rights-of-way, creeks, or rivers shall mean the center line thereof unless otherwise specifically provided.

Sec. 6. That original sections 81-801 and 81-801.01, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

(Signed) Chris Beutler, Chairperson

SELECT FILE

LEGISLATIVE BILL 332. E & R amendment, AM5393, found in the Journal on page 828, was adopted.

Mr. Beutler withdrew his pending amendment, AM0484, found in the Journal on page 736.

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

Messrs. Ashford and Pedersen asked unanimous consent to be excused. No objections. So ordered.

Mr. Haberman renewed his pending amendment, AM0890, found in the Journal on page 1091.

Mr. Schellpeper offered the following amendment to the Haberman pending amendment:
AM0929

(Amendments to AM0890)

1. Strike original sections 2 and 5.

2. On page 1, line 8, strike "to 4" and insert "and 3"; and in lines 22 and 23 strike "the keg identification number,".

3. On page 2, strike beginning with "The" in line 8 through the period in line 22; and in line 27 strike the new matter.

4. On page 3, strike beginning with "alters" in line 1 through "(2)" in line 6; in line 9 strike "3" and insert "2"; and strike beginning with the second "or" in line 11 through "officer" in line 14.

5. On page 5, strike beginning with "sections" in line 6 through "respectively" in line 8 and insert "section 53-101, Revised Statutes Supplement, 1992, as amended by section 1".

6. Renumber remaining sections accordingly.

Ms. Schimek, Messrs. Dierks, and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis and Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schellpeper amendment lost with 11 ayes, 14 nays, 11 present and not voting, and 13 excused and not voting.

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Haberman moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Abboud	Crosby	Haberman	Pirsch	Vrtiska
Baack	Cudaback	Hillman	Preister	Warner
Bohlke	Dierks	Hudkins	Schimek	Wehrbein
Byars	Elmer	Jones	Schmitt	Witek
Coordsen	Fisher	Kristensen		

Voting in the negative, 6:

Day	Hohenstein	Janssen	Schellpeper	Will
Hartnett				

Present and not voting, 11:

Avery	Bromm	Lindsay	McKenzie	Rasmussen
Bernard-Stevens	Chambers	Lynch	Moore	Wickersham
	Horgan			

Absent and not voting, 1:

Robinson

Excused and not voting, 8:

Ashford	Hall	Pedersen	Wesely	Withem
Beutler	Landis	Robak		

The Haberman amendment lost with 23 ayes, 6 nays, 11 present and not voting, 1 absent and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

Mr. Haberman offered the following amendment:
FA35

Amend LB 332 as amended by AM0890, on page 1, strike all of line 13 through the first period in line 14.

Pending.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Bromm asked unanimous consent to have his name added as cointroducer to LB 505. No objections. So ordered.

ANNOUNCEMENT

Speaker Baack announced his priority bills and resolutions as follows: LBs 28, 76, 237, 239, 249, 254, 310, 381, 397, 480, 491, 496, 501, 511, 516, 518, 522, 528, 639, 693, 696, 762, 783, LR 8CA, and LR 15CA.

VISITORS

Visitors to the Chamber were Dan Hunt, Tammy McManigal, and Julie Kuhr from Blair; Judy Brandeburgh, Scott and Pat Mueller, and Steve and Susan Wellman from Syracuse; 37 seventh and eighth grade students and sponsor from District 9 School, Columbus; and 11 fourth through seventh grade students and sponsor from Immanuel Lutheran, Polk.

The Doctor of the Day was Clarence Davis from Osceola.

ADJOURNMENT

At 12:06 p.m., on a motion by Mr. Bromm, the Legislature adjourned until 9:00 a.m., Monday, March 22, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-SIXTH DAY - MARCH 22, 1993

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 22, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Kristensen and Robinson who were excused; and Messrs. Abboud, Ashford, Avery, Bernard-Stevens, Lindsay, Lynch, Moore, Warner, Mmes. Pirsch, and Rasmussen who were excused until they arrive.

PRESIDENT MOUL PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fifth day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 62, 63, 64, and 65.

RESOLUTION

LEGISLATIVE RESOLUTION 66. Read. Considered.

LR 66 was adopted with 30 ayes, 0 nays, and 19 not voting.

GENERAL FILE

LEGISLATIVE BILL 305A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 453A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 588. E & R amendment, AM5401, printed separately from the Journal and referred to on page 966, was adopted.

Mr. Baack renewed his pending amendment, AM0908, found in the Journal on page 1099.

The Baack amendment was adopted with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

Mr. Beutler offered the following amendment:
FA36
On page 4, line 13 change the word "Agriculture" to "Environmental Quality" and,
On page 4, line 25 change the word "Agriculture" to "Environmental Quality"

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

The Beutler amendment lost with 9 ayes, 21 nays, 10 present and not voting, and 9 excused and not voting.

Mr. Elmer offered the following amendment:
FA37
To strike Section 8 of the Standing Committee amendment to LB 588.

Mr. Elmer withdrew his amendment.

Mr. Beutler offered the following amendment:
FA38
Add the following new section:
"Notwithstanding any other provision of this act, enforcement of limited use of pesticides for the protection of ground water shall be through the creation and administration of special ground water quality protection areas unless and until the department shall determine that

such enforcement in a designated area is ineffectual. The department may create special ground water quality protection areas or require new action plans of existing areas by following the procedures designated in the Nebraska Ground Water Management and Protection Act for the creation or attention of special ground water quality protection areas by the Department of Environmental Quality."

The Beutler amendment lost with 10 ayes, 20 nays, 13 present and not voting, and 6 excused and not voting.

Mr. Beutler offered the following amendment:
FA39

On p. 11, line 27 of AM5401:

after department, insert ", with the approval of the Department of Environmental Quality and the Department of Health,

On p. 12, line 4:

after detected ~~strike the semicolon and~~ insert ", which plan shall not be originally adopted before reasonably noticed public hearings are held in at least one location in all three congressional districts

Messrs. Wehrbein and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Mr. Jones moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Beutler amendment lost with 6 ayes, 19 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Beutler offered the following amendment:
FA40

On page 13 line 9 after the word "pesticides" add the word "fertilizers"

On page 13, line 10 after the word "pesticide" add the word "fertilizers"

On page 13 line 12 after the word "pesticides" add the word "and fertilizers"

On page 13 line 15 after the word pesticides add the words "and fertilizers"

Mr. Beutler withdrew his amendment.

Pending.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 779. Placed on General File.

LEGISLATIVE BILL 114. Indefinitely postponed.
LEGISLATIVE BILL 269. Indefinitely postponed.
LEGISLATIVE BILL 304. Indefinitely postponed.
LEGISLATIVE BILL 432. Indefinitely postponed.
LEGISLATIVE BILL 483. Indefinitely postponed.
LEGISLATIVE BILL 519. Indefinitely postponed.
LEGISLATIVE BILL 638. Indefinitely postponed.
LEGISLATIVE BILL 716. Indefinitely postponed.
LEGISLATIVE BILL 723. Indefinitely postponed.
LEGISLATIVE BILL 790. Indefinitely postponed.

LEGISLATIVE RESOLUTION 2CA. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 500A. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 500, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 349A. Introduced by Withem, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 349, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 725A. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 725, Ninety-third Legislature, First Session, 1993.

SELECT FILE

LEGISLATIVE BILL 588. Mr. Elmer offered the following amendment:
FA41
Amend AM5401 as follows
on Page 15, line 24, strike the words "transportation, storage"

The Elmer amendment lost with 1 aye, 18 nays, 25 present and not voting, and 5 excused and not voting.

Mr. Beutler offered the following amendment:
AM0953

(Amendments to E & R amendments, AM5401)

1. Strike original section 13 and insert the following new section:

"Sec. 13. (1) Commencing January 1, 1994, there is hereby imposed an annual registration fee on pesticides distributed in this state which shall be paid by the applicant on each pesticide registered.

(2) The fee shall be equal to one-quarter of one cent per dollar of gross retail sales of each pesticide distributed in Nebraska during any part of the preceding calendar year. The fee may be increased or decreased by the director after a public hearing outlining the reasons for any proposed change in the fee. In no event shall such fee exceed one-half of one cent per dollar of gross retail sales for each pesticide to be registered. All fees collected shall be remitted to the State Treasurer for credit as follows:

(a) Thirty dollars of each such fee to the Noxious Weed Cash Fund as provided in section 2-958; and

(b) The remainder to the Pesticide Administrative Cash Fund.

(3) If a person fails to apply for renewal of registration before January 31 of any year, such person, as a condition to renewal, shall pay a late registration fee equal to twenty-five percent of the fee due and owing per month, not to exceed one hundred percent, for each product to be renewed in addition to the renewal fee.

(4) Fees payable under this section shall be collected by the Department of Revenue and shall be due on or before January 31 each year. Payment of the fees shall be accompanied by reports setting forth the gross retail sales of pesticides manufactured by the payor for distribution in this state during the relevant period. Reports shall be on forms provided by the department and shall include such other information as the Tax Commissioner may deem necessary.

(5) The Tax Commissioner shall adopt and promulgate rules and regulations necessary to carry out this section.".

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

The Beutler amendment lost with 12 ayes, 21 nays, 10 present and not voting, and 6 excused and not voting.

Pending.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 725. No objections. So ordered.

UNANIMOUS CONSENT - Announcement

Mr. Abboud asked unanimous consent to permit the Business and Labor Committee to conduct its hearings on March 22, 1993, in Room 1517, and to permit the Education Committee to meet in Room 2102. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Judiciary

LB 82	Tuesday, March 30, 1993	1:30 p.m.
LB 254	Tuesday, March 30, 1993	1:30 p.m.
LB 308	Tuesday, March 30, 1993	1:30 p.m.
LB 450	Tuesday, March 30, 1993	1:30 p.m.
LB 568	Tuesday, March 30, 1993	1:30 p.m.
LB 735	Tuesday, March 30, 1993	1:30 p.m.
LB 832	Tuesday, March 30, 1993	1:30 p.m.

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Hudkins asked unanimous consent to print the following amendment to LB 575 in the Journal. No objections. So ordered.

AM0911

1. Insert the following new section:

"Section 1. That section 28-306, Revised Statutes Supplement, 1992, be amended to read as follows:

28-306. (1) A person who causes the death of another unintentionally while engaged in the operation of a motor vehicle in violation of the law of the State of Nebraska or in violation of any city or village ordinance commits motor vehicle homicide.

(2) Except as provided in subsection (3) of this section, motor vehicle homicide is a Class I misdemeanor.

(3)(a) If the proximate cause of the death of another is the operation of a motor vehicle in violation of section 39-669.01 or 39-669.03, motor vehicle homicide is a Class IV felony.

(b) If the proximate cause of the death of another is the operation of a motor vehicle in violation of section 39-669.07, motor vehicle homicide is a Class ~~IV~~ III felony and

the court shall, as part of the judgment of conviction, order the person not to drive any motor vehicle for any purpose for a period of at least sixty days and not more than fifteen years from the date ordered by the court and shall order that the operator's license of such person be revoked for the same period. The revocation shall not run concurrently with any jail term imposed.".

2. In the Standing Committee amendments, AM0531, on page 37, line 15, after "sections" insert "28-306,".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Coordsen asked unanimous consent to print the following amendment to LB 346 in the Journal. No objections. So ordered.

AM0977

1. Insert the following new section:

"Sec. 20. (1) Rental companies engaged in the business of renting private passenger motor vehicles used to carry fifteen passengers or less for periods of thirty-one days or less shall collect, at the time the vehicle is rented in Nebraska, a fee of four and one-half percent of each rental contract amount, not including sales tax. For purposes of this section, a vehicle is rented in Nebraska if it is picked up by the renter in Nebraska. The fee shall be computed in accordance with the method used for the sales tax imposed by the state. The fee shall not be subject to sales tax. The fee shall be noted in the rental contract and collected in accordance with the terms of the contract. The fee shall be retained by the vehicle owner or the rental company engaged in the business of renting private passenger motor vehicles. Fees collected pursuant to this section may be used only by the vehicle owner or the rental company for reimbursement of the amount of personal property taxes imposed and paid in Nebraska upon the vehicles by the vehicle owner or rental company.

(2) On February 15 of each year, the fees imposed by this section for the preceding calendar year, to the extent the fees exceed the personal property taxes imposed in Nebraska upon the vehicles for the preceding calendar year, shall be due and payable to the county treasurer of the county where the transactions occurred. The fee shall be remitted in the form prescribed by the county treasurer. The county shall allocate and distribute such proceeds in the same manner as the proceeds from motor vehicle taxes are allocated and distributed pursuant to section 77-1240.01. The revenue received by the county under this section may be expended for any lawful purpose.

(3) The revenue received by the county under this

section shall be included and considered as proceeds of motor vehicle taxes for purposes of any growth limitation on budgets of political subdivisions funded by property taxes.

(4) The fee imposed under this section shall be in addition to any other tax authorized by law to be levied on the business activities described in this section and shall be in addition to the sales tax imposed by the state or any municipality.

(5) The county treasurer, county board, and sheriff may use any method specified in Chapter 77, article 17, for the collection of property taxes to collect the fee imposed by this section.".

2. Renumber the remaining sections accordingly.

Messrs. Hartnett and Will asked unanimous consent to print the following amendment to LB 332 in the Journal. No objections. So ordered.

AM0972

1. Insert the following new section:

"Sec. 5. The commission shall issue a report to the Legislature on or before December 1 of each year commencing on December 1, 1994, concerning the effectiveness of keg registration legislation on deterring use of alcoholic liquor by minors and other issues relating to keg registration and may include recommendations to improve the effectiveness of such legislation.".

2. On page 2, line 3, strike "4" and insert "5".

3. Renumber the remaining sections accordingly.

Mr. Lynch asked unanimous consent to print the following amendment to LB 505 in the Journal. No objections. So ordered.

AM0961

(Amendments to Standing Committee amendments, AM0802)

1. Insert the following new section:

"Sec. 11. The Legislature recognizes the importance of independent colleges and universities in meeting the health care needs of Nebraska, as evidenced by the fact that about one-half the baccalaureate and professional degrees in the health sciences in this state are awarded by Nebraska independent colleges and universities. For fiscal years 1993-94 and 1994-95, it is the intent of the Legislature that any appropriation to the Postsecondary Education Award Program in excess of three hundred twenty-five thousand dollars per year shall be earmarked for the purpose of assisting undergraduate students who are enrolled in nursing programs, allied health professional programs as defined in section 4 of this act, or preparatory programs for the nursing, allied

health, medical, or dental fields. Any financial aid director of any eligible institution who has discretionary authority to make awards pursuant to the Postsecondary Education Award Program may give preferential consideration to those students who are found to be most likely to practice in a designated medical profession shortage area as defined in such section.".

2. Renumber the remaining section accordingly.

VISITORS

Visitors to the Chamber were a group of tenth and eleventh grade members and sponsors of the Nebraska Farm Bureau from across the state; Senator Rasmussen's daughter, Janine, and Rachel Guerber from California; 16 seniors and teacher from Stratton High School; and 23 eighth grade students and sponsor from Humphrey St. Francis, Humphrey.

ADJOURNMENT

At 12:09 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Tuesday, March 23, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-SEVENTH DAY - MARCH 23, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 23, 1993

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor John Fale, Lutheran Community Hospital, Norfolk, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Kristensen, Robinson, Mmes. Pirsch, and Rasmussen who were excused; and Messrs. Abboud, Ashford, Avery, Beutler, Chambers, Coordsen, Hall, Landis, Lindsay, Moore, Pedersen, Warner, Wehrbein, Wesely, Will, Withem, Mrs. Hillman, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

UNANIMOUS CONSENT - Print in Journal

Messrs. Schellpeper and Will asked unanimous consent to print the following amendment to LB 471 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0804.)

PROPOSED RULE CHANGE

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

Amend Rule 6, Section 3(h) as follows:
(h) If, in the opinion of the Speaker, the bill is in such form that it should properly be referred back to committee for further action, he or she may by order direct the same; Provided, that a majority of the elected members may overrule the decision of the Speaker. Any motion to amend a bill or an amendment to an amendment shall require a majority vote of the elected members ~~and any amendment to an amendment shall require a majority vote of the members voting. Any motion to amend an appropriation bill or a motion to amend an amendment to an appropriation bill shall require a majority vote of the elected members~~.

Referred to the Rules Committee.

MESSAGE FROM THE GOVERNOR

March 22, 1993

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 91, 112, 122, 192, 215, 288, and 356 were received in my office on March 17, 1993: Engrossed Legislative Bills 111, 230, 270, and 283 were received on March 18, 1993.

These bills were signed by me on March 22, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

REPORT

Received minutes from the Nebraska Department of Roads of the Board of Public Roads Classifications and Standards for February 1993.

RESOLUTION

LEGISLATIVE RESOLUTION 67. Read. Considered.

LR 67 was adopted with 19 ayes, 0 nays, and 30 not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 66.

SELECT FILE

LEGISLATIVE BILL 588. Mr. Beutler offered the following amendment:
AM0997

(Amendments to E & R amendments, AM5401)

1. Strike the original section 13 and insert the following new section:

"Sec. 13. (1) Commencing January 1, 1994, there is hereby imposed an annual registration fee on pesticides distributed in this state which shall be paid by the applicant on each pesticide registered.

(2) The fee shall be equal to one hundred dollars for each pesticide distributed in Nebraska during any part of the preceding calendar year. The fee may be increased by the director after a public hearing outlining the reasons for any proposed increase in the fee. Any increase above the one-hundred-dollar fee shall be based upon gross retail sales for each pesticide registered and such increase shall not exceed one-quarter of one cent per dollar of such gross retail sales. All fees collected shall be remitted to the State Treasurer for credit as follows:

(a) Thirty dollars of each such fee to the Noxious Weed Cash Fund as provided in section 2-958; and

(b) The remainder to the Pesticide Administrative Cash Fund.

(3) If a person fails to apply for renewal of registration before January 31 of any year, such person, as a condition to renewal, shall pay a late registration fee equal to twenty-five percent of the fee due and owing per month, not to exceed one hundred percent, for each product to be renewed in addition to the renewal fee.

(4) Fees payable under this section shall be collected by the Department of Revenue and shall be due on or before January 31 each year. Payment of the fees shall be accompanied by reports setting forth the gross retail sales of pesticides manufactured by the payor for distribution in this state during the relevant period. Reports shall be on forms provided by the department and shall include such other information as the Tax Commissioner may deem necessary.

(5) The Tax Commissioner shall adopt and promulgate rules and regulations necessary to carry out this section.".

Mr. Beutler requested a record vote on his amendment.

Voting in the affirmative, 10:

Ashford	Chambers	Hartnett	Preister	Will
Beutler	Crosby	Lynch	Schimek	Witek

Voting in the negative, 18:

Baack	Cudaback	Hohenstein	McKenzie	Vrtiska
Bohlke	Day	Hudkins	Pedersen	Warner
Bromm	Dierks	Janssen	Schellpeper	Wehrbein
Byars	Fisher	Jones		

Present and not voting, 9:

Avery	Elmer	Hillman	Robak	Wickersham
Bernard-Stevens	Haberman	Horgan	Schmitt	

Excused and not voting, 12:

Abboud	Kristensen	Moore	Rasmussen	Wesely
Coordsen	Landis	Pirsch	Robinson	Withem
Hall	Lindsay			

The Beutler amendment lost with 10 ayes, 18 nays, 9 present and not voting, and 12 excused and not voting.

Mr. Avery offered the following amendment:
AM0986

(Amendments to E & R amendments, AM5401)

1. Insert the following new section:

"Sec. 6. (1) There is hereby created a Rules and Regulations Committee consisting of the Director of Agriculture, Director of Environmental Quality, Director of Natural Resources, Director of Water Resources, and Director of Health or the designated representative of any of such directors. The committee shall adopt and promulgate such rules and regulations as are necessary for the enforcement and administration of the Pesticide Act, including, but not limited to, regulations providing for:

(a) The collection of samples, examination of records, and reporting of information by persons subject to the Pesticide Act;

(b) The safe handling, transportation, storage, display, distribution, use, and disposal of pesticides and their containers;

(c) Labeling requirements of all pesticides required

to be registered under provisions of the act, except that such regulations shall not impose any requirements for federally registered labels contrary to those required pursuant to the federal act;

(d) Classes of devices which shall be subject to the Pesticide Act;

(e) Reporting and record-keeping requirements for persons distributing or using pesticide products made available under section 136p of the federal act; and

(f) Methods to be used in the application of pesticides when the department finds that such regulations are necessary to carry out the purpose and intent of the Pesticide Act. Such regulations may include methods to be used in the application of a restricted-use pesticide, may relate to the time, place, manner, methods, materials, amounts, and concentrations in connection with the application of the pesticide, and may restrict or prohibit use of the pesticides in designated areas during specified periods of time. The regulations shall encompass all reasonable factors which the department deems necessary to prevent damage or injury by drift or misapplication to (i) plants, including forage plants, or adjacent or nearby lands, (ii) wildlife in the adjoining or nearby areas, (iii) fish and other aquatic life in waters in reasonable proximity to the area to be treated, (iv) surface water or ground water, and (v) humans, animals, or beneficial insects. In adopting and promulgating such regulations, the department shall give consideration to pertinent research findings and recommendations of other agencies of the state, the federal government, or other reliable sources. The department may, by regulation, require that notice of a proposed application of a pesticide be given to landowners whose property is adjacent to the property to be treated or in the immediate vicinity thereof if the department finds that such notice is necessary to carry out the purpose of the act;

(g) State-limited-use pesticides for the state or for designated areas in the state;

(h) Establishment of the amount of any fee or fine as directed by the act; and

(i) Establishment of the components of any state management plan.

(2) The director shall be the chairperson of such committee. The committee shall meet at least annually to review such rules and regulations with regard to all aspects of the Pesticide Act and to make amendments thereto.".

2. On page 1, line 3, strike "34" and insert "35".

3. On page 4, line 5, strike "17" and insert "18"; in line 8 strike "14" and insert "15".

4. On page 8, line 2, strike "7 and 8" and insert

"8 and 9".

5. On page 12, line 27, after the last "The" insert "Nebraska".

6. On page 15, strike beginning with "To" in line 17 through line 27.

7. On page 16, strike lines 1 through 27.

8. On page 17, strike lines 1 through 14; and in line 15 strike "(4)".

9. On page 18, in line 8, strike "(5)" and insert "(4)"; in line 10 strike "(6)" and insert "(5)"; in line 20 strike "(7)" and insert "(6)"; and in line 27 strike "(8)" and insert "(7)".

10. On page 19, line 5, strike "(9)" and insert "(8)"; in line 21 strike "(10)" and insert "(9)"; and in line 25 strike "(11)" and insert "(10)".

11. On page 20, line 1, strike "(12)" and insert "(11)"; in line 7 strike "(13)" and insert "(12)"; in line 12 strike "(14)" and insert "(13)"; and in line 19 strike "(15)" and insert "(14)".

12. On page 21, line 6, strike "(16)" and insert "(15)"; in line 9 strike "(17)" and insert "(16)"; in line 13 strike "(18)" and insert "(17)"; in line 16 strike "(19)" and insert "(18)"; and in line 19 strike "(20)" and insert "(19)".

13. On page 22, line 11, strike "8" and insert "9".

14. On page 28, line 6, strike "7 to 12" and insert "8 to 13".

15. On page 29, line 10, strike "15 to 21" and insert "16 to 22".

16. On page 34, line 19; and page 35, line 21, strike "16 and 19" and insert "17 and 20".

17. On page 37, line 20, strike "17" and insert "18".

18. On page 38, line 4, strike "15 to 21" and insert "16 to 22".

19. On page 44, line 1, strike "23" and insert "24".

20. On page 47, line 1, strike "(8)" and insert "(7)" and strike "5" and insert "6".

21. On page 49, line 2, strike "15 to 22" and insert "16 to 23".

22. On page 50, line 4, strike "13" and insert "14".

23. On page 51, line 24, strike beginning with "7" through "38" and insert "8 to 15, 36, 37, and 39".

24. Renumber the remaining sections accordingly.

The Avery amendment lost with 11 ayes, 15 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Beutler offered the following amendment:
AM0994

(Amendments to E & R amendments, AM5401)

1. On page 12, line 16, after "Act" insert "or as provided in this section"; and after line 20 insert

"The department may delegate to cities of the metropolitan and primary classes authority to implement and enforce a pesticide regulation program, consistent with the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 et seq. Any delegation of authority to such cities may be revoked by the department at any time. Such program may include injunctive relief, civil penalties, and criminal fines. Nothing in this section shall preclude the regulation of pesticides by resolution, ordinance, or regulation not in actual conflict with the state pollution control regulations.".

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler withdrew his amendment.

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

Mr. Avery offered the following amendment:
FA42

On page 15 line 19 strike ", including" and insert (1) There is hereby created a Rules and Regulations Advisory Committee consisting of the Director of Agriculture, Director of Environmental Quality, Director of Natural Resources, Director of Water Resources, and Director of Health or the designated representative of any of such directors. The committee shall advise the dept of Agr. in the adoption and promulgation of such rules and regulations as are necessary for the enforcement and administration of the Pesticide Act. These regulations shall include, but not be limited to, regulations providing for:

MRS. CROSBY PRESIDING

The Avery amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 588A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 332. Mr. Horgan moved to reconsider the vote on the Haberman amendment, AM0890, found in the Journal on page 1091, and considered on page 1113.

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Horgan motion to reconsider prevailed with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

The Haberman amendment, AM0890, found in the Journal on page 1091, and considered on page 1113, was reconsidered.

The Haberman amendment was adopted with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

Mr. Haberman renewed his pending amendment, FA35, found in the Journal on page 1114.

The Haberman amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Messrs. Hartnett and Will renewed their pending amendment, AM0972, found in the Journal on page 1123.

SPEAKER BAACK PRESIDING

The Hartnett-Will amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 155. Advanced to E & R for engrossment.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE RESOLUTION 9. Indefinitely postponed.

LEGISLATIVE BILL 752. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 597A. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 597, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 301A. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 301, Ninety-third Legislature, First Session, 1993.

GENERAL FILE

LEGISLATIVE BILL 505. Title read. Considered.

Standing Committee amendment, AM0802, found in the Journal on page 1039, was considered.

Mr. Lynch renewed his pending amendment, AM0961, found in the Journal on page 1123, to the Standing Committee amendment.

Mr. Lynch moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Lynch requested a roll call vote on his amendment.

Mr. Wesely requested the roll call vote be taken in reverse order.

Voting in the affirmative, 18:

Ashford	Crosby	Horgan	Lynch	Schmitt
Avery	Dierks	Janssen	McKenzie	Vrtiska
Bernard-Stevens	Fisher	Jones	Preister	Will
	Hartnett	Lindsay	Robak	

Voting in the negative, 19:

Baack	Chambers	Elmer	Pedersen	Wehrbein
Beutler	Coordsen	Hillman	Schellpeper	Wesely
Bromm	Cudaback	Hohenstein	Schimek	Wickersham
Byars	Day	Hudkins	Warner	

Present and not voting, 1:

Haberman

Absent and not voting, 1:

Witek

Excused and not voting, 10:

Abboud	Hall	Landis	Pirsch	Robinson
Bohlke	Kristensen	Moore	Rasmussen	Withem

The Lynch amendment lost with 18 ayes, 19 nays, 1 present and not voting, 1 absent and not voting, and 10 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Beutler asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 505A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 575. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5424.)

LEGISLATIVE BILL 305. Placed on Select File as amended.
E & R amendment to LB 305:
AM5425

1. In the Baack amendment, AM0028, on page 4, line 15, strike "for".

2. On page 1, line 1, strike "telecommunication equipment" and insert "telecommunications"; in line 2 after the first comma insert "86-1002, and 86-1005,"; in line 3 strike "redefine a"; and strike line 4 and insert "restate intent; to provide, change, and eliminate definitions; to rename a fund; to provide for the transfer of funds; to change provisions relating to a surcharge; to require certain reports regarding 911 service;".

3. On page 2, line 11, after "week" insert an underscored comma.

4. On page 3, line 4, strike "that"; and in line 14 strike "effective" and insert "operative".

LEGISLATIVE BILL 305A. Placed on Select File.

LEGISLATIVE BILL 453. Placed on Select File as amended.
E & R amendment to LB 453:
AM5426

1. On page 2, line 14, strike "state" and insert "statewide".

2. On page 3, line 3, after "purposes" insert a comma; and in line 4 strike the first "office" and insert "division".

LEGISLATIVE BILL 453A. Placed on Select File.

LEGISLATIVE BILL 563. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5428.)

LEGISLATIVE BILL 510. Placed on Select File as amended.
E & R amendment to LB 510:
AM5430

1. In the Standing Committee amendment, AM0594, on page 1, line 3, after "license" insert "issued pursuant to section 71-1911".

2. On page 1, line 3, after the semicolon insert "to change license requirements for early childhood programs;"; and in line 4 strike "for early childhood programs".

3. On page 3, line 5, after "requirements" insert "and standards"; and in line 18 strike "to" and insert "with".

4. On page 5, line 23, strike "subdivision" and insert "subsection".

LEGISLATIVE BILL 498. Placed on Select File as amended.
E & R amendment to LB 498:
AM5432

1. On page 1, line 7, after the semicolon insert "to change board membership provisions;"; in line 9 strike "discharge and changes in"; and in line 10 after "treatment" insert ", discharge, and seizure".

2. On page 7, line 13, after the first comma insert "a" and after "or" insert "any"; and in line 16 strike the first "within" and insert "with".

LEGISLATIVE BILL 498A. Placed on Select File.

LEGISLATIVE BILL 201. Placed on Select File as amended.
E & R amendment to LB 201:
AM5427

1. On page 6, line 22, after the stricken matter

2 insert "included".

LEGISLATIVE BILL 830. Placed on Select File.

LEGISLATIVE BILL 387. Placed on Select File as amended.
E & R amendment to LB 387:
AM5429
1 1. On page 1, line 3, after the semicolon insert
2 "to provide for the submission and classification of data;".

LEGISLATIVE BILL 517. Placed on Select File.

LEGISLATIVE BILL 817. Placed on Select File as amended.
E & R amendment to LB 817:
AM5431
1 1. On page 2, line 25, strike "cooperative"; and in
2 line 27 before "agreement" insert "proposed".

LEGISLATIVE BILL 720. Placed on Select File.
LEGISLATIVE BILL 472. Placed on Select File.
LEGISLATIVE BILL 435. Placed on Select File.

(Signed) Kurt A. Hohenstein, Chairperson

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 570. Placed on General File.

LEGISLATIVE BILL 237. Placed on General File as amended.
Standing Committee amendment to LB 237:
AM0827
1 1. Insert the following new sections:
2 "Section 1. That section 66-1519, Revised Statutes
3 Supplement, 1992, be amended to read as follows:
4 66-1519. There is hereby created the Petroleum
5 Release Remedial Action Cash Fund to be administered by the
6 department. Revenue from the following sources shall be
7 remitted to the State Treasurer for credit to the fund:
8 (1) The fees imposed by sections 66-1520 and
9 66-1521;
10 (2) Money paid under an agreement, stipulation,
11 cost-recovery award under section 66-1529.02, or settlement;
12 and
13 (3) Money received by the department in the form of
14 gifts, grants, reimbursements, property liquidations, or
15 appropriations from any source intended to be used for the
16 purposes of the fund.
17 Money in the fund may only be spent for: (a)

Reimbursement for the costs of remedial action by a responsible person or his or her designated representative and costs of remedial action undertaken by the department in response to a release first reported after July 17, 1983, and on or before December 31, 1998, including reimbursement for damages caused by the department or a person acting at the department's direction while investigating or inspecting or during remedial action on property other than property on which a release or suspected release has occurred; (b) payment of any amount due from a third-party claim; (c) fee collection expenses incurred by the State Fire Marshal; (d) direct expenses incurred by the department in carrying out the Petroleum Release Remedial Action Act; and (e) appraisal and other costs related to tangible personal property as provided in section 66-1529.01.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 4. That section 66-1529.02, Revised Statutes Supplement, 1992, be amended to read as follows:

66-1529.02. (1) The department may undertake remedial actions in response to a release first reported after July 17, 1983, and on or before December 31, 1998, with money available in the fund if:

(a) The responsible person cannot be identified or located;

(b) An identified responsible person cannot or will not comply with the remedial action requirements; or

(c) Immediate remedial action is necessary, as determined by the Director of Environmental Control, to protect human health or the environment.

(2) The department may pay the costs of a third-party claim meeting the requirements of subdivision (2)(f) of section 66-1525 with money available in the fund if the responsible person cannot or will not pay the third-party claim.

(3) Reimbursement for any damages caused by the department or a person acting at the department's direction while investigating or inspecting or during remedial action on property other than property on which a release or suspected release has occurred shall be considered as part of the cost of remedial action involving the site where the release or suspected release occurred. The costs shall be reimbursed from money available in the fund. If such reimbursement is deemed inadequate by the party claiming the damages, the party's claim for damages caused by the department shall be filed as provided in section 76-705.

(4) All expenses paid from the fund under this section, court costs, and attorney's fees may be recovered in

a civil action in the district court of Lancaster County. The action may be brought by the county attorney or Attorney General at the request of the director against the responsible person. All recovered expenses shall be deposited into the fund.".

2. On page 2, line 8; page 3, line 4; and page 4, line 7, after the last comma insert "and on or before December 31, 1998,".

3. On page 6, line 14, strike "66-1523 and 66-1525" and insert "66-1519, 66-1523, 66-1525, and 66-1529.02".

4. Renumber the remaining sections accordingly.

(Signed) Chris Beutler, Chairperson

GENERAL FILE

LEGISLATIVE BILL 627. The pending Standing Committee amendment, AM0712, printed separately from the Journal and referred to on page 895, and considered on page 1046, was renewed.

Mr. Hohenstein withdrew his pending amendment, AM0863, printed separately from the Journal and referred to on page 1020.

Messrs. Chambers, Hohenstein, and Abboud offered the following amendment to the Standing Committee amendment:
AM0944

(Amendments to Standing Committee amendments, AM0712)

1. Strike sections 1 and 3 to 9.

2. On page 2, line 23, strike "subsection (2)", show as stricken, and insert "subsections (2) and (3)".

3. On page 10, line 11, strike "(3)" and insert "(2)"; and in line 12 after "Services" insert "for".

4. On page 11, strike beginning with "sections" in line 8 through "1992" in line 11 and insert "section 29-2204, Reissue Revised Statutes of Nebraska, 1943".

5. Renumber the remaining sections accordingly.

Mr. Byars asked unanimous consent to be excused. No objections. So ordered.

The Chambers-Hohenstein-Abboud amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mrs. Witek moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 11 nays, and 21 not voting.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 260. Placed on General File.
LEGISLATIVE BILL 506. Placed on General File.

LEGISLATIVE BILL 168. Indefinitely postponed.
LEGISLATIVE BILL 636. Indefinitely postponed.
LEGISLATIVE BILL 828. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

Urban Affairs

LEGISLATIVE BILL 78. Placed on General File.
LEGISLATIVE BILL 632. Placed on General File.
LEGISLATIVE BILL 750. Placed on General File.

LEGISLATIVE BILL 85. Placed on General File as amended.
Standing Committee amendment to LB 85:
AM0964

1. Strike the original sections and insert the following new sections:

"Section 1. That section 19-1827, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-1827. (1) There is hereby created, in cities in the State of Nebraska having a population of more than five thousand and having full-time police officers or full-time firefighters, a civil service commission, except in cities with a population in excess of forty thousand which have or may adopt a home rule charter pursuant to ~~sections 2 to 5 of~~ Article XI, sections 2 to 5, of the Constitution of ~~this state~~ Nebraska. Any city or village having a population of five thousand or less may adopt the Civil Service Act and create a civil service commission by a vote of the ~~electors~~ governing body of such city or village. Any city or village having a population of five thousand or less which has, by a vote of its governing body, adopted the Civil Service Act and created a civil service commission shall not repeal such adoption or terminate its civil service commission without having put such

repeal or termination before the registered voters of such city or village at a primary or general election or special election called for such purpose and having received the approval of such repeal or termination by a majority of the registered voters voting on such question. If any city of the first class which established a civil service commission decreases in population to less than five thousand, as determined by the latest federal census, and continues to have full-time police officers or full-time firefighters, the civil service commission shall be continued for at least four years, and thereafter continued at the option of the local governing body of such city. The members of such commission shall be appointed by the appointing authority.

(2) The governing body shall by ordinance determine if the commission shall be comprised of three or five members. The members of the civil service commission shall serve without compensation. No person shall be appointed a member of such commission who is not a citizen of the United States, a resident of such municipality for at least three years immediately preceding such appointment, and an elector of the county wherein such person resides. If the commission is comprised of three members, the term of office of such commissioners shall be six years, except that the first three members of such commission shall be appointed for different terms, as follows: One to serve for a period of two years; ; one to serve for a period of four years; ; and one to serve for a period of six years. If the commission is comprised of five members, the term of office of such members shall be for five years, except that the first members of such commission shall be appointed for different terms, as follows: One to serve for a period of one year; ; one to serve for a period of two years; ; one to serve for a period of three years; ; one to serve for a period of four years; ; and one to serve for a period of five years. If the municipality determines by ordinance to change from a three-member commission to a five-member commission, or from a five-member commission to a three-member commission, the members of the commission serving before the effective date of such ordinance shall hold office until reappointed or their successors are appointed.

(3) Any member of the civil service commission may be removed from office for incompetency, dereliction of duty, malfeasance in office, or other good cause by the appointing authority, except that no member of the commission shall be removed until written charges have been preferred, due notice given such member, and a full hearing had before the appointing authority. Any member so removed shall have the right to appeal to the district court of the county in which such commission is located, which court shall hear and

determine such appeal in a summary manner. Such an appeal shall be only upon the ground that such judgment or order of removal was not made in good faith for cause, and the hearing on such appeal shall be confined to the determination of whether or not it was so made.

(4) The members of the civil service commission shall devote due time and attention to the performance of the duties specified and imposed upon them by the Civil Service Act. Two commissioners in a three-member commission and three commissioners in a five-member commission shall constitute a quorum for the transaction of business. Confirmation of the appointment or appointments of commissioners, made under subsection (1) of this section, by any other legislative body shall not be required. At the time of any appointment, not more than two commissioners of a three-member commission, or three commissioners of a five-member commission, including the one or ones to be appointed, shall be registered electors of the same political party.

Sec. 2. That original section 19-1827, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

LEGISLATIVE BILL 533. Placed on General File as amended.
Standing Committee amendment to LB 533:
AM0965

1. Strike the original section and insert the following new section:

"Section 1. A political subdivision of this state shall not enact, maintain, or enforce any ordinance or resolution that would have the effect of controlling the amount of rent charged for leasing private residential property or commercial property. This section shall not impair the right of a political subdivision to:

(1) Manage or control property in which the political subdivision has a direct property interest;

(2) Manage or control property in which the political subdivision has a financial interest through a housing authority or similar agency;

(3) Act as required or authorized by laws or regulations of the United States or as otherwise provided in state law; or

(4) Exercise or enforce its zoning, building, or planning authority.".

LEGISLATIVE BILL 630. Placed on General File as amended.
Standing Committee amendment to LB 630:
AM0963

1. Strike original section 1 and insert the following new section:

"Section 1. (1) For purposes of this section,

municipality shall mean any city of the first or second class or village which elects members of its governing board by districts.

(2) Any municipality which annexes territory and thereby brings sufficient new residents into such municipality to require that election districts be redrawn to maintain substantial population equality between districts shall redistrict its election districts so that such districts are substantially equal in population within one hundred and eighty days after the effective date of the ordinance annexing the territory. Such redistricting shall create election districts which are substantially equal in population as determined by the most recent federal decennial census.

(3) No municipality which proposes to annex territory and thereby brings new residents into the municipality shall annex such territory unless the redistricting required by subsection (2) of this section will be accomplished at least eighty days prior to the next primary election in which candidates for the governing body of the municipality are nominated.

(4)(a) No city of the first or second class shall annex any territory during the period from eighty days prior to any primary election in which candidates for the governing body of the city are nominated until the date of the general election of the same year if such annexation would bring sufficient new residents into such city to require that election districts be redrawn to maintain substantial population equality between districts.

(b) No village shall annex any territory during the period eighty days prior to the election at which members of the governing body of the village are chosen until the date of such election if such annexation would bring sufficient new residents into such village to require that election districts be redrawn to maintain substantial population equality between districts.

(5)(a) No proposed annexation by a municipality shall be restricted or governed by this section unless such annexation would bring sufficient new residents into such municipality to require the election districts of the municipality to be redrawn to maintain substantial population equality between districts.

(b) Nothing in this section shall be construed to require a municipality to redraw the boundaries of its election districts following an annexation unless such annexation brought sufficient new residents into such municipality so as to require such redistricting to maintain substantial population equality between districts.

(c) For the purposes of this section only, a municipal annexation shall be held to have brought sufficient

new residents into such municipality to require that its election districts be redrawn to maintain substantial population equality between districts if, following such annexation, the total range of deviation from the mean population of each election district, according to the most recent federal decennial census, exceeds ten percent.".

LEGISLATIVE BILL 731. Placed on General File as amended.
Standing Committee amendment to LB 731:
AM0966

1. Insert the following new section:

"Sec. 4. That section 18-1740, Revised Statutes Supplement, 1992, be amended to read as follows:

18-1740. All permits authorized under sections 18-1736 to 18-1741 for handicapped or disabled parking shall be issued for a period ending January 1 of the fourth year following the date of issuance. After the effective date of this act, all permits authorized under such sections for handicapped and disabled parking shall be issued for a period of three years. All permits authorized under such sections for temporarily handicapped or disabled parking shall be issued for a period ending ninety days from the date of issuance but may be renewed for up to three additional ninety-day periods. For each additional ninety-day renewal period, there shall be submitted an additional application with proof of a handicap or disability and the required permit fee. A permit fee of three dollars shall be charged for each permit, two dollars and fifty cents of which shall be retained by the clerk who issues the permit and fifty cents of which shall be forwarded on a quarterly basis to the Department of Motor Vehicles.".

2. On page 2, line 8, after "residence" insert "or to the county clerk of any neighboring county who issues such permits".

3. On page 4, line 15, strike "and 18-1738.01," and insert ", 18-1738.01, and 18-1740,".

4. Renumber the remaining section accordingly.

(Signed) D. Paul Hartnett, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 68. Introduced by Beutler, 28; Preister, 5; Will, 8.

WHEREAS, nine-year-old Ronald "Bubba" Rawlings fell through the ice on Omaha Benson Park's lagoon on Sunday, March 21, 1993; and

WHEREAS, Denise and Michael Terry of Lincoln, who did not know the boy, were visiting the park with their three children and niece; and

WHEREAS, Denise and Michael Terry left their children at the safety of the shore and put themselves at great danger and risk of freezing or drowning to rescue the boy; and

WHEREAS, Mr. and Mrs. Terry as well as Omaha Fire Captain Art Bieker also broke through the ice in a successful rescue effort; and

WHEREAS, Ronald "Bubba" Rawlings, Captain Art Bieker, and Mr. and Mrs. Terry all required medical treatment at Immanuel Hospital for exposure to the cold as a result of the rescue; and

WHEREAS, Omaha paramedic and Fire Captain Skip Baughman said in the March 22, 1993, Omaha World Herald, "It's just remarkable that these good Samaritans were in the right place at the right time. They deserve all the credit in the world -- the wife probably saved that little kid's life". Also Omaha Battalion Chief Bill Dunbar said, "That lady did a wonderful job. She really put her life on the line to save this kid"; and

WHEREAS, the State of Nebraska benefits greatly from such efforts of Good Samaritans.

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

1. That the Legislature is grateful to Denise and Michael Terry for putting themselves in harm's way and their good Samaritan efforts in saving Ronald "Bubba" Rawlings from the icy waters of Benson Park.

2. That the Legislature recognizes that the citizens of Nebraska benefit from such acts of heroism.

3. That a copy of this resolution be sent to Denise and Michael Terry of Lincoln, Nebraska, and Ronald and Cathy Rawlings of Omaha, Nebraska.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Will asked unanimous consent to print the following amendment to LB 422 in the Journal. No objections. So ordered.

AM0973

1. Strike the original sections and insert the following new sections:

"Section 1. The Legislature finds that the State of Nebraska derives many significant benefits from public power and the unique position of the state as the only all public power state in the United States. The truncated regulatory power of the Nebraska Power Review Board over the public power entities in Nebraska reflects some of the benefits of local

control of public power. The Legislature declares that it is the policy of the state that all retail electricity suppliers in the state shall be and shall remain public power entities. Other than customer-owned generators exclusively serving a portion or all of their own requirements, private power entities defined as wholesale generators, cogeneration facilities, or small power production facilities may only sell at wholesale to public power entities defined in section 2 of this act.

Sec. 2. For purposes of section 1 of this act:

(1) Cogeneration facility shall mean a facility as defined in 18 C.F.R. 292.202 (c), as of April 1, 1991;

(2) Public power entity shall mean a supplier of electricity at wholesale or retail which is a political subdivision formed pursuant to or using powers granted in Chapter 13, 14, 15, 16, 17, 18, 19, 22, 23, or 70, an electric membership cooperative formed pursuant to or using powers granted in Chapter 21 or 70, a political subdivision formed by a joint action pursuant to or using powers granted in Chapter 13, article 8, Chapter 18, article 24, or Chapter 70, article 14, a political subdivision or an electric membership cooperative of another state operating in the State of Nebraska, or an agency or department of the federal government;

(3) Sale of electric energy at wholesale shall mean a sale of electric energy to any public power entity for resale;

(4) Small power production facility shall mean a facility that complies with the provisions of 18 C.F.R. 292.204, as of April 1, 1991; and

(5) Wholesale generator shall mean any association, firm, person, or corporation which constructs, installs, or operates electric generation and related facilities and is required to sell electric energy at wholesale by section 1 of this act.

Sec. 3. A private power entity shall not be considered a public power entity as defined in section 2 of this act or a power agency as defined in Chapter 70, article 6, and shall be exempt from the provisions of Chapter 70, article 10.

Sec. 4. Any electric energy generated by a private power entity may only be sold in the State of Nebraska if such electric energy is sold solely at wholesale to one or more suppliers of electricity with a retail service area approved by the Nebraska Power Review Board, and in such case the buyer shall have th right to arrange for the transportation of the electric energy within the State of Nebraska pursuant to Chapter 70, article 6. All such contracts shall be reported by the public power entity to the Nebraska Power Review Board

within sixty days on a form specified by the board. The form shall not require the reporting of any proprietary or confidential information. If the sale is outside the State of Nebraska, the electric energy may be sold to any entity and such contract need not be reported to the board.

Sec. 5. That section 70-1001, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-1001. In order to provide the citizens of the state with adequate electric service at as low overall cost as possible, consistent with sound business practices, it is the policy of this state to avoid and eliminate conflict and competition between public power districts, public power and irrigation districts, individual municipalities, registered groups of municipalities, electric membership associations, ~~and~~ cooperatives, and public power entities as defined in section 2 of this act in furnishing electric energy to retail and wholesale customers, to avoid and eliminate the duplication of facilities and resources which result therefrom, and to facilitate the settlement of rate disputes between suppliers of electricity.

Sec. 6. That original section 70-1001, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Mrs. Robak asked unanimous consent to print the following amendment to LB 53 in the Journal. No objections. So ordered.

AM0834

(Amendments to AM0551)

1. On page 2, line 12, after "commission" insert "or from distributing tax-paid samples of wine to a customer on the licensed premises for consumption on the premises if such customer indicates an intent to purchase alcoholic liquor for consumption off the premises. Each customer sample shall not be greater than fifteen milliliters in fluid weight, and no more than forty-five milliliters of samples shall be given to the same customer in a twenty-four-hour period".

Mr. Withem asked unanimous consent to print the following amendment to LB 421 in the Journal. No objections. So ordered.

AM0970

1. On page 4, line 26, after "law" insert "and operators of other underground facilities"; and strike beginning with the comma in line 27 through the first "center" in line 28.

2. On page 5, strike lines 6 through 11; and in line 13 strike "individually or who" and insert "and".

3. On page 6, line 3, strike "which" through "center".

4. On page 7, strike beginning with "and" in line 2 through "made" in line 4; strike beginning with the comma in line 7 through the comma in line 8; and strike beginning with "The" in line 9 through line 13.

5. On page 8, strike beginning with "If" in line 16 through line 21.

6. On page 10, line 9, after "center" insert "within seventy-two hours".

7. Renumber sections 20 to 32 as sections 19 to 31, respectively, and correct internal references accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 421 in the Journal. No objections. So ordered.

AM0971

1. On page 7, strike beginning with "has" in line 1 through "made" in line 4 and insert "is a member of the center"; and strike beginning with "The" in line 9 through line 13.

2. On page 8, strike beginning with "If" in line 16 through line 21.

2. On page 10, line 9, after "center" insert "within seventy-two hours".

STANDING COMMITTEE REPORT
Health and Human Services

The Committee on Health and Human Services desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Foster Care Review Board
David Perlman
Christena Buttress
Bob Ide

VOTE: Aye: Senators Day, Dierks, Horgan, Rasmussen, Vrtiska, and Wesely. Nay: None. Absent: Senator Byars.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Robak asked unanimous consent to have her name added as cointroducer to LB 430. No objections. So ordered.

Mr. Ashford asked unanimous consent to have his name added as cointroducer to LB 739. No objections. So ordered.

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 301. No objections. So ordered.

Mr. Vrtiska asked unanimous consent to have his name added as cointroducer to LB 152. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Cointroducer

Mrs. Hudkins asked unanimous consent to have her name withdrawn as cointroducer to LB 618. No objections. So ordered.

VISITORS

Visitors to the Chamber were students and teachers from Millard South, Omaha; Bill and Steve Foster from Gibbon; 15 international students from the University of Nebraska, Lincoln; 12 seniors and sponsor from Clarkson High School; and Shelda L. Harden from Colorado.

ADJOURNMENT

At 12:08 p.m., on a motion by Mr. Hartnett, the Legislature adjourned until 9:00 a.m., Wednesday, March 24, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-EIGHTH DAY - MARCH 24, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 24, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Scott Postlewait, Salem Lutheran Church, Fontenelle, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Kristensen who was excused; and Messrs. Abboud, Bernard-Stevens, Landis, Lindsay, Lynch, Moore, Warner, Will, Withem, Mmes. Pirsch, and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-seventh day was approved.

STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 785. Indefinitely postponed.

(Signed) Chris Abboud, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 67.

UNANIMOUS CONSENT - Member Excused

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

SELECT FILE

LEGISLATIVE BILL 579. E & R amendment, AM5398, found in the Journal on page 893, was adopted.

Messrs. Landis and Ashford renewed their pending amendment, AM0619, found in the Journal on page 838.

Mr. Cudaback asked unanimous consent to be excused. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Dierks asked unanimous consent to print the following amendment to LB 575 in the Journal. No objections. So ordered.

AM1020

(Amendments to E & R amendments, AM5424)

1. On page 3, line 14, after the period insert "This subdivision shall not apply when overtaking horses or any horse-drawn vehicles.".

Mr. Warner asked unanimous consent to print the following amendment to LB 575 in the Journal. No objections. So ordered.

AM1019

(Amendments to E & R amendments, AM5424)

1. On page 3, line 10, strike beginning with "bicycles" through "or" and show as stricken; and strike beginning with "vehicle" in line 13 through "animal" in line 14, show as stricken, and insert "implement".

Mrs. Hudkins asked unanimous consent to print the following amendment to LB 575 in the Journal. No objections. So ordered.

AM1021

(Amendments to E & R amendments, AM5424)

1. Insert the following new section:

"Section 1. That section 28-306, Revised Statutes Supplement, 1992, be amended to read as follows:

28-306. (1) A person who causes the death of another unintentionally while engaged in the operation of a motor vehicle in violation of the law of the State of Nebraska or in violation of any city or village ordinance commits motor

vehicle homicide.

(2) Except as provided in subsection (3) of this section, motor vehicle homicide is a Class I misdemeanor.

(3)(a) If the proximate cause of the death of another is the operation of a motor vehicle in violation of section 39-669.01 or 39-669.03, motor vehicle homicide is a Class IV felony.

(b) If the proximate cause of the death of another is the operation of a motor vehicle in violation of section 39-669.07, motor vehicle homicide is a Class ~~IV~~ III felony and the court shall, as part of the judgment of conviction, order the person not to drive any motor vehicle for any purpose for a period of at least sixty days and not more than fifteen years from the date ordered by the court and shall order that the operator's license of such person be revoked for the same period. The revocation shall not run concurrently with any jail term imposed.".

2. On page 59, line 26, after "sections" insert "28-306,".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Hohenstein asked unanimous consent to print the following amendment to LB 575 in the Journal. No objections. So ordered.

AM1017

(Amendments to E & R Amendments, AM5424)

1. On page 50, after line 13 insert the following new paragraph:

"A person who parks a motor vehicle on any highway, which vehicle has been properly registered in this state but such registration has expired, shall not be in violation of this section or section 60-302 or subject to the penalty provided in section 64, Legislative Bill 370, Ninety-third Legislature, First Session, 1993, unless thirty days have passed from the expiration of the prior registration.".

BILL ON FIRST READING

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

LEGISLATIVE BILL 332A. Introduced by Haberman, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 332, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 94. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0981.)

LEGISLATIVE BILL 96. Placed on General File as amended. Standing Committee amendment to LB 96:
AM1014

1. Strike the original sections and insert the following new sections:

"Section 1. That section 17-601.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-601.01. In any village, ~~or Class II school district,~~ the governing body of the village ~~or school district~~ may, by ordinance, ~~or resolution, respectively,~~ call a caucus for the purpose of nomination of candidates for offices to be filled in the village ~~or school~~ election. Such caucus shall be held at least ten days before the filing deadline for such election, and the governing body calling the caucus shall publish notice of such caucus in at least one newspaper of general circulation in the county at least once each week for two consecutive weeks before such caucus.

Sec. 2. That section 17-601.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-601.02. The ~~chairman~~ chairperson of the caucus at which candidates are nominated shall notify in writing the village clerk ~~or the secretary of the board of education~~ of the candidates so nominated, not later than two days following the caucus. The village clerk ~~or secretary of the board of education~~ shall then notify the persons so nominated of their nomination, such notification to take place not later than five days after such caucus. No candidate so nominated shall have his or her name placed upon the ballot unless, not more than ten days after the holding of such caucus, he ~~shall have filed~~ or she files with the village clerk ~~or secretary of the board of education~~ a written statement accepting the nomination of the caucus; and ~~shall have paid~~ pays the filing fee, if any, for the office for which he or she was nominated.

Sec. 3. That section 79-803.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-803.03. (1) The board of education of a Class III school district of which more than seventy-five percent of the geographical area lies within a city of the metropolitan class shall consist of six members to be elected by the registered voters of the school district at the time of the statewide primary election and also may include one or more nonvoting student members selected pursuant to section 79-547.02. Until the registered voters of the district vote

not to continue to have a caucus for nominations pursuant to subsection (2) of this section, a caucus shall be held pursuant to subsection (3) of this section not less than seventy days prior to the holding of the election to nominate two or more candidates for each vacancy to be voted upon at the election to be held in conjunction with the statewide primary election. If the registered voters vote not to continue to have a caucus, candidates shall be nominated at a primary election held in conjunction with the primary election for the city of the metropolitan class. ~~Not less than seventy days prior to the holding of the election, there shall be nominated at a caucus held within the district, two or more candidates for each vacancy to be voted upon at an election to be held in conjunction with the statewide primary election, except that student members may be selected pursuant to section 79-547.02.~~ Two members shall be elected at each general election for a term of six years. ~~The governing body which calls the caucus shall publish notice of such caucus in at least one newspaper of general circulation in the district at least once each week for two consecutive weeks before the caucus. The notice shall state the date, time, place, and names of voting board members whose terms are to be filled. The chairperson of the caucus at which candidates are nominated shall certify to the secretary of the board of education the names of the candidates so nominated not later than two days following the caucus. The secretary of the board of education shall then notify the persons so nominated of their nomination, such notification to take place not later than five days after such caucus.~~ No candidate nominated shall have his or her name placed upon the ballot for the general election unless, not more than ten days after ~~the holding of such caucus~~ his or her nomination, he or she ~~shall have filed~~ files with the secretary of the board of education a written statement accepting the nomination. The secretary of the board of education shall certify the names of the candidates to the ~~proper election official~~ election commissioner or county clerk who shall prepare the official ballot listing the names as certified and without any area designation. All registered voters residing within the school district shall be permitted to vote at such election.

(2) The board of education may place before the registered voters of the school district the issue of whether to continue to have a caucus for nominations by adopting a resolution to do so and certifying the issue to the election commissioner or county clerk prior to September 1 for placement on the ballot at the next statewide general election. The registered voters of the school district may also have the issue placed on the ballot at the statewide general election by circulating a petition and gathering the

signatures of the registered voters residing within the school district at least equal to seven percent of the number of persons registered to vote in the school district at the last statewide primary election. The petitions shall be filed with the election commissioner or county clerk for signature verification on or before August 15 prior to a statewide general election. If the election commissioner or county clerk determines that the appropriate number of registered voters signed the petition, he or she shall place the issue on the ballot for the next statewide general election. The issue shall not be placed on the ballot again within four years after voting on the issue at a statewide general election.

(3) A school district which uses a caucus for nominations shall develop rules and procedures for conducting the caucus which will ensure:

(a) Publication of the rules and procedures by multiple sources if necessary so that every resident of the school district has access to information on the process for placing a name in nomination and voting at the caucus;

(b) Facilities for voting at the caucus which comply with the federal Americans with Disabilities Act of 1990 and which will accommodate a reasonably anticipated number of registered voters;

(c) Election security which will provide for a fair and impartial election, including the secrecy of the ballot, one vote per registered voter, and only registered voters of the school district being allowed to vote;

(d) Equal access to all registered voters of the school district, including the presence of an interpreter at the caucus at the expense of the school district and ballots for the visually impaired to provide access to the process by all registered voters of the school district;

(e) Adequate time and opportunity for registered voters of the school district to exercise their right to vote; and

(f) Notification of nomination to the candidates and to the secretary of the board of education.

The rules and regulations shall be approved by the election commissioner or county clerk prior to use for a caucus.

Sec. 4. That section 79-803.07, Revised Statutes Supplement, 1992, be amended to read as follows:

79-803.07. ~~At~~ Except as provided in section 79-803.03, candidates for school board of Class III school districts shall be nominated at the statewide primary election in each even-numbered year. In ~~, there may be nominated in~~ each Class III school district which has a school board which ~~whose board of education~~ consists of six members, enough candidates for members of the board of education shall be

nominated to provide for a full complement of six members, and in each Class III school district which has a school board which ~~whose board of education~~ consists of nine members, enough candidates for members of the board of education shall be nominated to provide for a full complement of nine members. ~~Candidates~~ If candidates are to be nominated at the statewide primary election, candidates may make a personal filing as provided in section 32-503.01 or by petition as provided in section 32-504. Boards of education of Class III districts holding their elections by ward or district shall continue to elect their members in such manner, and those boards of education holding their elections at large shall continue to elect their members at large. Any change in the procedures of electing board members from districts or wards to at large or from at large to districts or wards shall be by petition as provided in section 32-1058. The number of members to be nominated at the statewide primary election and elected at the statewide general election and the terms for which they will be nominated and elected shall be determined by the county clerk or election commissioner with the aid of the elected secretary of the board of education of the district in accordance with the following:

(1) The term of office of any member of such board that would expire prior to the first Thursday after the first Tuesday in January 1975 is hereby extended to such date;

(2) The term of office of any member that would expire after such latter date and prior to the first Thursday after the first Tuesday in January 1977 is hereby extended to the first Thursday after the first Tuesday of January 1977;

(3) The term of office of any member that would expire after such latter date and prior to the first Thursday after the first Tuesday in January 1979 is hereby extended to the first Thursday after the first Tuesday of January 1979; and

(4) If nominations are not made by caucus and the number of candidates properly filed for nomination at the primary election does not exceed two for each vacancy to be filled, all so filed may be considered to be nominated and no primary election for their nomination shall be required.

Terms shall be staggered so by not later than the general election of 1978 three members shall be elected to each six-member board and four or five members shall be elected to each nine-member board at each general election for terms of four years. When it becomes necessary to establish the staggering of terms by ~~nominating and~~ electing members for terms of different duration at the same election, candidates receiving the greatest number of votes shall be ~~nominated~~ elected for the longer terms. In no case shall the county clerk or election commissioner place on the general election

ballot more than twice the number of names required to fill the vacancies that will occur.

Sec. 5. That section 79-803.08, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-803.08. When candidates for the school board of a Class III school district are nominated at the statewide primary election and the name of a person is written in and voted for as a candidate for the school board ~~of education of a Class III school district~~ who did not file or become a petition candidate for such nomination, such person shall not be entitled to a certificate of nomination at a statewide primary election ~~nor~~ and shall not be entitled to have his or her name placed on the general election ballot unless he or she ~~shall have~~ received not less than twenty percent of the total votes cast for the candidate receiving the greatest number of votes in the district or ward or the candidate receiving the greatest number of votes when the candidates are nominated at large at the primary election.

In the case of a tie vote of any of the candidates in either the primary or general election, the county clerk or election commissioner shall notify such candidates to appear at his or her office on a given day and hour to determine the same by lot before the county canvassing board and the certificate of nomination shall be given accordingly. Notice to appear shall be given by certified mail.

Sec. 6. That section 79-803.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-803.09. The county clerk or election commissioner in preparing the official ballot for the general election shall place thereon the names of the two persons who received the greatest number of votes in the primary ~~but in no event shall the names on the official general election ballot be more than twice the number of vacancies to be filled at the general election~~ election for each position to be filled or the names of the persons nominated at the caucus. Petitions for the filling of a vacancy on the ballot shall be filed in accordance with ~~the provisions of~~ section 32-537.

~~In the case of a tie vote of any of the candidates in either the primary or general election, the county clerk or election commissioner shall notify such candidates to appear at his or her office on a given day and hour to determine the same by lot before the county canvassing board and the certificate of nomination shall be given accordingly. Notice to appear shall be given by certified mail.~~

Sec. 7. That original sections 17-601.01, 17-601.02, 79-803.03, 79-803.08, and 79-803.09, Reissue Revised Statutes of Nebraska, 1943, and section 79-803.07, Revised Statutes Supplement, 1992, are repealed.".

LEGISLATIVE BILL 679. Placed on General File as amended.
Standing Committee amendment to LB 679:
AM1015

1. On page 5, strike beginning with "The" in line 3 through the period in line 7, show the old matter as stricken, and insert "The State Fire Marshal shall establish a training division for purposes of operating a statewide training program for fire department personnel, others involved in fire safety training, and other emergency responders that may require specialized training available from the training program for the purposes of developing, maintaining, and updating fire department skills and other skills of those emergency responders requiring specialized training available from the training program."; in line 8 strike "program", show as stricken, and insert "division" and strike "courses", show as stricken, and insert "training"; in line 10 strike the underscored comma and insert "and other emergency responders requiring specialized training available from the training program, and (4) conduct live fire training."; strike beginning with "and" in line 11 through the period in line 12 and show the old matter as stricken; in line 13 strike "courses" and insert "training" and after "squads" insert "and respond to emergencies upon request for technical assistance"; in line 14 strike "courses"; in line 17 after "training" insert "or other specialized training available from the training program"; in line 23 and 24 strike "such training program" and insert "providing"; in line 24 strike "for"; in lines 26 and 27 strike "such training program" and insert "providing"; in line 27 strike "for".

2. On page 6, line 19, strike "may", show as stricken, and insert "shall".

3. On page 7, line 15, after "personnel" insert "of the fire service and safety training program"; in line 20 before "and" insert "leases,"; and strike beginning with "State" in line 21 through "program" in line 22 and insert "Nebraska Fire Service".

4. On page 16, line 24, after "1993" insert ", except that necessary action preparatory to its implementation may be taken prior to such date.".

LEGISLATIVE BILL 92. Indefinitely postponed.
LEGISLATIVE BILL 97. Indefinitely postponed.
LEGISLATIVE BILL 265. Indefinitely postponed.
LEGISLATIVE BILL 454. Indefinitely postponed.
LEGISLATIVE BILL 556. Indefinitely postponed.
LEGISLATIVE BILL 633. Indefinitely postponed.
LEGISLATIVE BILL 634. Indefinitely postponed.
LEGISLATIVE BILL 659. Indefinitely postponed.

LEGISLATIVE RESOLUTION 30. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

Natural Resources

LEGISLATIVE BILL 359. Placed on General File as amended.
Standing Committee amendment to LB 359:
AM0795

1. On page 3, line 16, strike "(a)" and insert "(b)".

2. On page 4, line 4, after "vessel" insert "except sailboards"; and after line 20 insert the following subsection:

"(3) For purposes of this section:

(a) Personal watercraft shall mean a class of inboard vessel less than sixteen feet in length which uses an internal combustion engine powering a jet pump as its primary source of motive propulsion and is designed to be operated by a person sitting, standing, or kneeling on rather than in the conventional manner of boat operation; and

(b) Sailboard shall mean a surfboard-type vessel with no freeboard and using a free-sail system with a swivel-mounted mast not secured to a hull by guys or stays.".

(Signed) Chris Beutler, Chairperson

Business and Labor

LEGISLATIVE BILL 676. Placed on General File as amended.
Standing Committee amendment to LB 676:
AM1003

1. On page 2, line 11, strike "four" and insert "one hundred".

(Signed) Chris Abboud, Chairperson

MOTION - Place LR 2CA on General File

Mr. Landis moved to place LR 2CA on General File notwithstanding the action of the Judiciary Committee, pursuant to Rule 3, Section 17.

Laid over.

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE RESOLUTION 28CA. Placed on General File as amended.

Standing Committee amendment to LR 28CA:
AM1002

1. On page 2, strike lines 26 to 28.
2. On page 3, strike lines 1 and 2.

(Signed) John Lindsay, Chairperson

SELECT FILE

LEGISLATIVE BILL 579. Mr. Chambers offered the following amendment to the Landis-Ashford pending amendment, AM0619:
FA43

Amend amendment AM0619:
Add new section: "The records of the non-long-distance calls of members who reside in the City of Lincoln, which are made, compiled, maintained and kept by the Lincoln Telephone and Telegraph Company shall be available to the Auditor of Public Accounts without a court order for the purpose of conducting an audit"

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers withdrew his amendment.

The Landis-Ashford pending amendment, AM0619, found in the Journal on page 838 and considered in this day's Journal, was renewed.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion lost with 14 ayes, 17 nays, and 18 not voting.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Landis requested a record vote on the Landis-Ashford amendment.

Voting in the affirmative, 14:

Abboud	Bromm	Horgan	Pirsch	Vrtiska
Ashford	Crosby	Jones	Preister	Witek
Beutler	Fisher	Landis	Robinson	

Voting in the negative, 29:

Avery	Bohlke	Day	Hall	Hudkins
Baack	Byars	Dierks	Hartnett	Janssen
Bernard-Stevens	Chambers	Elmer	Hillman	Lindsay
	Coordsen	Haberman	Hohenstein	Lynch

McKenzie	Pedersen	Warner	Wesely	Will
Moore	Schimek	Wehrbein	Wickersham	Withem

Present and not voting, 2:

Schellpeper Schmitt

Excused and not voting, 4:

Cudaback Kristensen Rasmussen Robak

The Landis-Ashford amendment lost with 14 ayes, 29 nays, 2 present and not voting, and 4 excused and not voting.

Mr. Hall offered the following amendment:
AM1034
(Amendments to Standing Committee amendments, AM0434)

1. On page 1, line 16, after the period insert "The auditor's report shall be considered a public record for purposes of sections 84-712 to 84-712.09."; in line 23 strike "used and compiled" and insert "made available to the person conducting an audit"; and in line 24 after "section" insert "and the workpapers compiled by the person conducting the audit".

The Hall amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 579A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 462. E & R amendment, AM5404, found in the Journal on page 1013, was adopted.

Advanced to E & R for engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 69. Introduced by Witek, 31.

WHEREAS, the Nebraska Legislature and the citizens of this state recognize the importance of preparing our high school students with "real world" training to enable them to be productive members of our state; and

WHEREAS, Distributive Education Clubs of America, DECA, is a vocational organization for high school students designed to educate, train, and empower marketing students; and

WHEREAS, DECA is represented by a diamond emblem with each point symbolizing leadership development, civic consciousness, vocational understanding, and social intelligence which are all beneficial and commendable traits; and

WHEREAS, during the recent State DECA Career Development Conference the following individuals from the Millard South DECA chapter qualified through state competition to attend the National DECA Convention: Amy Boe, Shamain Carr, Brandi Coffman, Natalie Devereux, Brianna Eastman, Nicole Eisele, Lynette Fansler, Brandon Hegge, Amanda Lang, Stephanie Mahowald, Julie Seeba, and Stacie Tesnohlidek; and

WHEREAS, these students have been recognized for their superior vocational performance and will represent the great State of Nebraska during the national competition.

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

1. That the members of the Millard South DECA chapter mentioned in this resolution be congratulated for their outstanding performance during state competition and for their devotion to vocational education.

2. That each national qualifier be wished "Best of Luck" during the national competition.

3. That a copy of this resolution be sent to Mr. Gregg Christensen, the State DECA Advisor, and to the Millard South DECA chapter.

Laid over.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

The Committee on Banking, Commerce and Insurance desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Research and Development Authority
Dr. Robert Allington
Lewis Harris
Thomas Smith

VOTE: Aye: Senators Landis, Coordsen, Hall, Jones, Lindsay, Robak, Wesely, and Witek.

LEGISLATIVE BILL 705. Placed on General File.

LEGISLATIVE BILL 382. Placed on General File as amended.

Standing Committee amendment to LB 382:
AM1007

1. Strike original sections 4 to 7 and insert the following new section:

"Sec. 4. That original section 44-1927, Revised Statutes Supplement, 1992, is repealed.".

LEGISLATIVE BILL 143. Indefinitely postponed.
LEGISLATIVE BILL 557. Indefinitely postponed.
LEGISLATIVE BILL 599. Indefinitely postponed.
LEGISLATIVE BILL 609. Indefinitely postponed.
LEGISLATIVE BILL 675. Indefinitely postponed.
LEGISLATIVE BILL 688. Indefinitely postponed.
LEGISLATIVE BILL 756. Indefinitely postponed.

(Signed) David Landis, Chairperson

Business and Labor

LEGISLATIVE BILL 395. Placed on General File as amended.
Standing Committee amendment to LB 395:
AM1005

1. Insert the following new sections:

"Sec. 17. That section 48-1125, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1125. Sections 48-1101 to 48-1125 and sections 20 and 21 of this act may be cited as the Nebraska Fair Employment Practice Act.

Sec. 20. Provisions of the Nebraska Fair Employment Practice Act which prohibit discrimination based on sexual orientation shall not apply to any bona fide religious organization, which organization shall include any religious organization, association, or society or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society.

Sec. 21. Nothing in the Nebraska Fair Employment Practice Act shall be construed to authorize or permit the use of numerical goals or quotas or other types of affirmative action programs with respect to sexual orientation in the administration or enforcement of such act.".

2. On page 14, line 12; page 15, line 23; page 17, lines 18 and 26; and page 19, lines 3 and 10, strike "Practices" and insert "Practice".

3. On page 24, line 23, strike beginning with the first occurrence of "or" through "of"; and in lines 24 and 25 strike both occurrences of "or practice".

4. On page 25, line 3, after the second comma insert "48-1125,".

5. Renumber the remaining sections accordingly.

(Signed) Chris Abboud, Chairperson

UNANIMOUS CONSENT - Members Excused

Messrs. Haberman, Byars, and Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 593. Mr. Vrtiska withdrew his pending amendments, AM0324, found in the Journal on page 776, and AM0511, found in the Journal on page 777.

Mr. Vrtiska renewed his pending amendment, AM0571, found in the Journal on page 845.

The Vrtiska amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 58. Advanced to E & R for engrossment.

LEGISLATIVE BILL 128. E & R amendment, AM5407, found in the Journal on page 1014, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 479. Advanced to E & R for engrossment.

LEGISLATIVE BILL 626. E & R amendment, AM5410, found in the Journal on page 1014, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 42. E & R amendment, AM5409, found in the Journal on page 1014, was adopted.

Mr. Landis offered the following amendment:
AM1036

1. Strike original section 4 and all amendments thereto and insert the following new section:

"Sec. 4. In addition to the general requirements set forth in subsection (1) of section 10 of this act, the commission specifically shall adopt and promulgate rules and regulations regarding preambles to intrastate pay-per-call-programs consistent with the rules and

regulations of the Federal Trade Commission pertaining to preamble requirements for interstate pay-per-call-programs.".

The Landis amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 145. E & R amendment, AM5406, found in the Journal on page 1015, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 340. E & R amendment, AM5408, found in the Journal on page 1015, was adopted.

Mr. Wickersham offered the following amendment:
AM0936

1. On page 20, line 14, after "(1)" insert "(a)";
and after line 18 insert the following new subdivision:
"(b) All applications for a certificate of title to a mobile home as defined in subdivision (9)(c) of section 39-602 shall be accompanied by a mobile home transfer statement prescribed by the Tax Commissioner. The mobile home transfer statement shall be filed by the applicant with the county clerk of the county of application for title. The county clerk shall issue, but not deliver, a certificate of title to a mobile home unless the mobile home transfer statement accompanies the application for title, except that the failure to provide the mobile home transfer statement shall not prevent the notation of a lien on the face of the certificate of title to the mobile home pursuant to section 60-110 and delivery to the holder of the first lien. The mobile home transfer statement and the information contained in the statement shall be confidential and only available to tax officials.".
2. On page 24, strike lines 22 and 23 and insert the following new subdivision:
"(b) Until a lien is noted on the face of the certificate of title for the mobile home pursuant to section 60-110.".

The Wickersham amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 477. E & R amendment, AM5405, found in the Journal on page 1015, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 604. Advanced to E & R for engrossment.

LEGISLATIVE BILL 465. E & R amendment, AM5416, found in the Journal on page 1021, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 767. Advanced to E & R for engrossment.
LEGISLATIVE BILL 455. Advanced to E & R for engrossment.

LEGISLATIVE BILL 677. E & R amendment, AM5412, found in the Journal on page 1022, was adopted.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 382 in the Journal. No objections. So ordered.

AM1008

1. Insert the following new section:

"Sec. 4. That section 44-1525, Revised Statutes Supplement, 1992, be amended to read as follows:

44-1525. Any of the following acts or practices, if committed in violation of section 44-1524, shall be unfair trade practices in the business of insurance:

(1) Making, issuing, circulating, or causing to be made, issued, or circulated any estimate, illustration, circular, statement, sales presentation, omission, or comparison which:

(a) Misrepresents the benefits, advantages, conditions, or terms of any policy;

(b) Misrepresents the dividends or share of the surplus to be received on any policy;

(c) Makes any false or misleading statements as to the dividends or share of surplus previously paid on any policy;

(d) Misleads as to or misrepresents the financial condition of any insurer or the legal reserve system upon which any life insurer operates;

(e) Uses any name or title of any policy or class of policies which misrepresents the true nature thereof;

(f) Misrepresents for the purpose of inducing or tending to induce the purchase, lapse, forfeiture, exchange, conversion, or surrender of any policy, including

intentionally ~~misquotes~~ misquoting any premium rate;

(g) Misrepresents for the purpose of effecting a pledge or assignment of or effecting a loan against any policy; or

(h) Misrepresents any policy as being shares of stock;

(2) Making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio or television station, or in any other way, an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to the business of insurance or with respect to any insurer in the conduct of his or her insurance business which is untrue, deceptive, or misleading;

(3) Making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting, or encouraging the making, publishing, disseminating, or circulating of any oral or written statement or any pamphlet, circular, article, or literature which is false or maliciously critical of or derogatory to the financial condition of any insurer and which is calculated to injure such insurer;

(4) Entering into any agreement to commit or by any concerted action committing any act of boycott, coercion, or intimidation resulting in or tending to result in unreasonable restraint of or monopoly in the business of insurance;

(5)(a) Knowingly filing with any supervisory or other public official, or knowingly making, publishing, disseminating, circulating, or delivering to any person, or placing before the public, or knowingly causing, directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false material statement of fact as to the financial condition of an insurer; or

(b) Knowingly making any false entry of a material fact in any book, report, or statement of any insurer or knowingly omitting to make a true entry of any material fact pertaining to the business of such insurer in any book, report, or statement of such insurer;

(6) Issuing or delivering or permitting agents, officers, or employees to issue or deliver agency company stock or other capital stock, or benefit certificates or shares in any common-law corporation, or securities or any special or advisory board contracts or other contracts of any kind promising returns and profits as an inducement to insurance;

(7)(a) Making or permitting any unfair

discrimination between individuals of the same class and equal expectation of life in the rates charged for any life insurance policy or annuity or in the dividends or other benefits payable thereon or in any other of the terms and conditions of such policy or annuity;

(b) Making or permitting any unfair discrimination between individuals of the same class involving essentially the same hazards in the amount of premium, policy fees, or rates charged for any sickness and accident insurance policy or in the benefits payable thereunder, in any of the terms or conditions of such policy, or in any other manner, except that this subdivision shall not limit the negotiation of preferred provider policies and contracts under sections 44-4101 to 44-4113;

(c) Making or permitting any unfair discrimination between individuals or risks of the same class and of essentially the same hazards by refusing to issue, refusing to renew, canceling, or limiting the amount of insurance coverage on a property or casualty risk because of the geographic location of the risk unless:

(i) The refusal, cancellation, or limitation is for a business purpose which is not a pretext for unfair discrimination; or

(ii) The refusal, cancellation, or limitation is required by law, rule, or regulation;

(d) Making or permitting any unfair discrimination between individuals or risks of the same class and of essentially the same hazards by refusing to issue, refusing to renew, canceling, or limiting the amount of insurance coverage on a residential property risk, or the personal property contained therein, because of the age of the residential property unless:

(i) The refusal, cancellation, or limitation is for a business purpose which is not a pretext for unfair discrimination; or

(ii) The refusal, cancellation, or limitation is required by law, rule, or regulation;

(e) Refusing to insure, refusing to continue to insure, or limiting the amount of coverage available to an individual solely because of the sex or marital status of the individual. This subdivision shall not prohibit an insurer from taking marital status into account for the purpose of defining individuals eligible for dependent benefits; or

(f) Terminating or modifying coverage or refusing to issue or refusing to renew any property or casualty insurance policy solely because the applicant or insured or any employee of the applicant or insured is mentally or physically impaired unless:

(i) The termination, modification, or refusal is for

a business purpose which is not a pretext for unfair discrimination; or

(ii) The termination, modification, or refusal is required by law, rule, or regulation.

This subdivision (f) shall not apply to any sickness and accident insurance policy sold by a casualty insurer and shall not be interpreted to modify any other provision of law relating to the termination, modification, issuance, or renewal of any policy;

(8)(a) Except as otherwise expressly provided by law: (i) Knowingly permitting or offering to make or making any life insurance policy, annuity, or sickness and accident insurance policy, or agreement as to any such policy or annuity, other than as plainly expressed in the policy or annuity issued thereon, or paying, allowing, or giving, or offering to pay, allow, or give, directly or indirectly, as inducement to such policy or annuity, any rebate of premiums payable on the policy or annuity, or any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatever not specified in the policy or annuity; or (ii) giving, selling, purchasing, or offering to give, sell, or purchase as inducement to such policy or annuity or in connection therewith any stocks, bonds, or other securities of any insurer or other corporation, association, or partnership, or any dividends or profits accrued thereon, or anything of value not specified in the policy or annuity.

(b) Nothing in subdivision (7) or (8)(a) of this section shall be construed as including within the definition of discrimination or rebates any of the following acts or practices: (i) In the case of any life insurance policy or annuity, paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance if such bonuses or abatement of premiums are fair and equitable to policyholders and for the best interests of the insurer and its policyholders; (ii) in the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expenses; or (iii) readjustment of the rate of premium for a group insurance policy based on the loss or expense thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made retroactive only for such policy year;

(9) Failing of any insurer to maintain a complete record of all the complaints received since the date of its last examination pursuant to section 44-107 or 44-107.01.

This record shall indicate the total number of complaints, their classification by line of insurance, the nature of each complaint, the disposition of each complaint, and the time it took to process each complaint. For purposes of this subdivision, complaint shall mean any written communication primarily expressing a grievance;

(10) Making false or fraudulent statements or representations on or relative to an application for a policy for the purpose of obtaining a fee, commission, money, or other benefit from any insurer, agent, broker, or individual person;

(11) Failing of any insurer, upon receipt of a written inquiry from the department, to respond to such inquiry or request additional reasonable time to respond within fifteen working days; and

(12) Violating any provision of section 44-348, 44-360, 44-361, 44-369, 44-392, 44-393, 44-515 to 44-518, 44-522, 44-523, 44-1951, 44-1959, 44-1960, 44-1975, 44-3606, 44-4809, 44-4812, ~~or~~ 44-4817, or section 2 of this act.".

2. In the Standing Committee amendment, AM1007, on page 1, strike lines 3 and 4 and insert:

"'Sec. 5. That original sections 44-1525 and 44-1927, Revised Statutes Supplement, 1992, are repealed.'.".

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 511. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM0967.)

LEGISLATIVE BILL 722. Placed on General File as amended.
Standing Committee amendment to LB 722:
AM0960

1. Strike original section 4 and insert the following new sections:

"Sec. 4. Each governing body may establish a separate fiscal year for each proprietary function, except that any proprietary function which is subsidized by revenue from the taxation of property shall have the same fiscal year as the municipality. For purposes of this section, subsidization shall mean the costs of operation of a proprietary function are regularly financed by revenue from the taxation of property in excess of the amount paid by the municipality to the proprietary function for actual service or services received.

Sec. 16. That section 13-509, Revised Statutes Supplement, 1992, be amended to read as follows:

13-509. On or before August ~~25 for 1992 and on or~~

~~before August 20 for all other years~~ 20, the county assessor shall certify to each governing body or board empowered to levy or certify a tax levy the current taxable value of the taxable property subject to the applicable levy. Current taxable value for real property shall mean the value established by the county assessor and equalized by the county board of equalization and the State Board of Equalization and Assessment, and current taxable value for tangible personal property shall mean the net book value reported by the taxpayer and certified by the county assessor and for tax year 1991 shall include the value of personal property which was immediately prior to June 11, 1991, subject to tax for tax year 1991 but which is exempt from tax solely because of the changes made to section 77-202 by Laws 1991, LB 829.

Sec. 24. That section 19-2902, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-2902. ~~As used in sections 19-2901 to 19-2909~~ For purposes of the Nebraska Municipal Auditing Law, unless the context otherwise requires:

(1) Municipality or municipalities shall mean and include all incorporated cities of the first class, cities of the second class, and villages in this state;

(2) Municipal authority shall mean the city council, board of trustees of a village, or any other body or officer having authority to levy taxes, make appropriations, or approve claims for any municipality;

(3) Accountant shall mean a duly licensed public accountant or certified public accountant~~,~~ who otherwise is not an employee of or connected in any way with the municipality involved;

(4) Annual audit report shall mean the written report of the accountant and all appended statements and schedules relating thereto presenting or recording the findings of an examination or audit of the financial transactions, affairs, or financial condition of a municipality for its fiscal year immediately prior to the making of such annual report; and

(5) Fiscal year shall mean the fiscal year for the particular municipality involved or the fiscal year established in section 4 of this act for a proprietary function if different than the municipal fiscal year.

Sec. 25. That section 77-509, Revised Statutes Supplement, 1992, be amended to read as follows:

77-509. After a hearing conducted pursuant to section 77-507.01 or 77-508, the State Board of Equalization and Assessment shall either (1) enter its order based on information presented to it at the hearing or (2) meet to hear the recommendation of the Tax Commissioner based on information presented to him or her at the hearing. Notice of

the Tax Commissioner's recommendation shall be mailed at least five days prior to the meeting, except that for 1992 such notice shall be mailed at least three days prior to the meeting. At the meeting the board may hear testimony relevant to the Tax Commissioner's recommendation from any interested person. The order of the board shall be sent by certified mail to the county assessor and by regular mail to the county clerk and chairperson of the county board on or before August ~~20 for 1992 and on or before August 15 for all other years~~ 15. The order shall specify the percentage increase or decrease and the class or subclass of property affected or the corrections or adjustments to be made to the class or subclass of property affected. The specified changes shall be made by the county assessor to each item of property in the county so affected. Until such time as the Court of Appeals, pursuant to an appeal prosecuted pursuant to section 77-510, or the Supreme Court rules otherwise, each county shall be bound by the value established by the board.

Sec. 26. That section 77-509.01, Revised Statutes Supplement, 1992, be amended to read as follows:

77-509.01. On ~~or before August 20 for 1992 and on~~ or before August 15, ~~for all other years,~~ the State Board of Equalization and Assessment shall recertify the county abstract of the assessment roll, together with the taxable value of the property valued by the state, to each county assessor.

Sec. 32. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 2, line 4, after "bodies" insert "of cities of all classes and villages"; in line 15 after "city" insert "of any class"; and in lines 23, 24, 25, 26, and 27 strike each occurrence of "and" and insert "or".

3. On page 5, lines 10 and 11, strike "Municipal" and insert "Local Government"; strike lines 13 through 25 and insert the following new subsections:

"(1) Elected and appointed officials, employees, and volunteers shall mean the elected and appointed officials, employees, and volunteers of municipalities, counties, school districts, and natural resources districts;

(2) Governing body shall mean the city council of any class city or the village board of a village for any municipality, the county board for any county, the school board or board of education for any school district, or the board of directors for any natural resources district;

(3) Local government shall mean a city of any class including a city with a home rule charter, a village, a county, a school district, or a natural resources district;

(4) Public funds shall mean public funds as defined

in section 13-503 as such funds are under the direct control of governing bodies of local governments; and

(5) Public meeting shall mean all regular, special, or called meetings, formal or informal, of any governing body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the governing body."; and in line 27 strike "city council and village board" and insert "governing body".

4. On page 6, lines 2, 3, 7, 8, 11, 16, and 21, strike each occurrence of "municipal"; in lines 4 and 5, 9 and 10, and 17 strike beginning with "in" through the second "municipality" and insert "either within or outside the boundaries of the local government"; in line 9 strike "city or village" and insert "local government"; in line 12 strike "public" and insert "governing"; in line 13 strike "municipalities"; and insert "local governments"; in lines 19 and 27 strike "city council or village board" and insert "governing body"; and in line 26 strike beginning with "volunteer" through "duty" and insert "volunteers who perform specific duties".

5. On page 7, lines 2, 3, 7, 8, 12, 23, and 24, strike each occurrence of "municipal"; in lines 3 and 4, strike "and their respective spouses"; in lines 5 and 6 strike beginning with "city" through "fund" and insert "governing body"; in lines 8 and 9 strike "city council or village board" and insert "governing body"; in line 13, strike "municipal" and insert "local government"; in line 14 strike beginning with "city" through "shall" and insert "governing body shall, by official action,"; in lines 14 and 15 strike "by ordinance"; in lines 16 and 17 strike beginning with "unless" through "fund"; and in lines 20 and 21 strike beginning with "Except" through "nothing" and insert "Nothing"; and in line 21 strike "Municipal" and insert "Local Government".

6. On page 10, line 16, strike "September 15" and show the old matter as stricken; and in line 17 reinstate the stricken "August 25".

7. On page 11, line 21, after "adopted" insert "such that either the revenue of the current fiscal year for any fund thereof will be insufficient or additional expenses will be incurred".

8. On page 13, line 2, strike "utility" and insert "proprietary function".

9. On page 14, line 5, after "The" insert "fiscal year of each city commencing on August 1, 1994, shall extend to September 30, 1995. Thereafter the"; in lines 5 and 6 strike "the first day of" and show as stricken; and in line 6 after "October" insert "1".

10. On page 15, line 20, after the stricken "the" insert "fiscal year of each city of the second class and

village commencing on August 1, 1994, shall extend to September 30, 1995. Thereafter the"; in line 22 strike "the first day of" and show as stricken and after "October" insert "1"; and in line 28 strike ", on or" and show as stricken.

11. On page 16, line 1, strike "before August 15 of each year,", show as stricken, and insert "within the last quarter of each fiscal year".

12. On page 17, line 13, strike "30" and insert "15".

13. On page 18, line 6, strike the new matter and reinstate the stricken matter.

14. On page 19, line 8, strike "September 15", show the old matter as stricken, and insert "August 25".

15. On page 20, line 17, strike "September 15", show the old matter as stricken, and insert "August 25"; and in line 24 strike "and" and before "Reissue" insert "and 19-2902,"; and in line 25 after the third comma insert "13-509, 77-509, 77-509.01,".

16. Renumber the remaining sections accordingly.

(Signed) D. Paul Hartnett, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 834. Introduced by Warner, 25, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.03, Revised Statutes Supplement, 1992; to adopt the Health Care Provider Income Assessment Act; to authorize a tax credit; to require reports; to state intent; and to repeal the original section.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 834.

LB	Committee
834	Revenue

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING
Revenue

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mr. Chambers asked unanimous consent to have his name added as cointroducer to LB 579. No objections. So ordered.

VISITORS

Visitors to the Chamber were 50 fourth grade students and teachers from Paddock Lane School, Beatrice; 130 high school students; and 47 students and teacher from Central High School, Omaha.

The Doctor of the Day was Pat Hotovy from York.

ADJOURNMENT

At 11:53 a.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Thursday, March 25, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-NINTH DAY - MARCH 25, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 25, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor John Lover, United Methodist Church, Falls City, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Kristensen, Wickersham, and Ms. Schimek who were excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Chambers, Hall, Hartnett, Lindsay, Moore, Warner, Wesely, Withem, and Mrs. Hudkins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 124. Placed on Select File as amended.
E & R amendment to LB 124:
AM5436
1. On page 6, line 25, after "organization" insert an underscored comma.

LEGISLATIVE BILL 124A. Placed on Select File.
LEGISLATIVE BILL 631. Placed on Select File.

LEGISLATIVE BILL 53. Placed on Select File as amended.

E & R amendment to LB 53:
AM5433

1. In the Schellpeper amendment, AM0551:

a. On page 2, line 14, after the second comma insert "as amended by section 9, Legislative Bill 183, Ninety-third Legislature, First Session, 1993,"; and

b. On page 8, line 25, strike the comma and insert "and"; and in line 26 strike "and 53-124," and after "1992" insert ", and section 53-124, Revised Statutes Supplement, 1992, as amended by section 9, Legislative Bill 183, Ninety-third Legislature, First Session, 1993".

2. On page 1, strike lines 2 through 5 and insert "sections 53-123.02 and 53-123.04, Revised Statutes Supplement, 1992, and section 53-124, Revised Statutes Supplement, 1992, as amended by section 9, Legislative Bill, 183, Ninety-third Legislature, First Session, 1993; to allow the sampling of tax-paid wine upon the premises of a licensed retailer as prescribed; to harmonize provisions; and to repeal the original sections.".

LEGISLATIVE BILL 561. Placed on Select File as amended.
E & R amendment to LB 561:
AM5434

1. On page 1, line 3, strike "a defense as provided" and insert "the defense to the charge of selling to a minor".

(Signed) Kurt A. Hohenstein, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 70. Introduced by Abboud, 12.

WHEREAS, Joseph A. Wager was mayor of the city of Ralston from 1969 to 1984, past president of the Metropolitan Area Planning Agency Council, honorary member of the Ralston Jaycees, past president of the Ralston Optimists, and on the boards of the Ralston Chamber of Commerce and the Ralston Schools Foundation; and

WHEREAS, Mr. Wager was a dedicated public servant, both politically and charitably; and

WHEREAS, Mr. Wager developed better communication between Ralston and neighboring communities, brought about the paving of 77th Street and the removal of the 77th Street railroad trestle, and created toys and other items for children's use at the Ralston Public Library; and

WHEREAS, Joseph A. Wager died March 12, 1993.

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

1. That the Legislature recognizes the outstanding community achievements and long public service career of Joseph A. Wager.

2. That the Legislature expresses its sincere condolences to Mrs. Charlotte Wager, their children, and other relatives.

3. That a copy of this resolution be sent to Mrs. Charlotte Wager.

Laid over.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 24, 1993. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Kendrick, Leslie E. - Omaha	Cargill, Inc.
Mills, Guyla - Lincoln (Withdrawn 03/23/93)	Citizens Against Pornography
Richard, Dwayne - Lincoln	Chemical Specialties Manufacturers Association

MESSAGES FROM THE GOVERNOR

March 23, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

APPOINTEE: James W. Anderson, 1721 4th Street, Kearney, NE 68847

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

March 23, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

APPOINTEE: Arthur B. Yonkey, P.O. Box 94759, Lincoln, NE 68509-4759

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

RESOLUTIONS

LEGISLATIVE RESOLUTION 68. Read. Considered.

LR 68 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 69. Read. Considered.

LR 69 was adopted with 25 ayes, 0 nays, and 24 not voting.

MOTION - Approve Appointments

Mrs. Rasmussen moved the adoption of the report of the Health and Human Services Committee for the following Governor appointments found in the Journal on page 1147: David Perlman, Christena Buttress, and Bob Ide - Nebraska Foster Care Review Board.

Voting in the affirmative, 27:

Baack	Cudaback	Hartnett	McKenzie	Schmitt
Beutler	Day	Hohenstein	Rasmussen	Vrtiska
Bohlke	Dierks	Horgan	Robak	Wehrbein
Bromm	Elmer	Janssen	Robinson	Will
Byars	Fisher	Landis	Schellpeper	Witek
Coordsen	Haberman			

Voting in the negative, 0.

Present and not voting, 9:

Ashford	Crosby	Jones	Pedersen	Preister
Avery	Hillman	Lynch	Pirsch	

Excused and not voting, 13:

Abboud	Chambers	Kristensen	Schimek	Wickersham
Bernard-Stevens	Hall	Lindsay	Warner	Withem
	Hudkins	Moore	Wesely	

These appointments were confirmed with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Mr. Landis moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following Governor appointments found in the Journal on page 1161: Dr. Robert Allington, Lewis Harris, and Thomas Smith - Research and Development Authority.

Voting in the affirmative, 31:

Baack	Day	Hohenstein	Pedersen	Schmitt
Beutler	Dierks	Horgan	Pirsch	Vrtiska
Bohlke	Elmer	Janssen	Rasmussen	Wehrbein
Bromm	Haberman	Landis	Robak	Wesely
Byars	Hartnett	Lynch	Robinson	Will
Coordsen	Hillman	McKenzie	Schellpeper	Witek
Cudaback				

Voting in the negative, 0.

Present and not voting, 7:

Ashford	Crosby	Jones	Moore	Preister
Avery	Fisher			

Excused and not voting, 11:

Abboud	Chambers	Kristensen	Schimek	Wickersham
Bernard-Stevens	Hall	Lindsay	Warner	Withem
	Hudkins			

These appointments were confirmed with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 363. With Emergency.

A BILL FOR AN ACT relating to judges; to amend sections 24-710.03 and 24-729, Revised Statutes Supplement, 1992; to change provisions relating to the purchase of service credit in the retirement system; to define the term retired judge; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Ashford	Chambers	Hartnett	Lynch	Robinson
Avery	Coordsen	Hillman	McKenzie	Schellpeper
Baack	Cudaback	Hohenstein	Moore	Schmitt
Bernard-Stevens	Day	Horgan	Pedersen	Vrtiska
	Dierks	Janssen	Pirsch	Wehrbein
Bohlke	Elmer	Jones	Preister	Wesely
Bromm	Fisher	Landis	Rasmussen	Will
Byars	Haberman	Lindsay	Robak	Witek

Voting in the negative, 0.

Present and not voting, 2:

Beutler Crosby

Excused and not voting, 8:

Abboud	Hudkins	Schimek	Wickersham	Withem
Hall	Kristensen	Warner		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 410.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-363 and 75-364, Revised Statutes Supplement, 1992; to adopt updated federal motor carrier safety regulations and additional and updated federal hazardous material regulations; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud	Byars	Hall	Lynch	Schellpeper
Ashford	Chambers	Hartnett	McKenzie	Schmitt
Avery	Coordsen	Hillman	Moore	Vrtiska
Baack	Cudaback	Hohenstein	Pedersen	Wehrbein
Bernard-Stevens	Day	Horgan	Pirsch	Wesely
	Dierks	Janssen	Preister	Will
Beutler	Elmer	Jones	Rasmussen	Witek
Bohlke	Fisher	Landis	Robak	Withem
Bromm	Haberman	Lindsay	Robinson	

Voting in the negative, 0.

Present and not voting, 1:

Crosby

Excused and not voting, 5:

Hudkins	Kristensen	Schimek	Warner	Wickersham

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 452.

A BILL FOR AN ACT relating to educational service units; to amend sections 77-3439 and 79-2210, Revised Statutes Supplement, 1992; to provide duties relating to access to telecomputing services; to provide for increasing a levy; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud	Beutler	Cudaback	Hall	Jones
Ashford	Bohlke	Day	Hartnett	Landis
Avery	Bromm	Dierks	Hillman	Lindsay
Baack	Byars	Elmer	Hohenstein	Lynch
Bernard-Stevens	Chambers	Fisher	Horgan	McKenzie
	Coordsen	Haberman	Janssen	Moore

Pedersen	Rasmussen	Schellpeper	Wehrbein	Witek
Pirsch	Robak	Schmitt	Wesely	Withem
Preister	Robinson	Vrtiska	Will	

Voting in the negative, 0.

Present and not voting, 1:

Crosby

Excused and not voting, 5:

Hudkins	Kristensen	Schimek	Warner	Wickersham

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 43.

A BILL FOR AN ACT relating to county officers; to amend section 32-308, Revised Statutes Supplement, 1992; to change the population requirements for the election of the county clerk and the register of deeds; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud	Coordsen	Hillman	McKenzie	Schellpeper
Ashford	Cudaback	Hohenstein	Moore	Schmitt
Avery	Day	Horgan	Pedersen	Vrtiska
Baack	Dierks	Janssen	Pirsch	Wehrbein
Beutler	Elmer	Jones	Preister	Wesely
Bohlke	Fisher	Landis	Rasmussen	Will
Bromm	Haberman	Lindsay	Robak	Witek
Byars	Hall	Lynch	Robinson	Withem
Chambers	Hartnett			

Voting in the negative, 0.

Present and not voting, 2:

Bernard-Stevens	Crosby

Excused and not voting, 5:

Hudkins	Kristensen	Schimek	Warner	Wickersham

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 119.

A BILL FOR AN ACT relating to cities of the first and second classes; to amend sections 16-238 and 17-121, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the composition of the board of health; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Byars	Hall	Lynch	Robinson
Ashford	Chambers	Hartnett	McKenzie	Schellpeper
Avery	Coordsen	Hillman	Moore	Schmitt
Baack	Cudaback	Hohenstein	Pedersen	Vrtiska
Bernard-Stevens	Day	Horgan	Pirsch	Wehrbein
	Dierks	Janssen	Preister	Will
Beutler	Elmer	Jones	Rasmussen	Witek
Bohlke	Fisher	Landis	Robak	Withem
Bromm	Haberman	Lindsay		

Voting in the negative, 0.

Present and not voting, 2:

Crosby	Wesely

Excused and not voting, 5:

Hudkins	Kristensen	Schimek	Warner	Wickersham

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 205.

A BILL FOR AN ACT relating to adoption; to amend sections 43-138, 43-139, 43-141, 43-146.11, 43-146.12, and 43-146.14, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to obtaining information on an adopted person and fees for such information; to provide for the transfer of certain records; to provide for

communication agreements as prescribed; to provide for civil actions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud	Chambers	Hartnett	McKenzie	Schellpeper
Ashford	Coordsen	Hillman	Moore	Schmitt
Avery	Cudaback	Hohenstein	Pedersen	Vrtiska
Baack	Day	Horgan	Pirsch	Wehrbein
Bernard-Stevens	Dierks	Janssen	Preister	Wesely
Bohlke	Elmer	Jones	Rasmussen	Will
Bromm	Fisher	Landis	Robak	Witek
Byars	Haberman	Lindsay	Robinson	Withem
	Hall	Lynch		

Voting in the negative, 0.

Present and not voting, 2:

Beutler Crosby

Excused and not voting, 5:

Hudkins Kristensen Schimek Warner Wickersham

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 367.

A BILL FOR AN ACT relating to zoning; to require notices of proposed changes in zoning classification for property within the zoning jurisdiction of a city of the metropolitan class as prescribed; and to define terms.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Abboud	Bernard-Stevens	Bromm	Crosby	Elmer
Ashford	Beutler	Byars	Cudaback	Fisher
Avery	Bohlke	Chambers	Day	Haberman
Baack		Coordsen	Dierks	Hall

Hartnett	Jones	Moore	Robinson	Wehrbein
Hillman	Landis	Pedersen	Schellpeper	Wesely
Hohenstein	Lindsay	Pirsch	Schmitt	Will
Horgan	Lynch	Preister	Vrtiska	Witek
Janssen	McKenzie	Robak	Warner	Withem

Voting in the negative, 0.

Present and not voting, 1:

Rasmussen

Excused and not voting, 4:

Hudkins	Kristensen	Schimek	Wickersham

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 369. With Emergency.

A BILL FOR AN ACT relating to the Deferred Building Renewal Act; to amend sections 81-173, 81-178, 81-179, and 81-181, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to change classifications of work items; to change provisions relating to accounting for funds; to eliminate a restriction on use of funds; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud	Byars	Haberman	Lindsay	Schellpeper
Ashford	Chambers	Hall	Lynch	Schmitt
Avery	Coordsen	Hartnett	McKenzie	Vrtiska
Baack	Crosby	Hillman	Moore	Warner
Bernard-Stevens	Cudaback	Hohenstein	Pedersen	Wehrbein
	Day	Horgan	Pirsch	Wesely
Beutler	Dierks	Janssen	Preister	Will
Bohlke	Elmer	Jones	Robak	Withem
Bromm	Fisher	Landis		

Voting in the negative, 0.

Present and not voting, 3:

Rasmussen Robinson Witek

Excused and not voting, 4:

Hudkins Kristensen Schimek Wickersham

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 384.

A BILL FOR AN ACT relating to highways; to amend section 39-2519, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to matching funds by cities of the first class for allocation of funds for street purposes; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Abboud	Byars	Haberman	Lindsay	Schellpeper
Ashford	Chambers	Hall	Lynch	Schmitt
Avery	Coordsen	Hartnett	McKenzie	Vrtiska
Baack	Crosby	Hillman	Moore	Warner
Bernard-Stevens	Cudaback	Hohenstein	Pedersen	Wehrbein
	Day	Horgan	Pirsch	Wesely
Beutler	Dierks	Janssen	Preister	Will
Bohlke	Elmer	Jones	Robak	Witek
Bromm	Fisher	Landis	Robinson	Withem

Voting in the negative, 0.

Present and not voting, 1:

Rasmussen

Excused and not voting, 4:

Hudkins Kristensen Schimek Wickersham

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 390. With Emergency.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-326, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the jurisdiction of city police; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud	Chambers	Hall	Lynch	Schmitt
Ashford	Coordsen	Hartnett	McKenzie	Vrtiska
Baack	Crosby	Hillman	Moore	Warner
Bernard-Stevens	Cudaback	Hohenstein	Pedersen	Wehrbein
Beutler	Day	Horgan	Pirsch	Wesely
Bohlke	Dierks	Janssen	Preister	Will
Bromm	Elmer	Jones	Robinson	Witek
Byars	Fisher	Landis	Schellpeper	Withem
	Haberman	Lindsay		

Voting in the negative, 0.

Present and not voting, 3:

Avery	Rasmussen	Robak

Excused and not voting, 4:

Hudkins	Kristensen	Schimek	Wickersham

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 200.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1401.02, Revised Statutes Supplement, 1992; to define and redefine terms; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Avery	Bernard-	Beutler	Bromm
Ashford	Baack	Stevens	Bohlke	Byars

Chambers	Fisher	Hudkins	Moore	Vrtiska
Coordsen	Haberman	Janssen	Pedersen	Warner
Crosby	Hall	Jones	Pirsch	Wehrbein
Cudaback	Hartnett	Landis	Preister	Wesely
Day	Hillman	Lindsay	Robak	Will
Dierks	Hohenstein	Lynch	Schellpeper	Witek
Elmer	Horgan	McKenzie	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 2:

Rasmussen Robinson

Excused and not voting, 3:

Kristensen Schimek Wickersham

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 508. With Emergency.

A BILL FOR AN ACT relating to the Municipal Natural Gas Regulation Act; to amend sections 19-4601, 19-4602, 19-4604, 19-4612, 19-4618, and 19-4621, Reissue Revised Statutes of Nebraska, 1943; to state intent; to provide for a filing and for confidentiality of such filing as prescribed; to prohibit subsidization of certain activities as prescribed; to provide for an injunction and a civil penalty; to provide for an appeal; to define terms; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Chambers	Hall	Lindsay	Schellpeper
Ashford	Coordsen	Hartnett	Lynch	Schmitt
Avery	Crosby	Hillman	McKenzie	Vrtiska
Baack	Cudaback	Hohenstein	Moore	Warner
Bernard-Stevens	Day	Horgan	Pedersen	Wehrbein
Beutler	Dierks	Hudkins	Pirsch	Wesely
Bohlke	Elmer	Janssen	Preister	Will
Bromm	Fisher	Jones	Robak	Witek
Byars	Haberman	Landis	Robinson	Withem

Voting in the negative, 0.

Present and not voting, 1:

Rasmussen

Excused and not voting, 3:

Kristensen Schimek Wickersham

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 106 to Select File

Mr. Byars moved to return LB 106 to Select File for the following specific amendment:
AM1012

(Amendments to Final Reading copy)

1. On page 7, strike beginning with "A" in line 4 through the period in line 5.

The Byars motion to return prevailed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 106. The Byars specific amendment, AM1012, found in this day's Journal, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 363, 410, 452, 43, 119, 205, 367, 369, 384, 390, 200, and 508.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 782. Placed on General File as amended.
Standing Committee amendment to LB 782:
AM0755

1. Strike original sections 1 and 8.
2. On page 4, line 20, after "public" insert "who shall not be the attorney-in-fact or successor

attorney-in-fact".

3. On page 7, line 6, strike "and" and insert "that"; and in line 7 after "deed" insert ", and that I am not the attorney-in-fact or successor attorney-in-fact designated by this power of attorney for health care".

4. On page 9, line 23, reinstate the stricken matter, strike "or consulting" and show the old matter as stricken, and after "physician" insert "consulted with respect to the determination that the principal is incapable of making health care decisions".

5. On page 12, line 6, strike "Nothing" and insert "Subject to subsection (5) of section 30-3417 and subsection (7) of section 30-3420, in the absence of an effective designation of power of attorney for health care nothing".

6. On page 13, line 1, after "in" insert "subsections (2) and (3) of section 30-3408 and"; in line 22 strike "30-3402,"; and in line 23 strike "to 30-3414" and insert ", 30-3413".

LEGISLATIVE BILL 819. Placed on General File as amended.
Standing Committee amendment to LB 819:
AM0993

1. Insert the following new sections:

"Sec. 7. The Legislature hereby finds that health care providers are at risk of significant exposure to the blood and other body fluids of patients as a result of their work. The testing of such body fluids for the presence of infectious disease is necessary to provide post-exposure risk-reduction methods and treatment, if necessary, for health care providers when there is a significant exposure to the body fluid of a patient and there are unresolved issues of consent by the patient to the testing of such fluids.

Sec. 8. For purposes of sections 7 to 11 of this act:

(1) Health care provider shall mean a person who provides care to a person which is designed to improve the status of their health whether this care is rendered in the hospital or community setting and whether the provider is paid or voluntary. Health care providers shall not mean an emergency medical services provider as defined in section 71-507;

(2) Patient shall mean an individual who is sick, injured, wounded, or otherwise helpless or incapacitated;

(3) Provider agency shall mean any health care facility or agency which is in the business of providing health care services; and

(4) Significant exposure to blood or other body fluid shall mean a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other

materials known to transmit infectious diseases that results from providing care.

Sec. 9. (1) If a health care provider has a significant exposure to the blood or body fluid of a patient, as determined and documented by a designated representative of the provider agency according to a written protocol:

(a) The patient shall be informed that he or she has the right to consent to the diagnostic testing of his or her body fluid for presence of an infectious disease or condition and that if the patient refuses to grant consent, such refusal shall be communicated to the health care provider;

(b) If the patient is unconscious or incapable of signing an informed consent form, the consent may be obtained from the patient's next of kin or legal guardian;

(c) If the patient or patient's next of kin or legal guardian refuses to grant consent for such testing and a sample of the patient's blood or other body fluid is available, the sample shall be tested for the presence of infectious disease or condition. If the patient or patient's guardian refuses to grant consent and a sample of the patient's blood or other body fluid is not available, the health care provider or agency may petition the district court for an order mandating that the testing be performed; or

(d) If a patient dies without the opportunity to consent to such testing, testing for the presence of an infectious disease or condition shall be conducted.

(2) The provider agency shall be responsible for the cost of such diagnostic testing.

Sec. 10. (1) Information concerning any patient or test results obtained under section 9 of this act shall be maintained as confidential by the health care facility that received or tested the patient, the patient's attending physician, the health care provider, and the provider agency except as provided by sections 71-503.01 and 71-2017 and the rules and regulations adopted and promulgated pursuant to such sections. Such information shall not be made public upon subpoena, search warrant, discovery proceedings, or otherwise except as provided by such sections.

(2) The information described in subsection (1) of this section may be released with the written consent of the patient or, if the patient is deceased or incapable of giving informed consent, with the written consent of his or her next of kin, legal guardian, or personal representative of his or her estate.

Sec. 11. Provider agencies shall adopt written procedures regarding infectious diseases or conditions which address pre-exposure safeguards and post-exposure risk-reduction methods.".

2. On page 2, line 21, after "Contract" insert "or

provide" and after the first comma insert "anonymous or"; and strike beginning with "Such" in line 24 through "charge" in line 25, show as stricken, and insert "The department may charge and permit its contractors to charge an administrative fee or may request donations to defer the cost of the services but shall not deny the services for failure to pay any administrative fee or for failure to make a donation".

3. On page 3, line 3, strike "provide" and insert "offer" and after "services" insert "that are culturally and language specific".

4. On page 6, strike beginning with "Except" in line 20 through "no" in line 21 and insert "No".

5. On page 7, line 22, strike "or"; strike lines 23 to 28 and insert:

"(b) The performance by a health care provider or a health facility of a human immunodeficiency virus test when such test is performed with the consent and written authorization of the person being tested and such test is for insurance underwriting purposes;

(c) The performance of a human immunodeficiency virus test by licensed medical personnel of the Department of Correctional Services when the subject of the test is committed to such department. Post-test counseling shall be required for the subject if the test is positive. A person committed to the Department of Correctional Services shall be informed by the department (i) if he or she is being tested for the human immunodeficiency virus; (ii) that education shall be provided to him or her about the human immunodeficieny virus including, but not limited to, the identification and reduction of risks; and (iii) of the test result and the meaning of such result; or

(d) The performance of a human immunodeficiency virus test performed pursuant to sections 29-2290, 71-507 to 71-513, or sections 7 to 11 of this act.".

6. On page 8, line 3, strike "to the department"; in line 5 strike "7, and 8" and insert "12, and 13".

7. Renumber remaining sections accordingly.

(Signed) Don Wesely, Chairperson

Business and Labor

LEGISLATIVE BILL 757. Placed on General File as amended.
Standing Committee amendment to LB 757:
AM1004

1. Insert the following new section:

"Sec. 37. On January 1, 1997, the Governor shall direct the Director of Insurance and the Commissioner of Labor to conduct and complete a cost-benefit analysis and a review

of the effectiveness of the changes made by Legislative Bill 757, Ninety-third Legislature, First Session, 1993, to control or reduce the cost of workers' compensation premiums. Information for the study may be elicited from interested persons and from the Workers' Compensation Court. The director and the commissioner shall submit a report, which may include recommendations for further legislation, to the chairperson of the Business and Labor Committee of the Legislature, the Clerk of the Legislature, and the Governor by October 1, 1997. The Business and Labor Committee of the Legislature shall hold a public hearing on the study and shall submit a report to the Legislature by December 1, 1997. The Governor or the Legislature, by resolution, may require a similar study in 1999 and every two years thereafter.".

2. On page 58, line 11, strike "37" and insert "38".

3. Renumber the remaining sections accordingly.

(Signed) Chris Abboud, Chairperson

GENERAL FILE

LEGISLATIVE BILL 332A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

MR. HALL PRESIDING

LEGISLATIVE BILL 301A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 444. Title read. Considered.

Standing Committee amendment, AM0765, found in the Journal on page 958, was considered.

SPEAKER BAACK PRESIDING

Mrs. Hillman and Mr. Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 346 in the Journal. No objections. So ordered.

AM1029

1. Insert the following new sections:

"Sec. 7. That section 77-202.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-202.01. Any organization or society seeking a tax exemption provided in subdivisions (1)(b) and (1)(c) of section 77-202 for any real or personal property, except motor vehicles, shall apply for exemption to the county assessor before January 1 of the year for which the exemption is sought on forms prescribed by the Tax Commissioner. The county assessor shall examine the application and recommend either taxable or exempt status for the real property or tangible personal property, except motor vehicles, to the county board of equalization on or before February 1 following.

Any organization or society which misses the January 1 deadline for applying for exemption may apply prior to May 1 for tax year 1993 and February 1 for all other tax years to the county board of equalization for a waiver so that the county assessor may consider the application for exemption. The county board of equalization shall grant the waiver upon a finding that a reason exists for the failure to make application by January 1. When the waiver is granted, the county assessor shall examine the application and recommend either taxable or exempt status for the real property or tangible personal property, except motor vehicles, to the county board of equalization and shall, beginning in 1994, assess a penalty against the organization of ten percent of the tax that would have been assessed had the waiver been denied.

Sec. 23. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In AM0640, on page 5, line 2, after the first comma insert "77-202.01,"; in line 9 strike "15 and 16" and insert "16 and 17"; and in line 10 strike "15" and insert "16".

3. Renumber the remaining sections accordingly.

Mr. Will asked unanimous consent to print the following amendment to LB 471 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1009.)

Mrs. Robak asked unanimous consent to print the following amendment to LB 575 in the Journal. No objections. So ordered.

AM1028

(Amendments to E & R amendments, AM5424)

1. Insert the following new sections:

"Sec. 47. School crossing zone shall mean the area of a roadway designated to the public by the Department of Roads or any county, city, or village as a school crossing zone through the use of a sign or traffic-control device as specified by the department or any county, city, or village in conformity with the Manual on Uniform Traffic Control Devices adopted pursuant to section 214, Legislative Bill 370, Ninety-third Legislature, First Session, 1993, but shall not include any area of a freeway.

Sec. 48. Any person convicted of speeding in a school crossing zone shall be guilty of a traffic infraction and shall be fined:

(1) At least fifty dollars but not more than one hundred dollars for the first offense;

(2) At least seventy-five dollars but not more than two hundred dollars for a second offense within a one-year period; and

(3) At least one hundred dollars but not more than three hundred dollars for a third or subsequent offense within a one-year period.

Sec. 49. Any person convicted of failing to yield to a pedestrian in a school crossing zone shall be guilty of a traffic infraction and shall be fined:

(1) At least thirty-five dollars but not more than one hundred dollars for the first offense;

(2) At least fifty dollars but not more than two hundred dollars for a second offense within a one-year period; and

(3) At least seventy-five dollars but not more than three hundred dollars for a third or subsequent offense within a one-year period.".

2. On page 59, line 21, strike "46, and" and after "49" insert ", and 52".

3. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 448. Placed on General File.

LEGISLATIVE BILL 468. Placed on General File.
LEGISLATIVE BILL 503. Placed on General File.

LEGISLATIVE RESOLUTION 15CA. Placed on General File.

LEGISLATIVE BILL 312. Placed on General File as amended.
Standing Committee amendment to LB 312:
AM0296

1. On page 3, lines 26 and 27, strike "tribal groups related to the site" and insert "tribes".
2. On page 4, line 2, after "bodies" insert "which maintain collections of archaeological, historical, or paleontological significance".

LEGISLATIVE BILL 681. Placed on General File as amended.
Standing Committee amendment to LB 681:
AM0984

1. On page 2, line 2, after "acquire" insert "real".

LEGISLATIVE BILL 759. Placed on General File as amended.
Standing Committee amendment to LB 759:
AM0591

1. On page 2, strike beginning with the second "the" in line 8 through "(d)" in line 9 and show the old matter as stricken; in line 10 strike "(e)" and insert "(d)"; in line 12 strike "(f)" and insert "(e)"; in line 13 strike "(g)" and insert "(f)"; in line 14 strike the new matter and insert "(g) the costs of"; and in line 15 strike "(i)" and insert "(h)".

LEGISLATIVE BILL 692. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 25, 1993, at 10:40 a.m., were the following bills: 363, 410, 452, 43, 119, 205, 367, 369, 384, 390, 200, and 508.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Expedite LB 579 and LB 579A

Mr. Hall asked unanimous consent to expedite LB 579 and LB 579A. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 627. Considered.

Mr. Ashford offered the following amendment:
FA44
In Section 50 line 4 after the word "program" insert for community corrections for non-violent offenders

The Ashford amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

MR. HALL PRESIDING

Mr. Chambers moved to bracket LB 627 until April 6, 1993.

SPEAKER BAACK PRESIDING

Mrs. McKenzie and Mr. Schellpeper asked unanimous consent to be excused. No objections. So ordered.

Pending.

ATTORNEY GENERAL'S OPINION

Opinion No. 93020

DATE: March 23, 1993

SUBJECT: Constitutionality of Legislative Bill 292 and Proposed Amendments Relating to Adjustments of Retirement Benefits of the School Employees Retirement System.

REQUESTED BY: Senator Thomas R. Horgan, District No. 4
Chairperson, Nebraska Retirement Systems Committee

WRITTEN BY: Don Stenberg, Attorney General
Fredrick F. Neid, Assistant Attorney General

You have posed various questions regarding the constitutional validity of certain provisions of Legislative Bill 292 and proposed amendments, AM 0349 and AM 0879. By letter under date of March 18, 1993, you have indicated that the "cost-of-living benefit language

included in AM 0879 was advanced from the Nebraska Retirement Systems Committee."

The first question you have asked is whether Legislative Bill 292 or the amendments provide an unconstitutional delegation of legislative authority to the Public Employees Retirement Board by requiring it to provide a cost of living adjustment "in the discretion of the board" or "when amounts accumulated are sufficient"? It is our opinion that the provisions for cost of living increases do not constitute an improper delegation of legislative authority to the Public Employees Retirement Board.

Section 4 of LB 292 states:

> There is hereby created the School Employees Retirement System Reserve Fund. The Board may use the fund to provide a three-percent cost-of-living adjustment to benefits provided pursuant to the School Employees Retirement Act. The terms of such cost-of-living adjustments shall be in the discretion of the board. The board may make transfers to the fund for the purpose stated in this section from any other fund administered by the board pursuant to the act.

Section 4 of LB 292 is modified by the provisions of AM 0879 which generally authorize cost-of-living adjustments for benefits of retired persons "whenever funds are sufficient for such a benefit and the increase in the cost-of-living or wage levels justifies the adjustment as provided by this section." Based on these statutory provisions, the Public Employees Retirement board is authorized to fund and implement a three percent cost-of-living adjustment when fund amounts in the Retirement System Reserve Fund are sufficient for this purpose. It would seem that the discretion afforded the Board is very limited and that discretion is limited as to amount and purpose. Our Supreme Court has concluded that delegation of legislative authority is permissible when that authority is limited as to amount and purpose. City of Lincoln v. Lesoing, 221 Neb. 823, 381 N.W.2d 130 (1986); Banks v. Board of Education of Chase County, 202 Neb. 717, 227 N.W.2d 76 (1979).

You next inquire whether legislation mandating cost of living adjustments requires language which specifies that the adjustment is being made to reflect changes that have occurred in the cost of living and wage levels after retirement. We are not aware of any requirement that certain specific language be utilized. This question appears to be related to the constitutional prohibition which precludes the granting of additional compensation to public officers or employees after services have been rendered. Article III, Section 19 of the Nebraska Constitution in relevant part states:

> The Legislature shall never grant any extra compensation to any public officer, agent, or servant after the services have been rendered nor to any contractor after the contract has been entered into, except that retirement benefits of retired public officers and employees may be adjusted to reflect changes in the cost of living

and wage levels that have occurred subsequent to the date of retirement, . . .

(Emphasis added).

This express exception to the constitutional prohibition permits adjustments to reflect changes in the cost of living and wage levels which have occurred subsequent to retirement. The amendatory provisions of AM 0879 appear to be in accordance with the constitutional provision permitting cost of living adjustments.

The third question you have asked is whether a specified percentage increase is necessary for legislation which provides a cost of living increase, and must this percentage be associated or based on a cost of living index. We are not aware of any requirements that a specific percentage be stated in legislation which provides a cost of living increase. However, the percentage of increase implemented would necessarily be based on a cost of living index. As a practical matter, the basis for any adjustment would be a cost of living index or computation of the amount of adjustment would not be possible.

The fourth and last question you have raised is "{w}hat constitutional problems are associated with the creation of a fund which provides an on-going cost of living adjustment to retired school employees without a specific legislative enactment for each adjustment which is provided?" For the reasons that are set forth above, we do not perceive any "constitutional problems" with the proposed legislation providing cost of living adjustments for retirement benefit amounts. Such adjustments are expressly authorized by the Constitution and the legislative delegation of authority to the Board is limited both as to amount and purpose. We are aware of no problems created because each adjustment is not the subject of a separate and specific legislative enactment. With regard to retirement plans, statutory or otherwise, it is customary that a plan provision authorizing adjustments based on changes that have occurred in the cost of living not be formalized on a year to year basis. Rather, a provision authorizing cost of living adjustments on a continuing basis is the normal and commonly-accepted practice for retirement plans and programs.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Fredrick F. Neid
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
21-412-6.93d

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 579 and 579A.

(Signed) Kurt A. Hohenstein, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 640A. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 640, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 145A. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 145, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 152A. Introduced by Dierks, 40; Vrtiska, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 152, Ninety-third Legislature, First Session, 1993.

VISITORS

Visitors to the Chamber were 110 students and sponsor from Beatrice High School; Senator Jones' sister, Lila Edengton, from Wallace; Senator Bromm's mother and sister, Della Bromm and Joan Anderson, from Tekamah, and sister, Phyllis Holmquist, from Des Moines, Iowa; and 30 fourth grade students and teacher from Gretna Elementary School.

The Doctor of the Day was Robert Messbarger from Lincoln.

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Tuesday, March 30, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTIETH DAY - MARCH 30, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 30, 1993

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Moul presiding.

PRAYER

The prayer was offered by Dr. Stephen S. Bilynskyj, First Evangelical Covenant Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Bernard-Stevens, Bromm, Haberman, Horgan, Kristensen, Landis, Lindsay, Robinson, Warner, Wesely, Wickersham, Withem, Mmes. Bohlke, Hillman, Hudkins, Rasmussen, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

UNANIMOUS CONSENT - Member Excused

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 267. Placed on Select File as amended.
E & R amendment to LB 267:
AM5439

1. On page 1, line 8, after "inspections" insert "and samples"; and in line 10 after the first "to" insert

"authorize certain composting; to change provisions relating to certain violations; to define and".

2. On page 2, line 24, after the last comma insert "and".

3. On page 4, line 13, after the stricken "quarantining" insert "may"; in line 14 strike the comma and show as stricken; in lines 16 and 17 before the underscored matter insert "may"; in line 23 after "may" insert "adopt,"; and in line 24 strike "adopt," and show the old matter as stricken.

4. On page 5, line 3, after "disease" insert an underscored comma.

5. On page 6, lines 4 and 6, strike the comma and show as stricken.

6. On page 7, line 2, strike the first comma and show as stricken; in lines 3 and 24 strike the comma and show as stricken; and in line 20 strike the second comma and show as stricken.

7. On page 9, line 5, strike the second comma and show as stricken; and in line 8 strike the comma and show as stricken.

8. On page 10, line 13, strike the comma and show as stricken.

9. On page 11, line 22, after the last comma insert "and".

10. On page 14, line 17, strike the comma.

11. On page 19, line 4, strike the comma and show as stricken.

12. On page 21, line 2, after "the" insert "Nebraska"; in line 6 after "both" insert "in"; and in line 23 after the last comma insert "and".

LEGISLATIVE BILL 520A. Placed on Select File as amended.
E & R amendment to LB 520A:
AM5437

1. On page 1, line 4, after the semicolon insert "to reduce appropriations;".

LEGISLATIVE BILL 677A. Placed on Select File as amended.
E & R amendment to LB 677A:
AM5435

1. On page 1, line 3, after the semicolon insert "to reduce an appropriation;".

LEGISLATIVE BILL 635. Placed on Select File as amended.
E & R amendment to LB 635:
AM5438

1. On page 1, line 4, after "held" insert "and certain appearances to be made".

LEGISLATIVE BILL 301. Placed on Select File as amended.
E & R amendment to LB 301:
AM5441

1. In the Standing Committee amendments, AM0747:

a. On page 3, lines 7 and 11, reinstate the stricken comma;

b. On page 4, line 25, strike the first comma and show as stricken;

c. On page 8, line 16, strike "subsection" and insert "subdivision";

d. On page 9, line 14, strike "such subsection" and insert "subdivision (2)(a) of this section"; and in line 20 strike "subsections" and insert "subdivision";

e. On page 10, line 15, strike "consideration" and insert "considerations";

f. On page 11, line 7, strike "correspond" and insert "corresponds"; and

g. On page 13, line 11, strike "shall" and show as stricken.

2. On page 1, strike beginning with "46-204" in line 1 through line 12 and insert "46-228, 46-233, 46-235, and 46-237, Reissue Revised Statutes of Nebraska, 1943; to define terms; to change provisions relating to the standard of measurement for flowing water; to authorize appropriations of public waters for induced ground water recharge by public water suppliers; to change and provide application procedures for appropriations; to assign priority dates; to provide for notice and hearings; to require just compensation in certain cases; to provide powers for natural resources districts; to harmonize provisions; and to repeal the original sections.".

LEGISLATIVE BILL 365. Placed on Select File.

LEGISLATIVE BILL 505. Placed on Select File as amended.
E & R amendment to LB 505:
AM5440

1. In the Standing Committee amendment, AM0802:

a. On page 1, line 20, strike "section" and insert "subdivision"; and in line 23 strike "subsection" and insert "subdivision";

b. On page 2, line 3 strike "that";

c. On page 3, line 11, strike "assistants" and insert "assistant";

d. On page 6, line 7, strike the comma;

e. On page 8, line 9, strike "and" and insert a comma; in line 10 after the second "rate" insert a comma; in line 11 after "and" insert "shall"; and in line 13 after "full-time" insert a comma; and

f. On page 9, line 7, after "assistant" insert "practice".

2. On page 1, line 2, after "Act" insert "; to state intent; to require a plan regarding medical services for certain areas; and to declare an emergency".

LEGISLATIVE BILL 505A. Placed on Select File.

Correctly Reengrossed

The following bill was correctly reengrossed: 311.

Correctly Engrossed

The following bills were correctly engrossed: 42, 58, 128, 145, 155, 240, 240A, 332, 462, 520, 588, 588A, 593, and 626.

Enrollment and Review Change to LB 155

The following changes, required to be reported for publication in the Journal, have been made:
ER7228

1. On page 1, line 3, "eliminate" has been struck and "change provisions relating to" inserted.

Enrollment and Review Change to LB 311
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER7223

1. On page 1, line 6, "and the Department of Administrative Services" has been inserted after "commission".

Enrollment and Review Change to LB 332

The following changes, required to be reported for publication in the Journal, have been made:
ER7226

1. The E & R amendments, AM5393, have been struck.

2. In the Haberman amendment, AM0890, on page 5, line 9, "First Session," has been inserted after the first comma.

3. On page 1, line 3, "section 53-101" has been struck and "sections 53-101 and 53-117.06" inserted; in line 4 ", as amended by sections 1 and 7, respectively, Legislative Bill 183, Ninety-third Legislature, First Session, 1993" has been inserted after "1992"; in line 5 "to provide powers and duties for the Nebraska Liquor Control Commission;" has been inserted after the first semicolon; in line 6

"and" has been struck; and in line 7 "; and to declare an emergency" has been inserted after "sections".

Enrollment and Review Change to LB 520

The following changes, required to be reported for publication in the Journal, have been made:
ER7224

1. In the Robinson amendment, AM0927:

a. Section 10 has been struck;

b. Sections 1 to 9 and 11 have been renumbered as sections 22 to 30 and 32, respectively, and the internal references renumbered accordingly; and

c. On page 3, line 15, "caused" through "Governor" has been struck.

2. Original section 22 has been renumbered as section 31.

3. On page 1, the matter beginning with "the" in line 1 through line 8 and all amendments thereto have been struck and "children; to amend section 79-3303, Reissue Revised Statutes of Nebraska, 1943, and sections 43-2501 to 43-2503, 43-2505 to 43-2513, and 79-3301, Revised Statutes Supplement, 1992; to state and restate intent; to define and redefine terms; to provide for early intervention services coordination; to provide powers and duties; to create the Special Education Accountability Commission; to provide a termination date; to eliminate provisions relating to construction and applicability of the Early Intervention Act and an obsolete provision relating to a report; to harmonize provisions; to repeal the original sections, and also sections 43-2504 and 43-2514, Revised Statutes Supplement, 1992; and to declare an emergency." inserted.

4. On page 9, line 10, "program" has been struck and "programs" insert.

5. On page 13, line 6, "with disabilities" has been inserted before "and".

6. On page 19, line 1, "section 79-3303, Reissue Revised Statutes of Nebraska, 1943, and" has been inserted after "original" and "and 79-3301," has been inserted after the last comma.

Enrollment and Review Change to LB 588

The following changes, required to be reported for publication in the Journal, have been made:
ER7225

1. In lieu of the Avery amendment, FA42, in the E & R amendments, AM5401, on page 15, line 19, ", including, but not" has been struck and ". There is hereby created a Rules and Regulations Advisory Committee consisting of the Director of Agriculture, Director of Environmental Quality, Director of Natural Resources, Director of Water Resources, and Director of Health or the designated representative of any of such directors. The committee shall advise the

Department of Agriculture in the adoption and promulgation of such rules and regulations as are necessary for the enforcement and administration of the act. The regulations shall include, but not be" inserted.

2. In the Baack amendment, AM0908:

a. On page 1, line 11, the stricken comma has been reinstated; in line 12 the stricken "or" has been reinstated; in line 17 the comma has been struck and shown as stricken; and in line 20 an underscored comma has been inserted after "manufacturing";

b. On page 2, line 4, "the second" has been inserted after "after"; in line 14 "after the comma insert '(a)'" has been struck and "strike the comma and insert ':

(a)'" inserted; and in line 15 "an" has been struck and "An" inserted;

c. On page 3, line 17, "act" has been struck and "Pesticide Act" inserted; in line 22 paragraphing has been inserted before "(b)"; in line 25 "after" has been struck and "before" inserted; and in line 26 "9" has been struck; and

d. On page 4, line 14, "use a pesticide" has been inserted before "in".

3. In the E & R amendments, AM5401:

a. On page 10, line 26, an underscored comma has been inserted before "bearing";

b. On page 11, line 5, the comma has been struck;

c. On page 12, line 27, "Nebraska" has been inserted before "Natural";

d. On page 14, line 5, the first comma has been struck; and in line 8 the second comma has been struck;

e. On page 15, line 7 has been struck; and in line 23 "Pesticide Act"; has been struck and "act" inserted;

f. On page 16, line 9, "and" has been struck;

g. On page 19, line 15, "answer" has been struck and "answers" inserted;

h. On page 20, line 10, an underscored comma has been inserted after "animals";

i. On page 22, line 5, the comma has been stuck;

j. On page 24, line 11, "lien" has been struck and "lieu" inserted;

k. On page 27, line 12, "rules and" has been inserted after the second "the";

l. On page 29, line 10, "section" has been struck and "sections" inserted;

m. On page 37, line 21, "(i)" has been inserted after "(b)"; and in line 23 "(c)" has been struck and "(ii)" inserted;

n. On page 38, line 5, "any" has been struck and "Any" inserted; and

o. On page 39, line 13, "a" has been inserted after "in";

p. On page 42, line 14, the second "or" has been struck;

q. On page 44, line 19, the first "act" has been struck and "Pesticide Act" inserted;

r. On page 47, line 10, "person" has been struck and "personal" inserted; in line 12 "(1)" has been struck; in line 17 "(a)" has been struck and "(1)" inserted; in line 19 "(b)" has been struck and "(2)" inserted; and in line 22 "(c)" has been struck and "(3)" inserted.

4. On page 1, line 1, ", 71-2510," has been inserted after "2-958"; in line 4 "an" has been struck; and in line 5 "date" has been struck and "dates" inserted.

(Signed) Kurt Hohenstein, Chairperson

MESSAGES FROM THE GOVERNOR

March 24, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

APPOINTEE: Robert O'Neal, 1243 Golden Gate Drive, Papillion, NE 68046-2856

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

March 24, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

APPOINTEE: Jo Beth Gutgsell, 2105 B Street, Lincoln, NE 68502

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

REPORTS

Received copies from the Department of Roads of the 1992 Price Index of Highway Maintenance Costs for the state.

Received report from the Nebraska Retirement Systems Committee of the LR 328 (1991) Deloitte and Touche IRS compliance study of the public employee retirement systems administered by the Public Employees Retirement Board.

COMMUNICATION

Received from the Senate of South Dakota a copy of Joint Resolution No. 3, 1993, requesting appropriate action by the Congress to prepare and submit to the several states an amendment to the Constitution of the United States prohibiting certain reductions and requirements by the federal government of mandatory federal programs and services maintained by the states.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 68 and LR 69.

MOTION - Return LB 131A to Select File

Mr. Hartnett moved to return LB 131A to Select File for the following specific amendment:
AM1076

(Amendments to Final Reading copy)

1. On page 2, line 1, strike "$274,599" and insert "$260,599".

The Hartnett motion to return prevailed with 26 ayes, 0 ayes, 3 present and not voting, and 20 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 131A. The Hartnett specific amendment, AM1076, found in this day's Journal, was adopted with 28 ayes, 0 nays, 3 present and not voting, and 18 excused and not voting.

Advanced to E & R for reengrossment.

SELECT FILE

LEGISLATIVE BILL 364. E & R amendment, AM5413, found in the Journal on page 1013, was adopted.

Mr. Wehrbein renewed his pending amendment, AM0870, found in the Journal on page 1019.

The Wehrbein amendment was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Mr. Lynch offered the following amendment:
AM1119
1. Strike section 9.
2. On page 23, line 6, strike "66-820,"; and in line 11 after "66-819," insert "66-820,".
3. Renumber remaining sections and correct internal references accordingly.

Mr. Lynch withdrew his amendment.

Mr. Lynch offered the following amendment:
FA45
On page 9, line 9, after "may", insert "appropriate funds and"; in line 10, strike beginning with "There" through line 14.

The Lynch amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

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

Advanced to E & R for engrossment.

LEGISLATIVE BILL 364A. Advanced to E & R for engrossment.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 690. Placed on General File.

LEGISLATIVE BILL 389. Placed on General File as amended.
Standing Committee amendment to LB 389:
AM0714
1. Strike original section 1 and insert the following new section:

"Section 1. That section 2-3214, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3214. (1) District directors shall be elected for four-year terms at the general election of the state. Directors shall be elected on a separate nonpartisan ballot as provided in sections 32-535 and 32-537 and shall pay no filing fee. Nominating papers shall be filed with the Secretary of State or his or her designee. The board of directors may choose to: (a) Nominate candidates from subdistricts and from the district at large which shall be elected by the qualified electors of the entire district; (b) nominate and elect each candidate from the district at large; or (c) nominate and elect candidates from subdistricts of substantially equal population except that any at-large candidate would be nominated and elected by the qualified electors of the entire district. Unless the board of directors determines that the nomination and election of all directors will be at large, (a) the board of a district which does not contain a city of the primary class shall, subject to the approval of the commission, strive to divide the district into subdistricts of substantially equal population, except that commencing with the primary election in 1988, no subdistrict shall have a population greater than three times the population of any other subdistrict within the district, and (b) the board of a district which contains a city of the primary class shall divide the district into subdistricts of substantially equal population. Such subdistricts shall be consecutively numbered and shall be established with due regard to all factors including, but not limited to, the location of works of improvement and the distribution of population and taxable values within the district. The boundaries and numbering of such subdistricts shall be designated at least six months prior to the primary election. Registered electors residing within the district shall be eligible for nomination as candidates for any at-large position or, in those districts that have established subdistricts, as candidates from the subdistrict within which they reside. Unless the district has been divided into subdistricts with substantially equal population, all directors shall be elected by the qualified electors of the entire district and all electors shall vote on the candidates representing each subdistrict and any at-large candidates. If a district has been divided into subdistricts with substantially equal population, the board of directors may determine that directors shall be elected only by the electors of the subdistrict except that an at-large director may be elected by electors of the entire district.

(2) Except in those districts which have elected to have a single director serve from each subdistrict, the number of subdistricts for a district shall equal a number which is

one less than a majority of directors for the district. In those districts which have elected to have a single director serve from each subdistrict, the number of subdistricts shall equal a number which is equal to the total number of directors of the district or which is one less than the total number of directors for the district if there is an at-large candidate. The ballots shall list each nomination subdistrict and candidates therefrom and also the at-large candidates. In those districts which have chosen to nominate and elect each candidate from the district at large, the ballot shall indicate that all of the candidates are at-large candidates. Registered electors may each cast a number of votes not larger than the total number of directors to be elected. The candidate receiving the most votes in each listed subdistrict, or the district at large when applicable, shall be elected. Whenever the number of directors to be elected exceeds the number of subdistricts, or whenever the term of the at-large director expires in those districts which have elected to have a single director serve from each subdistrict, candidates may file as a candidate from the district at large, in which case the ballots shall list such candidates under an appropriate heading.

(3) The Secretary of State shall certify to the county clerk or election commissioner involved the names of the candidates on a sample ballot. The county clerk or election commissioner shall have the necessary ballots printed and distributed to the designated polling places. Local election judges shall determine the appropriate ballot for voters. All registered electors who have legal residence in the district shall be eligible to vote. The county clerk or election commissioner shall forward to the Secretary of State pursuant to law the official canvass of the votes cast in the county for directors. The state canvassing board shall canvass the results of the election of directors for natural resources districts. The Secretary of State shall mail an election certificate to each candidate elected. Elected directors shall take their oath of office in the same manner provided for county officials.

(4) The Secretary of State and the county clerk or election commissioner shall have the power and authority to do those things necessary to carry out the provisions and intent of this section. Except as otherwise provided in this section, the district, after each primary or general election, shall pay to each county wherein the name of one or more candidates appears upon the ballot the following election expenses: (a) Counties having a population of less than three thousand inhabitants, fifty dollars; (b) counties having a population of three thousand but less than nine thousand inhabitants, one hundred dollars; (c) counties having a

population of nine thousand but less than fourteen thousand inhabitants, one hundred twenty-five dollars; (d) counties having a population of fourteen thousand but less than twenty thousand inhabitants, one hundred fifty dollars; (e) counties having a population of twenty thousand but less than sixty thousand inhabitants, one hundred seventy-five dollars; (f) counties having a population of sixty thousand but less than one hundred thousand inhabitants, seven hundred fifty dollars; (g) counties having a population of one hundred thousand but less than two hundred thousand inhabitants, fifteen hundred dollars; and (h) counties having a population of two hundred thousand inhabitants or more, two thousand fifty dollars. When the name of one or more candidates of a district appears on ballots in less than one-half of the precincts of the counties, the cost to the district shall be no more than fifty percent of the expenses established by this section. If the actual expenses to the county in district elections provided for in this section are less than the amounts established in this section, such actual expenses shall be the amount paid by the district to the county. The population of a county for purposes of this section shall be the population as determined by the most recent federal decennial census.

In addition to the costs ~~above~~ provided in this section, the natural resources district shall pay the publication cost of the sample primary and general election ballots appearing in the newspaper and shall pay the actual printing costs for the official ballots used for the election. Election expenses shall be due and payable for each natural resources district within thirty days after the receipt of the statement from the county.

(5) The district shall furnish to the Secretary of State and county clerk or election commissioner such maps and additional information as they may reasonably require in the proper performance of their duties in the conduct of elections and certification of the results of the same.

(6) Subject to the approval of the commission and at least six months prior to the primary election, the board of directors may elect to have a single director serve from each subdistrict.".

LEGISLATIVE BILL 516. Placed on General File as amended.
Standing Committee amendment to LB 516:
AM1105

1. On page 2, line 14, after "considered" insert "public funds or"; and after line 16 insert the following new subsection:

"(4) All money raised pursuant to the Nebraska Bingo Act, the Nebraska Lottery and Raffle Act, the Nebraska Small Lottery and Raffle Act, and the Nebraska Pickle Card Lottery

Act shall be subject to such acts with respect to the deposit and expenditure of such money.".

LEGISLATIVE BILL 409. Indefinitely postponed.
LEGISLATIVE BILL 702. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

Natural Resources

LEGISLATIVE BILL 132. Placed on General File as amended.
Standing Committee amendment to LB 132:
AM1060

1. Insert the following new section:

"Sec. 2. That section 37-201, Revised Statutes Supplement, 1992, be amended to read as follows:

37-201. For the purpose of supplying revenue for the propagation, importation, distribution, protection, and conservation of the wildlife of this state, including all wild animals, birds, fish, and all things pertaining thereto, every person sixteen years of age or older who hunts for game animals or game birds or takes bullfrogs or any other species defined as game or who angles for fish and every person sixteen years of age or older who engages in fur harvesting shall first pay a fee as required in the Game Law and obtain a permit, except (1) the owner or his or her invitee who angles for fish in any body of water (a) which is entirely upon privately owned land, (b) which is entirely privately stocked, (c) which does not connect by inflow or outflow with other water outside such land, and (d) which is not operated on a commercial basis for profit and (2) any paraplegic who angles for fish in his or her privately owned body of water if he or she does not operate such body of water on a commercial basis for profit.

Any bona fide farmer or rancher, as defined in section 37-215.03, who actually resides on a portion of such farm or ranch land, together with members of his or her immediate family also residing on such land, may hunt, take, and possess, within duly established season bag and possession limits, upland game and all game except migratory water fowl, shore birds, deer, antelope, and wild turkey without the necessity of paying a fee and obtaining a hunting permit as required in this section and section 37-213 or a habitat stamp as required in sections 37-216.01 to 37-216.09. For the purpose of this exemption, the term immediate family shall mean and be limited to husband and wife and their children. The term upland game shall mean and be limited to cottontail rabbits, squirrels, grouse, partridges, pheasants, prairie chickens, and quail. Such exemption shall only apply to

hunting done on land owned or leased by the bona fide farmer or rancher and shall not apply when hunting on the lands of other persons. The commission may by rule and regulation require a farmer or rancher, hunting under the provisions of this section, to sign a statement presented by a conservation officer, which states that such farmer or rancher is a bona fide farmer or rancher as described in section 37-215.03 of the land upon which he or she is hunting.

A violation of this section shall be a Class IV misdemeanor.

Any farmer or rancher owning or operating a farm or ranch may destroy or have destroyed any predator, including raccoon, ~~and~~ opossum, coyote, bobcat, red fox, grey fox, badger, long-tailed weasel, bear, and skunk, preying on livestock or poultry or causing other agricultural depredation on lands owned or controlled by him or her without a permit issued by the commission.".

2. On page 3, line 23, strike "section 37-101" and insert "sections 37-101 and 37-201"; and in line 24 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 245. Placed on General File as amended.
Standing Committee amendment to LB 245:
AM1059

1. Insert the following new section:

"Sec. 3. That section 37-215, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-215. (1) The Game and Parks Commission is authorized to issue permits for the hunting and killing of deer and to prescribe and establish regulations and limitations for the hunting, killing, transportation, and possession of deer. The commission may specify by regulation the information to be required on applications for such permits. Regulations and limitations for the hunting, killing, transportation, and possession of deer may include, but not be limited to, regulations and limitations as to the type and caliber and other specifications of firearms and ammunition used and specifications for bows and arrows used. Such regulations and limitations may further specify and limit the method of hunting deer and may provide for dividing the state into management units or areas and the commission may enact different deer harvest regulations for the different management units as pertains to sex, species, and age of the deer harvested. The number of such permits may be limited, as provided by the rules and regulations of the commission, and except as set out in section 4 of this act ~~but~~ the permits shall be disposed of in an impartial manner. Whenever the commission shall deem it advisable to limit the number of

permits issued for any or all management units, the commission shall, by rules and regulations, determine who shall be eligible to apply for such permits. In establishing eligibility, the commission shall give preference to persons who did not receive a permit during the previous year or years. Such permits may be issued to allow killing of deer in the Nebraska National Forest and other game reserves and such other areas in the State of Nebraska as the commission may designate whenever the commission shall deem that permitting such killing will not be detrimental to the proper preservation of wildlife in Nebraska in such forest, reserves, or areas. The commission shall charge a fee for each permit so issued in the sum of twenty dollars for residents and one hundred dollars for nonresidents. The commission may issue nonresident permits only after a reasonable period has first been provided solely for issuance of resident permits and should the commission issue nonresident permits the issuance of resident permits shall continue until permit quotas have been filled or a reasonable cutoff date reached. No permit shall be issued until after a reasonable period for making application, as established by the commission, has expired. When more valid applications are received for any management unit than there are permits available, such permits shall be allocated on the basis of a public drawing. All valid applications received during the predetermined application period shall be considered equally in any such public drawing without regard to time of receipt of such applications by the ~~Game and Parks Commission~~ commission. No person shall be issued a permit to kill deer, antelope, or elk unless such person is at least fourteen years of age, except that any person aged fourteen or fifteen shall only hunt deer, antelope, or elk when accompanied by a person aged twenty-one years or over.

(2) The ~~Game and Parks Commission~~ commission may also issue permits for the hunting and killing of antelope and may establish separate and, when necessary, different regulations therefor within the limitations prescribed in subsection (1) of this section for the taking of deer. The commission shall charge a fee for each antelope permit so issued in the sum of twenty dollars for residents and one hundred dollars for nonresidents. The provisions for the distribution of deer permits and the authority of the commission to determine eligibility of applicants for permits as described in subsection (1) of this section shall also apply to the distribution of antelope permits.

(3) The ~~Game and Parks Commission~~ commission may also issue permits for the hunting and killing of elk and may establish separate and, when necessary, different regulations therefor within the limitations prescribed in subsection (1)

of this section for the taking of deer. Permits to hunt and kill elk issued pursuant to this subsection or section 37-215.03 shall not be issued to nonresidents. The commission shall charge a five-dollar nonrefundable application fee and a fee in the sum of one hundred dollars for each elk permit issued. A person may obtain only one elk permit in his or her lifetime, except that an applicant for a limited permit to hunt elk pursuant to section 37-215.03 may obtain such limited permit once every five years. The provisions for the distribution of deer permits and the authority of the commission to determine eligibility of applicants for permits as described in subsection (1) of this section shall also apply to elk permits.

(4) Subject to rules and regulations adopted and promulgated by the commission, the secretary of the ~~Game and Parks Commission~~ commission may designate special deer depredation seasons by executive order. The secretary may designate a depredation season whenever he or she determines that deer are causing excessive property damage. The secretary shall specify the number of permits to be issued, shooting hours, the length of the depredation season, and the geographic area in which hunting will be permitted. Each such permit shall give the holder the right to take one deer. Hunting during a special depredation season shall be limited to residents and shall be restricted to firearms which are permissible for use during the regular deer season.

The depredation season may commence not less than five days after the first public announcement that the depredation season has been established. Permits shall be issued beginning not less than three days after the first public announcement of the depredation season and shall be issued in an impartial manner at a location determined by the secretary. The fee for a special depredation season permit shall be twenty dollars and, of this amount, ten dollars shall be paid by the ~~Game and Parks Commission~~ commission to a landowner or operator within the designated area upon satisfactory proof a deer was killed upon his or her farm or ranch during the special depredation season. Receipt of a depredation season permit shall not in any way affect a person's eligibility for a regular season permit.".

2. On page 2, line 11, strike "with a" and insert "certified by a physician to have a permanent"; in line 14 strike the first "or"; and in line 15 after "device" insert "as allowed by rules and regulations adopted and promulgated by the commission".

3. On page 4, line 1, strike "3" and insert "4"; in line 5 after "animal" insert "unless, for management purposes, the commission determines that all permits issued, in the management unit in which the application for a permit is made,

shall have a limitation regarding the sex of the animal"; and in line 6 after "original" insert "section 37-215, Reissue Revised Statutes of Nebraska, 1943, and".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 19. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

Urban Affairs

LEGISLATIVE BILL 199. Indefinitely postponed.
LEGISLATIVE BILL 554. Indefinitely postponed.
LEGISLATIVE BILL 709. Indefinitely postponed.
LEGISLATIVE BILL 710. Indefinitely postponed.
LEGISLATIVE BILL 714. Indefinitely postponed.
LEGISLATIVE BILL 768. Indefinitely postponed.

LEGISLATIVE RESOLUTION 23CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 24CA. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

SELECT FILE

LEGISLATIVE BILL 246. Mr. Withem withdrew his pending amendment, AM0723, found in the Journal on page 908.

Mr. Schellpeper renewed his pending amendment, AM0735, found in the Journal on page 943.

SPEAKER BAACK PRESIDING

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

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

The Schellpeper amendment lost with 4 ayes, 17 nays, 21 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 346. E & R amendment, AM5422, found in the Journal on page 1056, was adopted.

Mr. Warner withdrew his pending amendment, AM0808, found in the Journal on page 985.

Mr. Coordsen renewed his pending amendment, AM0977, found in the Journal on page 1122.

PRESIDENT MOUL PRESIDING

The Coordsen amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Warner renewed his pending amendment, AM1029, found in the Journal on page 1194.

Mr. Hohenstein offered the following amendment to the Warner pending amendment:
FA46
Amend AM1029,
by deleting "a reason" on line 20, and inserting "good cause", and by changing on line 1, "1994", and inserting "1993."

Pending.

ANNOUNCEMENT

The Chair announced today is Senator Wesely's birthday.

SELECT FILE

LEGISLATIVE BILL 346. The Hohenstein pending amendment, FA46, found in this day's Journal, was renewed.

The Hohenstein amendment was adopted with 25 ayes, 6 nays, 16 present and not voting, and 2 excused and not voting.

The Warner amendment, AM1029, as amended, was adopted with 25 ayes, 4 nays, 18 present and not voting, and 2 excused and not voting.

Mr. Lindsay offered the following amendment:
AM1107
(Amendments to AM0640)

1. Strike section 19 and insert the following new section:

"Sec. 19. That section 77-2208, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2208. ~~Every~~ Except in counties with populations of four hundred thousand or more, every county treasurer ~~shall~~ may make ~~out triplicate~~ duplicate receipts for all sums ~~which shall be~~ paid into his or her office, which receipts shall

show the source from which such funds are derived; and shall, by distinct lines and columns, show the amount received to the credit of each separate fund; and whether ~~the same was~~ such sums were paid in cash or warrants, county or road orders, or supervisors' receipts. In counties with populations of four hundred thousand or more, the treasurer shall make out such receipts in triplicate. The ~~, one of which triplicates the~~ treasurer shall deliver one of the receipts to the person making such payment; ~~one he shall within six days file with the county clerk, and the third he~~ and shall retain the second copy in his or her office. A list of such payments may be submitted to the county clerk within thirty days after the closing of the previous month in lieu of a receipt, except that in counties with populations of four hundred thousand or more, the third copy shall be filed with the county clerk within six days after making the receipt.".

The Lindsay amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

STANDING COMMITTEE REPORT
Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Dr. Timothy Biga - Game and Parks Commission

VOTE: Aye: Senators Beutler, Bromm, Hartnett, Jones, McKenzie, and Preister. Absent: Senators Bohlke and Elmer.

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 757 in the Journal. No objections. So ordered.

AM1030

1. Insert the following new sections:

"Sec. 7. (1) The Nebraska Workers' Compensation Court may develop and implement an independent medical examiner system consistent with the requirements of this section. As part of such system, the compensation court may create, maintain, and periodically validate a list of health care providers that it finds to be the most qualified and to

be highly experienced and competent in their specific fields of expertise and in the treatment of work-related injuries to serve as independent medical examiners from each of the health care specialties that the compensation court finds most commonly used by injured employees. The compensation court may establish a fee schedule for services rendered by independent medical examiners and may adopt and promulgate any rules and regulations considered necessary to carry out the purposes of this section.

(2) An independent medical examiner shall render medical findings on the medical condition of an employee and related issues as specified under this section. The independent medical examiner shall not be the employee's treating health care provider and shall not have treated the employee with respect to the injury for which the claim is being made or the benefits are being paid.

(3) If the parties to a dispute cannot agree on an independent medical examiner of their own choosing, the compensation court shall assign an independent medical examiner from the list of qualified examiners to render medical findings in any dispute relating to the medical condition of a claimant, including, but not limited to, whether the injured employee is able to perform any gainful employment temporarily or permanently, what physical restrictions, if any, would be imposed on the employee's employment, whether the injured employee has reached maximum medical improvement, the existence and extent of any permanent physical impairment, and the reasonableness and necessity of any medical treatment previously provided, or to be provided, to the injured employee.

(4) The compensation court may adopt and promulgate rules and regulations pertaining to the procedures before the independent medical examiner, including the parties' ability to propound questions relating to the medical condition of the employee to be submitted to the independent medical examiner. In addition to the review of records and information, the independent medical examiner may examine the employee as often as the examiner determines necessary to render medical findings on the questions propounded by the parties or by the compensation court.

(5) The independent medical examiner shall submit a written report to the compensation court, the employer, and the employee stating the examiner's medical findings on the issues raised and providing a description of findings sufficient to explain the basis of those findings. The fee for the examination and report shall be paid by the employer.

(6) If the parties agree to use of a medical examiner, the examiner's findings shall be binding. If the compensation court assigns an independent medical examiner, it

shall be a rebuttable presumption that the examiner's findings are correct.

(7) Any health care provider acting without malice and within the scope of the provider's duties as an independent medical examiner shall be immune from civil liability for making any report or other information available to the compensation court or for assisting in the origination, investigation, or preparation of the report or other information so provided.

Sec. 13. That section 48-145.04, Revised Statutes Supplement, 1992, be amended to read as follows:

48-145.04. (1) The Nebraska Workers' Compensation Court shall, prior to January 1 of each year, estimate as closely as possible the actual cost to the court of evaluating an application for self-insurance and supervising and administering the self-insurance program for the ensuing year and assess the amount thereof, but not to exceed two thousand dollars, against each applicant for self-insurance in this state. Such assessment shall be in addition to the payments required by subdivision (1)(b) of section 48-145 and sections 20 and 37 of this act. The court shall notify each applicant of the amount of the individual assessment. Such assessment shall be due and payable with the application for self-insurance. If any assessment is not paid, the application shall not be considered.

(2) All payments received under subsection (1) of this section shall be ~~promptly paid~~ remitted to the State Treasurer ~~for deposit in the state treasury~~ for credit to the ~~Self-Insurance Cash Fund which is hereby created~~ Compensation Court Cash Fund. Such ~~fund~~ payments shall be expended solely for evaluating applications for self-insurance and to aid in supervising and administering the self-insurance program. After the first year, the balance remaining ~~in such fund~~ of such payments at the time each annual assessment is made shall be taken into account when the total assessment for the ensuing year is made.

(3) Any money in the Self-Insurance Cash Fund on the operative date of this section shall be transferred to the Compensation Court Cash Fund on such date. ~~available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.~~

~~(4) The State Treasurer shall furnish monthly to the compensation court a statement of the Self-Insurance Cash Fund setting forth the balance as of the first day of the preceding month, the income and its sources, the payments from such fund in itemized form, and the balance as of the last day of the preceding month.~~

Sec. 41. That original section 48-145.04, Revised Statutes Supplement, 1992, is repealed.".

2. On page 4, line 8, after "including" insert ", but not limited to,"; in line 10 after the first comma insert "and" and strike ", and hours worked" and in line 16 after "rules" insert "and regulations".

3. On page 8, lines 8 and 9, reinstate the stricken matter.

4. On page 9, line 18; page 13, line 28; page 14, line 4; and page 48, line 12, after "examiner" insert "pursuant to section 7 of this act".

5. On page 10, line 8, after "insurer" insert ", a risk management pool,"; and in line 23 after "insurer" insert ", risk management pool,".

6. On page 19, line 10, after "(1)(a)" insert "(i)"; and strike the new matter in lines 12 through 17 and insert:

"

(ii) Commencing June 1, 1994, the maximum weekly income benefit under sections 48-121 and 48-122 shall be three hundred ten dollars.

(iii) Commencing January 1, 1995, the maximum weekly income benefit under sections 48-121 and 48-122 shall be three hundred fifty dollars.

(b) Commencing January 1, 1996, and each January 1 thereafter, the maximum weekly income benefit under sections 48-121 and 48-122 shall be one hundred percent, computed to the next higher whole dollar, of the state average weekly wage determined pursuant to section 6 of this act, except that for the purposes of calendar years commencing after 1996, the Governor may not later than November 15, 1996, and not later than each November 15 thereafter, conduct a public hearing after not less than thirty days' notice to consider whether he or she should issue an order to suspend the effectiveness of the change in the maximum weekly income benefit otherwise required by this subdivision for the ensuing calendar year. In order to make his or her decision, the Governor shall consider such factors as recent trends in economic conditions in the state, general wage levels, workers' compensation benefit levels, and workers' compensation premium levels. After such hearing but not later than November 30 immediately thereafter, the Governor may issue an order to suspend the effectiveness of the change in the maximum weekly income benefit otherwise required by this subdivision for the ensuing calendar year.".

7. On page 30, line 12, strike "section 30" and insert "sections 31 to 33".

8. On page 33, line 18, strike "workers" and insert "employees".

9. On page 44, lines 10 and 11 and 23; and page 45, line 17, strike "17 and 18" and insert "19 and 20".

10. On page 44, line 20, after the first comma insert "48-145.04,".

11. On page 45, line 5, strike "act" and insert "section".

12. On page 49, line 8, strike "and 17 to 21" and insert "7, and 19 to 23".

13. On page 51, strike beginning with "in" in line 1 through "Labor" in line 2; strike lines 5 through 9 and insert:

"(2)(a) For employers subject to collective bargaining agreements, the establishment of the safety committee shall be accomplished through the collective bargaining process.

(b) For employers not subject to collective bargaining agreements, the safety committee shall be composed of an equal number of members representing employees and the employer. Employee members shall not be selected by the employer but shall be selected pursuant to procedures prescribed in rules and regulations adopted and promulgated by the Commissioner of Labor.

(c) The cost of maintaining and operating the safety committee shall be minimal to the employer."; and in line 23 strike "29" and insert "31".

14. On page 52, line 1, strike "29 to 31" and insert "31 to 33".

15. On page 55, line 23, strike "employer" and insert "employed".

16. On page 58, strike beginning with "34" in line 7 through "35" in line 8 and insert "36 and 37"; in line 11 strike "29 to 31 and 37" and insert "13, 19 to 21, 29, 31 to 33, 39, and 40".

17. Renumber remaining sections accordingly.

Mr. Vrtiska asked unanimous consent to print the following amendment to LB 152 in the Journal. No objections. So ordered.

AM0992

1. On page 3, line 27, after the period insert "The funding provided to any individual in a family practice residency program under this section shall not exceed the funding provided to individuals in a family practice residency program under subdivision (1) of section 71-5203.".

Mr. Robinson asked unanimous consent to print the following amendment to LB 348 in the Journal. No objections. So ordered.

AM0805

1. Insert the following new sections:

"Sec. 29. The State Board of Education and the

State Department of Education may sponsor and direct the activities of FFA, Future Homemakers of America, Future Business Leaders of America, Vocational Industrial Clubs of America, DECA - An Association of Marketing Students, Health Occupation Student Association, Young Farmers and Ranchers Educational Association, Technology Students Association, and Phi Beta Lambda. The duties of the department may include, but need not be limited to, the following:

(1) Establish policies and procedures for the operation of the organizations listed in this section;

(2) Supervise students involved in such organizations;

(3) Hold periodic conferences, meetings, and functions to train, recognize, and reward student participants;

(4) Provide scholarships and suitable awards to outstanding student participants;

(5) Coordinate activities of state-level groups with activities of any related local or national organization;

(6) Organize and supervise travel to and from meetings, both inside and outside of the state;

(7) Prepare and issue publications concerning such organizations;

(8) Train state and local organization leaders and officers;

(9) Collect dues from local organizations and members and pay dues to national organizations related to state-level student groups;

(10) Procure insurance, at the option of the board and the department, for student members or officers of such organizations; and

(11) Manage the finances of such organizations through the State Department of Education Cash Fund as provided in section 30 of this act.

Sec. 30. Money received by such organizations shall be remitted to the State Treasurer for credit to the State Department of Education Cash Fund. Each organization shall have a separate account within such fund, and money received by such organization shall be credited to such separate account. Money in the account may be used for student organization expenditures which include, but are not limited to, trophies, gifts to honorees, scholarships, prizes, national dues, entertainment at state conferences, food, and beverages.

Sec. 31. Student organizations when sponsored by the State Department of Education shall be considered an integral part of the department, and state-level chapters of such organizations shall not have separate corporate status. The department may enter into agreements with the corporate

entities of national organizations for the use of names, logos, and other benefits of such organizations. Such organizations may, at the discretion of the State Board of Education, include postsecondary, adult, or alumni members in their activities.

Sec. 32. The State Board of Education shall adopt and promulgate rules and regulations to carry out sections 29 to 31 of this act.".

2. In the Standing Committee amendments, AM0098, on page 1, line 3, strike "30" and insert "34".

3. Renumber the remaining sections accordingly.

Messrs. Hartnett and Wehrbein asked unanimous consent to print the following amendment to LB 575 in the Journal. No objections. So ordered.

AM0926

(Amendments to E & R amendments, AM5424)

1. On page 19, line 8, after the semicolon insert "or"; strike beginning with "Riding" in line 9 through "(f)" in line 12; and in line 15 after "roadway" insert "with a posted speed limit of thirty-five miles per hour or less".

2. On page 59, line 20, strike "to 15, 17, 18" and insert ", 7 to 13, 15"; in line 24 after the first comma insert "39-654," and after the last comma insert "39-690, 39-691,"; and in line 26 after "sections" insert "39-669.26,".

3. On page 60, line 3 strike "39-654,"; in line 4 strike "39-690, 39-691,"; and in line 8 strike "39-669.26,".

MESSAGE FROM THE GOVERNOR

March 30, 1993

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 363, 410, 43, 119, 205, 367, 369, 384, 390, 200, and 508 were received in my office on March 25, 1993.

These bills were signed by me on March 30, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 617. Placed on General File.
LEGISLATIVE BILL 719. Placed on General File.

LEGISLATIVE BILL 538. Indefinitely postponed.

LEGISLATIVE RESOLUTION 53. Reported to the Legislature for further consideration with the following amendment:
AM1072

1. In the first RESOLVED paragraph strike "104(a)(3)(A)" and insert "159".
2. In the second RESOLVED paragraph strike "104(a)(2) and (3)" and insert "159".
3. In the third RESOLVED paragraph strike "104(a)(3)(B)(ii)" and insert "159(a)(3)(B)(i) and (ii)" and strike "104(a)(3)" and insert "159(a)(1) and (2)".

(Signed) John Lindsay, Chairperson

Education

LEGISLATIVE BILL 99. Placed on General File as amended.
Standing Committee amendment to LB 99:
AM1117

1. On page 5, line 12, strike "five" and insert "not less than seven"; and in line 15 strike "of any five".

LEGISLATIVE BILL 263. Placed on General File as amended.
Standing Committee amendment to LB 263:
AM1102

1. Strike the original sections and insert the following new sections:

"Section 1. That section 85-918, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-918. For purposes of ~~this act~~ sections 85-917 to 81-966, unless the context otherwise requires, the definitions found in sections 85-919 to 85-932 and section 2 of this act shall be used.

Sec. 2. Foundations education shall mean education which includes remedial and developmental programs, adult basic education, general education development, English as a second language, compensatory education, and refresher courses.

Sec. 3. That section 85-921, Revised Statutes Supplement, 1992, be amended to read as follows:

85-921. Public service activities shall mean those programs established to make available to the public the

particular resources of a system, area, or institution for the purpose of responding to a statewide, regional, or community need. Within this category may be included the following activities: (1) Direct patient care; (2) health care supportive services; (3) community services; (4) cooperative agricultural extension; (5) public broadcasting services; (6) cultural, ~~and~~ recreational, and personal development activities; ~~and~~ (7) economic development activities; and (8) continuing education for occupations and professions. Adult, basic, and continuing education programs or services shall not be included in the subcategory of community services.

Sec. 4. That section 85-926, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-926. General academic transfer programs shall mean those one- or two-year degree-credit programs, at the associate degree level or below including liberal arts and sciences degrees or courses, intended by the offering institution for transfer into a baccalaureate program. Programs in this category may include the award of a formal degree upon completion of the program.

Sec. 5. That section 85-927, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-927. ~~Vocational-technical programs~~ Applied technology and occupational education shall mean those instructional; programs at the associate degree level or below; including associate of applied science degrees, diplomas, certificates, and course work intended to prepare individuals for immediate entry into a specific occupation or career, to upgrade skills, or to acquire new skills. ~~The primary intent of the institutions offering vocational-technical programs shall be that such programs are terminal programs.~~ Programs in this category may include the award of a formal degree, diploma, or certificate upon completion of the program.

Sec. 6. That section 85-952, Revised Statutes Supplement, 1992, be amended to read as follows:

85-952. The state colleges may continue to deliver academic transfer and preprofessional associate degree programs for which a degree may be awarded if approved by the Board of Trustees of the Nebraska State Colleges and the Coordinating Commission for Postsecondary Education pursuant to sections 85-1413 and 85-1414 upon demonstration of compelling need and unique capacity of the state colleges to offer such programs. The state colleges shall not independently award the associate degree, diploma, or certificate for ~~terminal vocational-technical~~ applied technology education programs.

Sec. 7. That section 85-960.01, Revised Statutes Supplement, 1992, be amended to read as follows:

85-960.01. ~~Research~~ Applied research activities of the community college areas shall be directly related to the enhancement of the instructional programs, student achievement, institutional effectiveness, public service activities, and ~~to~~ the professional development of the faculty.

Sec. 8. That section 85-960.02, Revised Statutes Supplement, 1992, be amended to read as follows:

85-960.02. The community college areas shall serve as the primary public postsecondary institutions for ~~remedial, developmental, or compensatory educational programs~~ foundations education.

Sec. 9. That section 85-962, Revised Statutes Supplement, 1992, be amended to read as follows:

85-962. It is the intent of the Legislature that the community colleges shall be student-centered, open-access institutions primarily devoted to quality instruction and public service, providing counseling and other student services intended to promote the success of a diverse student population, particularly those who have been traditionally underserved in other educational settings. The community college areas, individually and collectively, shall have as their first instructional and service priority applied technology and occupational education and, when necessary, foundations education. The second instructional and service priority of the community colleges shall be transfer education, including general academic transfer programs, or applied technology and occupational programs which may be applicable to the first two years of a bachelor's degree program, and, when necessary, foundations education. The third instructional and service priority of the community colleges shall be public service, particularly adult continuing education for occupations and professions, economic and community development focused on customized occupational assessment and job training programs for businesses and communities, and avocational and personal development courses. The fourth instructional and service priority of the community colleges shall be applied research. ~~provide the following instructional and service priorities:~~

~~(1) Vocational-technical programs and nondegree occupational education;~~

~~(2) General academic transfer degree programs; and~~

~~(3) Avocational and recreational courses.~~

Sec. 10. That section 85-964, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-964. The community colleges may provide such academic course instruction as may be necessary to support ~~vocational-technical and occupational~~ applied technology education and academic transfer programs.

Sec. 11. That original sections 85-918, 85-926, 85-927, and 85-964, Reissue Revised Statutes of Nebraska, 1943, and sections 85-921, 85-952, 85-960.01, 85-960.02, and 85-962, Revised Statutes Supplement, 1992, are repealed.".

LEGISLATIVE BILL 264. Placed on General File as amended.
Standing Committee amendment to LB 264:
AM1103

1. Strike original section 2 and insert the following new section:

"Sec. 2. (1) There is hereby created the Nebraska Research Initiative Council. The council shall consist of eleven members appointed by the Governor with the consent of the Legislature. The Governor shall consider the inclusion of outstanding scientists, engineers, and business and marketing researchers and executives from the private sector and also representatives from agriculture, natural resources, and health and medical fields. The Governor shall appoint no more than five representatives from the University of Nebraska who are actively engaged in the development of research policy. The members shall serve four-year terms, except that the Governor shall designate three of the initial members to serve two-year terms and four of the initial members to serve three-year terms. The members shall be selected on a nonpolitical basis. Vacancies shall be filled by appointment by the Governor. The members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(2) The council shall establish the broad agenda which will be the basis for research funded pursuant to this act. In establishing this agenda the council shall consider market intelligence, the continuing need for economic diversification, and the importance of basic research to accomplish the goals of this act. Given these considerations, the council shall identify a number of research areas that may be targeted for funding pursuant to this act. The University of Nebraska shall be responsible for identifying specific research projects to be funded on a ompetitive basis that are consistent with the broad agenda established by the council. Prior to beginning work on these projects, they shall be reviewed by the council. Selection of research projects shall also be based upon the criteria established by the council and which are consistent with the outcome measures listed in subsection (3) of this section. Projects currently receiving support from the Governor's research initiative prior to the establishment of the council shall continue to be eligible for support pursuant to this act.

(3) The council shall establish outcome measures to evaluate the effectiveness of targeted research conducted at

the University of Nebraska, which measures shall include, but not be limited to:

(a) The degree to which the infrastructure needs of the University of Nebraska have been met through the use of shared research facilities for the enhancement of research capabilities;

(b) The degree to which improved mechanisms for the commercialization of research activities have been developed, including procedures for patent development, licensing of products, increasing research disclosures by faculty, and achieving equity positions in new companies, thereby enhancing opportunities for technology transfer and ultimately supporting increased economic development;

(c) The degree to which there have been increased collaborative efforts in industry-related research within a campus and among campuses;

(d) The degree to which sources of nonstate funding, particularly sources external to Nebraska, have been generated;

(e) The degree to which the quality of research has been enhanced, thereby enabling the institution to recruit faculty with greater research prowess;

(f) The degree to which the findings or results of the research are critically acclaimed by academic peers through publication in major scholarly research publications, through presentation at scholarly symposiums, or through other methods of peer review;

(g) The degree to which the results or findings are utilized by private or public sector entities in the production of new products or services;

(h) The degree to which the research project has enlisted the support of various public and private organizations to implement the research findings to the benefit of Nebraskans;

(i) The degree to which the research findings have helped create or attract new jobs or new industries for Nebraska;

(j) The degree to which the research findings have aided Nebraskans in increasing the value of their human capital or labor services in the labor market through education and research-related activities;

(k) The degree to which the research findings have led to an increase in sales or profits for a firm operated or a product sold in Nebraska; and

(l) The degree to which existing departmental or other university funds have been redirected in order to help augment the research proposal funded from the new state funds.

(4) The council shall annually report to the Legislature and Governor, detailing the effectiveness of the

research funded pursuant to this act.".

LEGISLATIVE BILL 324. Placed on General File as amended.
Standing Committee amendment to LB 324:
AM1104

1. On page 4, line 8, strike "To the extent that" and insert "So long as"; and in line 28, strike "student-aid", show as stricken, and insert "Pell Grant".

2. On page 5, line 4, after "institution's" insert "federal".

3. On page 6, line 28, strike beginning with "Upon" through "the" and show the old matter as stricken.

4. On page 7, strike beginning with "student" in line 1 through "period" in line 4, show the old matter as stricken, and insert "If the award recipient discontinues attendance before the end of the award period, the award recipient shall remit any award balances allowable to the eligible postsecondary educational institution in accordance with the institution's withdrawal policy".

5. On page 9, line 14; and page 11, line 19, strike "is" and show as stricken.

6. On page 9, line 16; and page 11, line 21, strike "is".

7. On page 9, line 23, strike "An individual" and insert "A student"; and strike beginning with "Upon" in line 27 through line 28.

8. On page 10, strike beginning with "accordance" in line 1 through "period" in line 2 and insert "If the award recipient discontinues attendance before the end of the award period, the award recipient shall remit any award balances allowable to the eligible institution in accordance with the institution's withdrawal policy"; and in line 14 strike "accord", show as stricken, and insert "accordance" and reinstate the stricken "the".

9. On page 15, strike beginning with "Upon" in line 2 through "period" in line 6 and insert "If the award recipient discontinues attendance before the end of the award period, the award recipient shall remit any award balances allowable to the eligible postsecondary educational institution in accordance with the institution's withdrawal policy".

(Signed) Ron Withem, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 71. Introduced by Bohlke, 33.

WHEREAS, Reba Yeakle, a ninety-three-year-old, longtime resident of Adams County, is renowned for her service to church and community; and

WHEREAS, Reba Yeakle taught in Nebraska classrooms for forty-six years before retiring from the teaching profession, the majority of which were spent at Alcott School in Hastings where she also served as a mentor to thirty-five Hastings College cadet teachers; and

WHEREAS, Reba Yeakle in retirement exemplifies the term "volunteer" in a manner beyond compare; and

WHEREAS, Reba Yeakle has in a positive way affected the lives of many others through work ranging from volunteering at Mary Lanning Memorial Hospital in Hastings to delivering Meals on Wheels to working with the local Head Start Program; and

WHEREAS, Reba Yeakle remains committed to an "I can work" philosophy of helping people in need, whether it be through fund-raising efforts for community improvement projects or serving on local boards of service organizations; and

WHEREAS, Reba Yeakle has been the recipient of numerous awards honoring her efforts, including the Sertoma's Service to Mankind Award, Rotary's Paul Harris Fellow, Ak-sar-ben's Good Neighbor Award, and most recently the Hastings YWCA's "1993 TRIBUTE! to Women" award.

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

1. That the members of the Legislature express their respect for Reba Yeakle's "can do" attitude which may inspire others to achieve what they did not believe possible.

2. That a copy of this resolution be presented to Reba Yeakle with best wishes.

Laid over.

LEGISLATIVE RESOLUTION 72. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Wehrbein, 2.

WHEREAS, on January 22, 1993, the Board of Trustees of the Nebraska State Colleges adopted resolutions authorizing expansion of the Walnut Street parking lot and replacement of original wood-frame windows in the student dormitory known as Neihardt Hall at Wayne State College; and

WHEREAS, pursuant to section 85-408, the board of trustees authorized expenditure of revenue bond surplus funds in amounts not to exceed two hundred fifty thousand dollars for expansion of the parking lot and one hundred fifty-two thousand dollars for replacement of the Neihardt Hall windows; and

WHEREAS, pursuant to section 85-1415, the Coordinating Commission for Postsecondary Education approved the proposed Wayne State College parking lot and window replacement projects on March 10, 1993; and

WHEREAS, pursuant to section 85-408 and 85-1415, the proposal to expend revenue bond surplus funds to finance the two projects was submitted to the Legislature for approval on March 17, 1993.

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

1. That pursuant to section 85-408 and 85-1415, the proposed expansion of the Walnut Street parking lot and replacement of windows in Neihardt Hall at Wayne State College are approved.

2. That the total cost of the Walnut Street parking lot expansion project shall not exceed two hundred fifty thousand dollars and the total cost of the Neihardt Hall window replacement project shall not exceed one hundred fifty-two thousand dollars.

3. That the resolutions of the Board of Trustees of the Nebraska State Colleges dated January 22, 1993, and referred to in this resolution are approved.

Laid over.

LEGISLATIVE RESOLUTION 73. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Wehrbein, 2.

WHEREAS, Wayne State College and the Board of Trustees of the Nebraska State Colleges have determined that renovation and expansion of the student center facility at Wayne State College are required to provide for the activity needs of its student community; and

WHEREAS, on January 17, 1992, the board of trustees by resolution authorized renovation of and construction of an addition to the student center facility at Wayne State College; and

WHEREAS, on December 12, 1992, the board of trustees approved modifications to the original plans for the proposed project; and

WHEREAS, Wayne State College, upon consultation with the Coordinating Commission for Postsecondary Education, has agreed to commit twenty-five thousand two hundred fifty dollars annually from the institution's general and cash fund operating budget to support a portion of future operations and maintenance costs of the renovated and expanded facility; and

WHEREAS, pursuant to section 85-1415, the commission approved the proposed renovation and expansion of the Wayne State College student center facility on January 7, 1993; and

WHEREAS, pursuant to sections 85-404, 85-408, and 85-1415, plans for the proposed project, including financing plans, were submitted to the Legislature for approval on January 12, 1993.

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

1. That pursuant to section 85-1415, the proposed renovation and expansion of the student center facility at Wayne State College is approved.

2. That pursuant to section 85-404, the component of financing plans for the proposed project that includes the issue of new revenue bonds in a amount sufficient to yield three million one hundred thousand dollars to finance project costs is specifically approved.

3. That pursuant to section 85-408, the component of financing plans for the proposed project that includes the expenditure of two million one hundred thousand dollars of revenue bond surplus funds to finance project costs is specifically approved.

4. That the total cost of the proposed project, excluding sums previously expended for planning and costs of debt issuance and financing, shall not exceed five million two hundred thousand dollars.

5. That the resolution of the Board of Trustees of the Nebraska State Colleges dated January 17, 1992, and referred to in this resolution is approved.

6. That the component of the plans submitted to the Legislature providing for commitment of twenty-five thousand two hundred fifty dollars annually from Wayne State College's general and cash fund operating budget to support a portion of future operations and maintenance costs of the renovated and expanded student center facility is specifically disapproved.

Laid over.

SELECT FILE

LEGISLATIVE BILL 299. E & R amendment, AM5411, found in the Journal on page 1015, was adopted.

Mr. Beutler offered the following amendment:
FA47

1. On page 2, line 6, after the first comma insert "detain," and after "them" insert "or imposes any restraint on their personal liberty".

2. On page 2, line 19; and page 4, line 7, after "following" insert ", detaining, or restraining personal liberty,".

The Beutler amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mrs. Robak offered the following amendment:
FA48

Add the following new section:

Since an emergency exists, this act shall be in full force and take effect from and after its passage and approval, according to law.

The Robak amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 305. E & R amendment, AM5425, found in the Journal on page 1134, was adopted.

Mrs. McKenzie offered the following amendment:
AM1006
(Amendments to Standing Committee amendments, AM0353)
1. On page 1, line 8, strike "twenty-five" and insert "twenty".

The McKenzie amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Mr. Wesely offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1100.)

The Wesely amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 305A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 453. E & R amendment, AM5426, found in the Journal on page 1135, was adopted.

Mr. Avery offered the following amendment:
FA49
Page 2, line 23
Strike "fifteen" and insert "nine"!

The Avery amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 453A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 623. E & R amendment, AM5414, found in the Journal on page 1023, was adopted.

Mr. Beutler offered the following amendment:
AM0867
1. On page 14, strike the new matter in lines 6

through 14 and insert:

"(39) In addition to powers conferred elsewhere in the laws of the state and notwithstanding any other law of the state, to implement and enforce an air pollution control program within the corporate limits of the city under subdivision (23) of section 81-1504 or subsection (1) of section 81-1528, which program shall be consistent with the Clean Air Act, as amended, 42 U.S.C. 7401 et seq. Such powers shall include without limitation those involving injunctive relief, civil penalties, criminal fines, and burden of proof. Nothing in this section shall preclude the control of air pollution by resolution, ordinance, or regulation not in actual conflict with the state air pollution control regulations".

2. On page 17, strike lines 12 through 16, show the old matter as stricken, and insert:

"(15) In addition to powers conferred elsewhere in the laws of the state and notwithstanding any other law of the state, implement and enforce an air pollution control program under subdivision (23) of section 81-1504 or subsection (1) of section 81-1528, which program shall be consistent with the Clean Air Act, as amended, 42 U.S.C. 7401 et seq. Such powers shall include without limitation those involving injunctive relief, civil penalties, criminal fines, and burden of proof. Nothing in this section shall preclude the control of air pollution by resolution, ordinance, or regulation not in actual conflict with the state air pollution control regulations.".

The Beutler amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 789. E & R amendment, AM5417, found in the Journal on page 1023, was adopted.

Messrs. Bernard-Stevens, Elmer, and Coordsen offered the following amendment:

AM1133

1. Insert the following new sections:

"Sec. 6. Commercial use of ground water shall include, but not be limited to, maintenance of the turf of a commercial or public golf course.

Sec. 7. Any person using ground water in the State of Nebraska may transfer such ground water off the overlying land without obtaining a permit under the Industrial Ground Water Regulatory Act if such transfer is for a commercial use consisting of the maintenance of the turf of a commercial or

public golf course and the amount of ground water so transferred is less than two hundred acre-feet per year. Any person who desires to withdraw and transfer a total of two hundred or more acre-feet of ground water per year for a commercial use consisting of the maintenance of the turf of a commercial or public golf course or a total of three thousand or more acre-feet of ground water per year in the State of Nebraska for any other commercial use shall comply with the act.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Renumber the remaining section accordingly.

Mr. Beutler requested a ruling of the Chair on whether the Bernard-Stevens et al. amendment is germane to the bill.

The Chair ruled the Bernard-Stevens et al. amendment is germane to the bill.

Mr. Beutler challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Kristensen and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 563 in the Journal. No objections. So ordered.

AM1061

(Amendments to E & R Amendments, AM5428)

1. Insert the following new sections:

"Sec. 6. That section 9-621, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

9-621. (1) All money collected by the department as an administrative fine shall be remitted on a monthly basis to the State Treasurer for credit to the permanent school fund.

(2) Any administrative fine ~~imposed~~ levied under section 9-620 and unpaid shall constitute a debt to the State of Nebraska which may be collected by lien foreclosure or sued for and recovered in any proper form of action in the name of the State of Nebraska in the district court of the county in which the violator resides or owns property.

Sec. 11. That section 9-632, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

9-632. (1) No individual, sole proprietorship, partnership, or corporation shall manufacture, sell, print, or distribute lottery equipment or supplies for use or play in this state without having first been issued a manufacturer-distributor license by the department.

(2) The department shall charge a biennial license fee of one thousand five hundred twenty-five dollars for the issuance or renewal of a manufacturer-distributor license. The department shall remit the proceeds from such license fees ~~shall be deposited in~~ to the State Treasurer for credit to the Charitable Gaming Operations Fund. All manufacturer-distributor licenses may be renewed biennially. The biennial expiration date shall be September 30 of every odd-numbered year or such other date as the department may prescribe by rule and regulation. An application for license renewal shall be submitted to the department ~~on or before August 15 of every odd-numbered year~~ at least forty-five days prior to the expiration date of the license.

(3) An applicant for issuance or renewal of a manufacturer-distributor license shall apply for a license on a form prescribed by the department. The application form shall include:

(a) The name and address of the applicant and the name and address of each of its separate locations manufacturing or distributing lottery equipment or supplies;

(b) The name and home address of all owners of the manufacturer-distributor business if the business is not a corporation. If the business is a corporation, the name and home address of each of the officers and directors of the corporation and of each stockholder owning ten percent or more of any class of stock in the corporation shall be supplied;

(c) If the applicant is a foreign manufacturer-distributor, the full name, business address, and home address of the agent who is a resident of this state designated pursuant to section 9-633; and

(d) Such other information as the department deems necessary.

(4) The applicant shall notify the department within thirty days of any change in the information submitted on or with the application form. The applicant shall comply with all applicable laws of the United States and the State of Nebraska and all applicable rules and regulations of the department.

(5) Any person licensed as a manufacturer pursuant to section 9-233.01 or 9-332 or as a distributor pursuant to section 9-235 or 9-330 may act as a manufacturer-distributor pursuant to this section upon the filing of the proper application form and payment of a biennial license fee of one thousand five hundred twenty-five dollars.

Sec. 12. That section 9-636, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

9-636. (1) ~~Scrape-off or rub-off tickets used in a lottery conducted pursuant to the Nebraska County and City Lottery Act shall be constructed so that it is impossible to determine the covered or concealed number, letter, symbol, configuration, or combination thereof on the ticket, until it has been dispensed to and scraped or rubbed by the player, by any method or device, including, but not limited to, the use of a marking, variance in size, variance in paper fiber, or light.~~

~~(2) All scrape-off or rub-off tickets shall be constructed to ensure that, when offered for sale to the public, the ticket is virtually opaque and free of security defects so that winning tickets cannot be determined, prior to being scraped or rubbed, through the use of high intensity lights or any other method.~~

~~(3)~~ All lottery supplies shall be constructed to conform in all ~~other~~ respects to the provisions and specifications imposed by the ~~act~~ Nebraska County and City Lottery Act and the rules and regulations adopted and promulgated pursuant to the act as to the manufacture, assembly, printing, and packaging of lottery supplies.

(2) ~~(4)~~ Any lottery supplies which do not conform in all respects to the requirements of the act and any other specifications imposed by the department by rule and regulation shall be contraband goods for purposes of section 9-649.

Sec. 16. That section 9-643, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

9-643. (1) Any county, city, or village may, by resolution or ordinance, tax, regulate, control, or prohibit any lottery conducted pursuant to the Nebraska County and City Lottery Act within the boundaries of such county, city, or village, except that no county may impose a tax or otherwise regulate, control, or prohibit any lottery within the corporate limits of a city or village. Any tax imposed pursuant to this subsection shall be remitted to the general fund of the county, city, or village imposing such tax.

(2) Nothing in this section shall be construed to authorize any lottery ~~or raffle~~ not otherwise authorized under Nebraska law.

Sec. 19. That section 9-648, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

9-648. Any county, city, or village which conducts a lottery shall submit to the department on a quarterly basis a tax of two percent of the gross proceeds. Such tax shall be remitted not later than thirty days from the close of the preceding quarter on forms provided by the department. The

department shall remit the tax to the State Treasurer for credit ~~and shall be credited~~ to the Charitable Gaming Operations Fund. All deficiencies of the tax imposed by this section shall accrue interest and be subject to a penalty as provided for sales and use taxes in the Nebraska Revenue Act of 1967.

Sec. 22. That section 9-653, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

9-653. (1) Except in accordance with a proper judicial order or as otherwise provided by this section or other law, it shall be a Class I misdemeanor for the Tax Commissioner or any employee or agent of the Tax Commissioner to make known, in any manner whatsoever, the contents of any reports or records submitted by a licensed manufacturer-distributor or the contents of any personal history reports submitted by any licensee or license applicant to the department pursuant to the Nebraska County and City Lottery Act and any rules and regulations adopted and promulgated pursuant to the act.

(2) Nothing in this section shall be construed to prohibit (a) the delivery to a licensee, his or her duly authorized representative, or his or her successors, receivers, trustees, personal representatives, administrators, assignees, or guarantors, if directly interested, of a certified copy of any report or record, (b) the publication of statistics so classified as to prevent the identification of particular reports or records, (c) the inspection by the Attorney General, a county attorney, or other legal representative of the state of reports or records submitted by a licensed manufacturer-distributor when information on the reports or records is considered by the Attorney General, county attorney, or other legal representative to be relevant to any action or proceeding instituted by the licensee or against whom an action or proceeding is being considered or has been commenced by any state agency or county, (d) the furnishing of any information to the United States Government or to states allowing similar privileges to the Tax Commissioner, (e) the disclosure of information and records to a collection agency contracting with the Tax Commissioner for the collection of delinquent taxes under the act, (f) the publication or disclosure of final administrative opinions and orders made by the Tax Commissioner in the adjudication of license denials, suspensions, cancellations, or revocations or the ~~imposition~~ levying of fines, (g) the release of any application, without the contents of any submitted personal history report, filed with the department to obtain a license to conduct activities under the act, which application shall be deemed a public record, or (h) the release of any report filed by a licensed county, city, village, or lottery operator

pursuant to the act, which report shall be deemed a public record.

(3) Nothing in this section shall prohibit the Tax Commissioner or any employee or agent of the Tax Commissioner from making known the names of persons, firms, or corporations licensed to conduct activities under the act, the locations at which such activities are conducted by licensees, or the dates on which such licenses were issued.

(4) Notwithstanding subsection (1) of this section, the Tax Commissioner may permit the Postal Inspector of the United States Postal Service or his or her delegates to inspect reports or records submitted by a licensed manufacturer-distributor pursuant to the act when information on the reports or records is relevant to any action or proceeding instituted or being considered by the United States Postal Service against such person for the fraudulent use of the mails to carry and deliver false and fraudulent tax returns to the Tax Commissioner with the intent to defraud the State of Nebraska or to evade the payment of Nebraska state taxes.

(5) Notwithstanding subsection (1) of this section, the Tax Commissioner may permit the other tax officials of this state to inspect reports or records submitted pursuant to the act, but such inspection shall be permitted only for purposes of enforcing a tax law and only to the extent and under the conditions prescribed by the rules and regulations of the Tax Commissioner.

Sec. 24. This act shall become operative on October 1, 1993.".

2. On page 3, line 6, strike ", or any director" and insert "or director of the partnership"; in line 19 strike "such" and show as stricken and strike "requirements" and insert "fingerprinting and a check of his or her criminal history record information maintained by the Identification Division of the Federal Bureau of Investigation through the Nebraska State Patrol".

3. On page 4, lines 20 and 21, strike "9 and 14" and insert "10 and 18".

4. On page 6, strike beginning with "subsections" in line 26 through line 27, show as stricken, and insert "the requirement in subdivision (1)(c)(ii) of this section that a player select up to twenty numbers, a player may select more than twenty numbers on a paper ticket when a top or bottom, left or right, edge, or way ticket is played. For a top or bottom ticket, the player shall select all numbers from one through forty or all numbers from forty-one through eighty. For a left or right ticket, the player shall select all numbers ending in one through five or all numbers ending in six through zero. For an edge ticket, the player shall select

all of the numbers comprising the outside edge of the ticket. For a way ticket, the player shall select a combination of groups of numbers in multiple ways on a single ticket.".

5. On page 7, strike lines 1 through 8 and show as stricken; in line 20 after "unless" insert "(a)"; strike beginning with the third comma in line 22 through "allow" in line 23 and insert "or (b) an emergency arises in which case"; and in line 23 strike "to" and insert "would".

6. On page 8, lines 11, 14, and 18, after "applicant" insert "or licensee"; and in line 20 strike "therein", show as stricken, and insert "in the applicant or licensee".

7. On page 11, line 13, strike "therein", show as stricken, and insert "in the licensee".

8. On page 12, line 24, strike "act", show as stricken, and insert "Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, or the Nebraska Pickle Card Lottery Act".

9. On page 16, lines 9 and 18, reinstate the stricken matter.

10. On page 19, line 2, after "operator" insert an underscored comma; in line 3 strike "or" and show as stricken, after the second comma insert "or", and after "officer" insert "of the lottery operator"; and in line 5 after the second "the" insert "lottery operator if a".

11. On page 22, line 1, strike "Such" and insert paragraphing and "(6) The"; in line 5 strike "the application"; in line 6 strike "is not denied" and insert "proceedings to deny the license application have not been initiated by the department"; and in line 10 strike the first "or".

12. On page 23, line 5, strike "individual", show as stricken, and insert "sole proprietor"; and in line 7 strike "therein" and insert "in a sole proprietorship, partnership, or corporation".

13. On page 25, line 24, strike the second "or".

14. On page 26, line 5, after "the" insert "gross".

15. On page 27, line 2, after "years" insert "unless otherwise provided by rules and regulations adopted and promulgated by the department".

16. On page 31, strike line 3 and insert "9-621, 9-623, 9-630 to 9-632, 9-636, 9-639, 9-642 to 9-643, 9-646, 9-648, 9-650, 9-652, and 9-653"; and in line 4 strike "9-652".

17. Renumber remaining sections accordingly.

STANDING COMMITTEE REPORT
General Affairs

The Committee on General Affairs desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Arts Council
Richard Bailey
Michael Harsh
Janet Korell

VOTE: Aye: Senators Cudaback, Elmer, Hartnett, Hudkins, Schellpeper, and Will. Absent: Senators Haberman and Robinson.

(Signed) Stan Schellpeper, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 725. No objections. So ordered.

VISITORS

Visitors to the Chamber were Monica Brueckner and Bernadette Nothofen from Germany, and Kathy Shaner; 18 seniors and sponsor from Pawnee City High School; 40 students and teachers from Millard South; ten fifth and sixth grade students and sponsor from Omaha; ten fifth and sixth grade students and sponsor from Weeping Water Public School; 13 students and teachers from Wahoo High School; Christy Kennedy and Doug Antholz from Pawnee City; 30 students and teachers from South High School, Omaha; 94 fourth grade students and teacher from Calvert Elementary, Auburn; representatives of Nebraska Council of Catholic Women from across the state; Senator Wesely's daughter, Amanda; and Delores Laska from Lindsay and Betty Dubas from Fullerton.

MOTION - Recess

Mr. Wehrbein moved to recess until 1:30 p.m. The motion prevailed with 23 ayes, 12 nays, 11 present and not voting, and 3 excused and not voting, and at 11:55 a.m., the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Coordsen, Dierks, Fisher, Janssen, Landis, Lindsay, Lynch, Pedersen, Robinson, Warner, Wickersham, Withem, Mmes. Bohlke,

Hudkins, McKenzie, Pirsch, Rasmussen, Witek, and Ms. Schimek who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 332A. Placed on Select File.
LEGISLATIVE BILL 301A. Placed on Select File.

LEGISLATIVE BILL 444. Placed on Select File as amended.
E & R amendment to LB 444:
AM5442

1. In the Standing Committee amendments, AM0765, on page 1, line 9, strike "fee", show as stricken, and insert "fees".

2. On page 1, line 2, strike "to 81-15,162" and insert "and 81-15,161"; strike beginning with the first "to" in line 3 through the second semicolon in line 4; and in line 5 after the first "to" insert "priority and".

Correctly Reengrossed

The following bill was correctly reengrossed: 106.

Correctly Engrossed

The following bills were correctly engrossed: 340, 455, 465, 477, 604, 677, and 767.

Enrollment and Review Change to LB 340

The following changes, required to be reported for publication in the Journal, have been made:
ER7227

1. For purposes of correlation with section 6, LB 112:

a. Original section 2 and all amendments thereto have been struck and the following new section inserted:

"Sec. 2. That section 60-106, Revised Statutes Supplement, 1992, as amended by section 6, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

60-106. (1)(a) Application for a certificate of title shall be made upon a form prescribed by the Department of Motor Vehicles and shall be sworn to before a notary public or other officer empowered to administer oaths. All applications shall be accompanied by the fee prescribed in section 60-115.

(b) All applications for a certificate of title to a mobile home as defined in subdivision (9)(c) of section 39-602 shall be accompanied by a mobile home transfer statement prescribed by the Tax Commissioner. The mobile home transfer statement shall be filed by

the applicant with the county clerk of the county of application for title. The county clerk shall issue a certificate of title to a mobile home but shall not deliver the certificate of title unless the mobile home transfer statement accompanies the application for title, except that the failure to provide the mobile home transfer statement shall not prevent the notation of a lien on the face of the certificate of title to the mobile home pursuant to section 60-110 and delivery to the holder of the first lien. The mobile home transfer statement and the information contained in the statement shall be confidential and only available to tax officials.

(2)(a) If the motor vehicle has tax situs in Nebraska, the application shall be filed with the county clerk of the county in which the vehicle has tax situs as defined in section 77-1240.

(b) If the applicant is a nonresident, the application shall be filed in the county in which the transaction is consummated.

(c) All applicants registering a vehicle pursuant to section 60-305.09 shall file the application for title to the vehicle with the Department of Motor Vehicles. The department shall deliver the certificate to the applicant if there are no liens on the vehicle. If there are any liens on the vehicle, the department shall deliver or mail the certificate of title to the holder of the first lien on the day of issuance. All certificates of title issued by the department shall be issued in the manner prescribed for the county clerk in section 60-107.

(3) If a certificate of title has previously been issued for the motor vehicle in this state, the application for a new certificate of title shall be accompanied by the certificate of title duly assigned unless otherwise provided for in sections 60-102 to 60-117. If a certificate of title has not previously been issued for the motor vehicle in this state or if a certificate of title is unavailable pursuant to subsection (4) of section 3 of this act, the application, unless otherwise provided for in ~~such~~ sections 60-102 to 60-117, shall be accompanied by a manufacturer's or importer's certificate, as provided for in such sections, a duly certified copy thereof, a certificate of title, a court order issued by a court of record, a manufacturer's certificate of origin, or an assigned registration certificate, if the law of the state from which the motor vehicle was brought into this state does not have a certificate of title law. The county clerk shall retain the evidence of title presented by the applicant and on which the certificate of title is issued.

(4) The county clerk shall use reasonable diligence in ascertaining whether or not the statements in the application for a certificate of title are true by checking the application and documents accompanying the same with the records of motor vehicles in his or her office. If he or she is satisfied that the applicant is the owner of such motor vehicle and that the application is in the proper form, the county clerk shall issue a certificate of title over his or her signature and sealed with his or her seal.

(5) In the case of the sale of a motor vehicle, the certificate of title shall be obtained in the name of the purchaser upon application signed

by the purchaser, except that (a) for titles to be held by husband and wife, applications may be accepted upon the signature of either one as a signature for himself or herself and as agent for his or her spouse and (b) for an applicant providing proof that he or she is a handicapped or disabled person as defined in section 18-1738, applications may be accepted upon the signature of the applicant's parent, legal guardian, foster parent, or agent.

(6) In all cases of transfers of motor vehicles, commercial trailers, semitrailers, or cabin trailers, the application for a certificate of title shall be filed within thirty days after the delivery of such vehicle or trailer. A licensed dealer need not apply for certificates of title for motor vehicles, commercial trailers, semitrailers, or cabin trailers in stock or acquired for stock purposes, but upon transfer of such vehicle or trailer in stock or acquired for stock purposes, the licensed dealer shall give the transferee a reassignment of the certificate of title on such vehicle or trailer or an assignment of a manufacturer's or importer's certificate. If all reassignments on the certificate of title have been used, the licensed dealer shall obtain title in his or her name prior to any subsequent transfer.

(7) An application for a certificate of title shall include a statement that an identification inspection has been conducted on the vehicle unless (a) the title sought is a salvage certificate of title as defined in section 60-129 or a nontransferable certificate of title provided for in section 60-131, (b) the surrendered ownership document is a Nebraska certificate of title, a manufacturer's statement of origin, an importer's statement of origin, a United States Government Certificate of Release of a motor vehicle, or a nontransferable certificate of title issued under section 60-131, (c) the application for a certificate of title contains a statement that such vehicle is to be registered under section 60-305.09, or (d) the vehicle is a cabin trailer. The statement that an identification inspection has been conducted shall be furnished by the county sheriff of the county in which application is made or by any other holder of a current certificate of training issued pursuant to section 60-121 and shall be in a format as determined by the Department of Motor Vehicles. The county clerk may accept a certificate of inspection, approved by the Superintendent of Law Enforcement and Public Safety, from an officer of a state police agency of another state. For each inspection a fee of ten dollars shall be paid to the county treasurer. All such fees shall be credited to the county sheriff's vehicle inspection account within the county general fund. The identification inspection required by this subsection shall include examination and notation of the current odometer reading and a comparison of the vehicle identification number with the number listed on the ownership records, except that if a lien is registered against a vehicle and recorded on the vehicle's ownership records, the county clerk shall provide a copy of the ownership records for use in making such comparison. If such numbers are not identical or if there is reason to believe further inspection is necessary, the person performing the inspection shall make a further inspection of the vehicle which may include, but shall

not be limited to, examination of other identifying numbers placed on the vehicle by the manufacturer and an inquiry into the numbering system used by the state issuing such ownership records to determine ownership of a vehicle. The identification inspection shall also include a statement that the vehicle identification number has been checked for entry in the National Crime Information Center and the Nebraska Crime Information Service. If there is cause to believe that odometer fraud exists, written notification shall be given to the office of the Attorney General. If after such inspection the sheriff or his or her designee determines that the vehicle is not the vehicle described by the ownership records, no statement shall be issued. In the case of an assembled vehicle such inspection shall include, but not be limited to, an examination of the records showing the date of receipt and source of each major component part as defined in section 60-2601.

(8) If a county board consolidates services under the office of a designated county official other than the county clerk pursuant to section 1 of this act:

(a) Applications under ~~subsection~~ subsections (1) and (2) of this section shall be submitted to the designated county official;

(b) The designated county official shall perform the duties imposed on the county clerk under ~~subsection~~ subsections (1) and (4) of this section;

(c) The designated county official may accept certificates of inspection under the conditions described in subsection (7) of this section; and

(d) The designated county official shall act as office of record for title documents, applications, odometer statements, certificates of inspections, and lien and cancellation of lien notations."; and

b. On page 1, lines 1 and 2; and page 25, lines 24 and 25, "sections 39-602 and 60-106, Revised Statutes Supplement, 1992" has been struck and "section 39-602, Revised Statutes Supplement, 1992, and section 60-106, Revised Statutes Supplement, 1992, as amended by section 6, Legislative Bill 112, Ninety-third Legislature, First Session, 1993" inserted.

2. On page 24, line 25, "on or" has been inserted after "title".

Enrollment and Review Change to LB 465

The following changes, required to be reported for publication in the Journal, have been made:

ER7230

1. On page 21, line 8, "such sections" has been struck, shown as stricken, and "the act" inserted.

2. On page 29, line 2, "its" has been struck and "their" inserted.

Enrollment and Review Change to LB 767

The following changes, required to be reported for publication in the Journal, have been made:

ER7229

1. For purposes of correlation with section 45, LB 112:

a. On page 1, line 4, ", and section 45, Legislative Bill 112, Ninety-third Legislature, First Session, 1993" has been inserted after "1992";

b. On page 2, line 3; and page 12, line 1, "and section 45, Legislative Bill 112, Ninety-third Legislature, First Session, 1993," has been inserted after the last comma;

c. On page 6, line 13, "or designated county official as provided in section 60-302" has been inserted after "treasurer"; and

d. On page 7, lines 14, 15, and 24, ", designated county official," has been inserted after "treasurer"; and in line 18 "or designated county official" has been inserted after "treasurer".

(Signed) Kurt Hohenstein, Chairperson

SELECT FILE

LEGISLATIVE BILL 789. Mr. Beutler withdrew his pending motion, found in this day's Journal, to overrule the Chair.

The Bernard-Stevens-Elmer-Coordsen pending amendment, AM1133, found in this day's Journal, was renewed.

Mr. Wehrbein offered the following amendment to the Bernard-Stevens et al. pending amendment:
AM1148

(Amendments to AM1133)

1. Insert the following new section:

"Sec. 8. The Director of Water Resources shall have jurisdiction over any ground water transfer under section 7 of this act. Any person using ground water at the time any such transfer is commenced whose wells suffer an unanticipated decline in ground water levels thereafter may request a hearing before the director. If at such hearing the injured party presents evidence showing that the ground water levels declined as a result of such transfer and shows the nature and extent of any resulting injury, the director may issue an order terminating the transfer to eliminate any further injury.".

2. Renumber the remaining sections accordingly.

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

Mr. Wehrbein moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Wehrbein amendment was adopted with 25 ayes, 7 nays, 8 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Bernard-Stevens requested a roll call vote, in reverse order, on the Bernard-Stevens et al. amendment.

Voting in the affirmative, 27:

Abboud	Byars	Hall	Landis	Robak
Ashford	Cudaback	Hartnett	Lynch	Robinson
Baack	Day	Hillman	McKenzie	Wickersham
Bernard-Stevens	Elmer	Hohenstein	Moore	Will
	Fisher	Horgan	Rasmussen	Withem
Bohlke	Haberman	Kristensen		

Voting in the negative, 17:

Avery	Dierks	Pirsch	Schmitt	Wehrbein
Beutler	Janssen	Preister	Vrtiska	Wesely
Bromm	Jones	Schellpeper	Warner	Witek
Crosby	Pedersen			

Present and not voting, 2:

Chambers Schimek

Excused and not voting, 3:

Coordsen Hudkins Lindsay

The Bernard-Stevens et al. amendment, as amended, was adopted with 27 ayes, 17 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Beutler offered the following amendment:
AM1164
1. Strike the Bernard-Stevens amendment.
2. Insert the following new sections:

"Sec. 6. That section 46-677, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-677. After August 30, 1981, any person who desires to withdraw ~~a total of three thousand or more acre-feet of~~ ground water~~, per year,~~ from aquifers located within the State of Nebraska for industrial purposes shall, prior to commencing construction of any wells, obtain from the director a permit to authorize the withdrawal and any transfer of such ground water. ~~As used in~~ Any person who desires to withdraw ground water from aquifers located in the State of Nebraska for industrial purposes who has, before the effective date of this act, commenced construction of any well for such purposes may file an application for such permit within five years after such date. For purposes of this section, industrial purposes shall include manufacturing, commercial, and power generation uses of water and commercial use shall include, but not be limited to, maintenance of the turf of a golf course.

Sec. 7. That section 46-678, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-678. (1) Applications for permits required by section 46-677 shall be on forms provided by the director and shall contain:

(a) A statement of the amount of ground water which the applicant proposes to use;

(b) A statement of the proposed use and whether the ground water will be transferred for use at a location other than the well site;

(c) A hydrologic evaluation of the impact of the proposed use on the surrounding area and on existing users;

(d) The date when the applicant expects to first use the ground water; and

(e) Such other relevant information as the director may deem necessary or desirable.

(2) Such applications shall be accompanied by an exhibit of maps showing the location, depth, and capacity of the proposed wells.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

3. On page 11, line 1, strike "and"; and in line 2 after the first comma insert "46-677, and 46-678,".

4. Renumber the remaining section accordingly.

MRS. CROSBY PRESIDING

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

SPEAKER BAACK PRESIDING

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Beutler	Dierks	Landis	Schimek	Warner
Bromm	Haberman	Pirsch	Schmitt	Wesely
Crosby	Jones	Preister		

Voting in the negative, 26:

Abboud	Cudaback	Hohenstein	McKenzie	Schellpeper
Ashford	Day	Horgan	Moore	Wickersham
Baack	Elmer	Janssen	Rasmussen	Will
Bernard-Stevens	Fisher	Kristensen	Robak	Witek
Byars	Hall	Lynch	Robinson	Withem
	Hartnett			

Present and not voting, 6:

Avery	Chambers	Hillman	Vrtiska	Wehrbein
Bohlke				

Excused and not voting, 4:

Coordsen	Hudkins	Lindsay	Pedersen

The Beutler amendment lost with 13 ayes, 26 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Wesely moved to indefinitely postpone LB 789.

Laid over.

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

RESOLUTION

LEGISLATIVE RESOLUTION 74. Introduced by Withem, 14; Hartnett, 45; Lynch, 13.

WHEREAS, Croatia and Bosnia-Hercegovina are sovereign and independent states, members of the United Nations, and participating states of the Conference on Security and Cooperation in Europe; and

WHEREAS, the leaders of Croatia and Bosnia-Hercegovina have committed themselves to practice tolerance and to live together in peace with neighboring states in keeping with the Charter of the United Nations and to promote human rights and democracy pursuant to the Helsinki Final Act; and

WHEREAS, the people of Croatia and Bosnia-Hercegovina have been and remain the target of armed aggression by Serbia and Serbian-backed forces; and

WHEREAS, the loss of life and human suffering in Bosnia-Hercegovina has reached an unprecedented scale in post-World War II Europe; and

WHEREAS, the war and "ethnic cleansing" in Croatia and Bosnia-Hercegovina have uprooted more than one and one-half million people, contributing to the largest refugee problem in Europe since World War II; and

WHEREAS, the people of Croatia and Bosnia-Hercegovina have been subjected to organized, systematic, and premeditated war crimes and genocide, including willful killings, rape, forced impregnation, abuse of civilians in detention centers, deliberate attacks on noncombatants including women and children, "ethnic cleansing" through forcible expulsion and deportation of civilians, and torture of prisoners; and

WHEREAS, the United Nations Security Council has reaffirmed that persons who commit or order the commission of grave breaches of the Geneva Conventions are individually responsible with respect to such breaches; and

WHEREAS, the International Committee of the Red Cross and other international humanitarian organizations have not been granted unimpeded and continuous access to all camps, prisons, and detention centers in Croatia and Bosnia-Hercegovina as called for by the United Nations Security Council; and

WHEREAS, efforts by United Nations humanitarian organizations and others to secure the effective and unimpeded delivery of humanitarian supplies to all victims of the war in Croatia and Bosnia-Hercegovina have reportedly been blocked; and

WHEREAS, numerous diplomatic efforts to achieve a peaceful solution to the war in Croatia and Bosnia-Hercegovina have failed to bring about a cessation of hostilities; and

WHEREAS, the United Nations Security Council has demanded that neighboring states respect the territorial integrity of Croatia and Bosnia-Hercegovina; and

WHEREAS, irregular forces have failed to disband, disarm, or place their weapons under effective international monitoring; and

WHEREAS, article 51 of the Charter of the United Nations provides for the right of individual and collective self-defense if an armed attack occurs against a member state; and

WHEREAS, the right of Croatia and Bosnia-Hercegovina to defend themselves against attack by old Yugoslavian communist forces and

Serbian Cetniks has been thwarted by the existing international arms embargo; and

WHEREAS, incursions of the airspace of Croatia and Bosnia-Hercegovina by hostile military aircraft continue to occur in violation of the establishment of a "no-fly" zone by the United Nations Security Council; and

WHEREAS, United Nations Security Council resolutions on a "no-fly" zone, the transfer of all heavy weapons to international control, the delivery of humanitarian assistance, and access to all camps, prisons, and detention centers in Bosnia-Hercegovina have not been fully implemented or enforced; and

WHEREAS, the Croatian Cultural Society of Omaha has been active in maintaining the culture of Croatian Americans; and

WHEREAS, the Croatian Cultural Society has contacted, locally, the St. Martin de Porres Center, for Omaha to be placed on the list as a resettlement site for refugees from Croatia and Bosnia-Hercegovina, but to no avail.

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

1. That the United States should act, without delay, to uphold the right of Croatia and Bosnia-Hercegovina to self-defense as provided under article 51 of the Charter of the United Nations and to seek the immediate lifting of the international arms embargo as it applies to Croatia and Bosnia-Hercegovina, thus enabling Croatia and Bosnia-Hercegovina to obtain defensive weapons.

2. That the United States should assemble a multinational coalition to:

(a) Immediately enforce the existing United Nations "no-fly" zone over the territories of Croatia and Bosnia-Hercegovina, including through the use of military air force, if required;

(b) Ensure that irregular forces in Croatia and Bosnia-Hercegovina either withdraw, be subject to the authority of the governments of Croatia and Bosnia-Hercegovina, or be disbanded and disarmed with their weapons placed under effective international monitoring. In the event that such steps are not taken by irregular forces immediately, every effort, including the use of military air force, should be made to neutralize heavy arms in the hands of such forces;

(c) Ensure the immediate, effective, and unimpeded delivery of humanitarian aid to all civilian populations in Croatia and Bosnia-Hercegovina, in keeping with international commitments, including through the use of military force, if required; and

(d) Ensure unimpeded access to all camps, prisons, and detention centers in Bosnia-Hercegovina by the International Committee of the Red Cross and other international humanitarian organizations and facilitate the release of all detainees from such facilities.

3. That the Legislature encourages the United States to:

(a) Seek an increase in the number of refugees from Croatia and Bosnia-Hercegovina permitted to enter the United States and other European countries; and

(b) Work to ensure that those responsible for war crimes and crimes against humanity in Croatia and Bosnia-Hercegovina are held accountable by an international criminal tribunal.

4. That the Legislature strongly encourages the appropriate federal and private agencies to include the Croatian Cultural Society of Omaha in the resettlement of those refugees seeking asylum in the United States.

5. That the Legislature encourages physicians and hospitals in Nebraska, especially in Omaha because of its Croatian population, to become involved in a humanitarian way to help the victims of war from Croatia and Bosnia-Hercegovina which can be accomplished by becoming involved in the International Organization for Migration, a nonprofit organization aimed at secondary treatment of victims of war and violence.

6. That the Legislature encourages individuals, businesses, and church organizations to also help in a humanitarian effort by sponsoring victims in the form of monetary contributions for payment of medical care.

7. That the Clerk of the Legislature shall transmit copies of this resolution to Nebraska's congressional delegation and the Croatian Cultural Society.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 74 was referred to the Reference Committee.

UNANIMOUS CONSENT - Print in Journal

Messrs. Avery, Pedersen, Schmitt, and Kristensen asked unanimous consent to print the following amendment to LB 575 in the Journal. No objections. So ordered.

AM1112

(Amendments to E & R amendments, AM5424)

1. Insert the following new section:

"Sec. 43. That section 60-1006, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1006. (1) Each operator of a state-owned motor vehicle, except a special use-vehicle as prescribed in section 81-1011 or a motor vehicle in which a state agency holds the title ~~members of the Nebraska State Patrol and operators of trucks and maintenance equipment of the Department of Roads,~~ shall report the points between which ~~said~~ the state-owned motor vehicle traveled each time used and the ~~speedometer~~ odometer readings at such points, the time of arrival and

departure, the necessity and purpose for such travel, and the license number of such motor vehicle and the department to which such state-owned motor vehicle belongs.

(2) Each operator of a special-use vehicle as prescribed in section 81-1011 or a motor vehicle in which a state agency holds the title shall follow the policy and use the travel report form which shall be established by the director or designated head of the agency owning such motor vehicle. The form shall include, but not be limited to, the name of the operator, the license number of the vehicle, the total daily mileage or total hours of daily operation, and any other information the director or designated head deems relevant.

State agencies leasing or renting motor vehicles from the transportation services bureau pursuant to sections 81-1008.01 and 81-1010 shall be required to report motor vehicle usage pursuant to subsection (1) of this section on travel forms prescribed by the chief of the transportation services bureau.

(3) Such travel reports shall be transmitted at the end of each month by every operator to the director or designated head of his or her department, board, bureau, or commission, and such reports, after review by the head of the agency, department, board, bureau, or commission, shall be retained by the agency, department, board, bureau, or commission except the travel reports on motor vehicles leased or rented from the transportation services bureau. The travel reports on motor vehicles leased or rented from the transportation services bureau shall be transmitted to the chief of such bureau ~~transmitted to the Purchasing Agent~~ on or before the ~~tenth~~ seventh day of the month following such use of a state-owned motor vehicle.

(4) Such travel reports shall thereafter be open to public inspection for a period of two years, after which they may be destroyed, except ~~; PROVIDED,~~ that~~,~~ when public inspection of a particular record would be detrimental to the investigation of a criminal case, such particular record shall be withheld from public inspection upon written certificate to that effect by the head of the law enforcement agency concerned.

(5) For purposes of this section, state agency shall include an agency, department, board, bureau, or commission of the state except the transportation services bureau.".

2. On page 59, line 21, strike "46, and 49" and insert "47, and 50"; in line 25 strike "and" and after the last comma insert "and 60-1006,".

3. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 758. Placed on General File as amended.
Standing Committee amendment to LB 758:
AM1116

1. On page 2, lines 6 and 22, strike the new matter and reinstate the stricken matter; strike beginning with "or" in line 22 through the first comma in line 26, show the old matter as stricken, and insert an underscored comma; and in line 27 strike "(3)", show as stricken, and insert "(4)".

2. On page 3, after line 2, insert the following new subsection:

"(b) This subsection shall not apply to any school district located on an Indian reservation and substantially or totally financed by the federal government."; in line 3 strike "(b)", show as stricken, and insert "(3)" and after "year" insert "that the fall school district membership or average daily membership of"; in line 4 strike "has", show as stricken, and insert "is"; in lines 5 and 6 strike "pursuant to subdivision (a) of this subsection" and show as stricken; in line 15 strike "such subdivision", show as stricken, and insert "this subsection"; in line 20 strike "(i)", show as stricken, and insert "(a)" and strike "(A)", show as stricken, and insert "(i)"; in line 25 strike "(B)", show as stricken, and insert "(ii)"; and in line 28 strike "(ii)", show as stricken, and insert "(b)".

3. On page 4, line 2, strike "subdivision (a) of" and show as stricken; in line 5 strike "(iii)", show as stricken, and insert "(c)"; and in line 10 strike "subdivision", show as stricken, and insert "subsection".

4. On page 5, line 10, strike "(c)", show as stricken, and insert "(d)"; in line 13 strike "(3)", show as stricken, and insert "(4)"; in lines 15 and 22 strike the new matter and reinstate the stricken matter; strike beginning with "as" in line 25 through "section" in line 26, show as stricken, and insert "through the order of the county superintendent"; and in line 27 strike "(4)", show as stricken, and insert "(5)".

(Signed) Ron Withem, Chairperson

Health and Human Services

LEGISLATIVE BILL 798. Placed on General File.
LEGISLATIVE BILL 799. Placed on General File.

LEGISLATIVE BILL 792. Indefinitely postponed.
LEGISLATIVE BILL 793. Indefinitely postponed.
LEGISLATIVE BILL 794. Indefinitely postponed.

LEGISLATIVE BILL 795. Indefinitely postponed.
LEGISLATIVE BILL 796. Indefinitely postponed.
LEGISLATIVE BILL 802. Indefinitely postponed.
LEGISLATIVE BILL 809. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

SELECT FILE

LEGISLATIVE BILL 818. Advanced to E & R for engrossment.
LEGISLATIVE BILL 526. Advanced to E & R for engrossment.

Messrs. Bromm, Haberman, and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 726. E & R amendment, AM5418, found in the Journal on page 1023, was adopted.

Mr. Hartnett offered the following amendment:
AM1122

1. On page 2, line 24, after the period insert "Reasonable interpretation shall include, but not be limited to, the following methods: An actual house count of the annexed territory multiplied by the average number of persons per household as this information existed at the time of the most recent federal decennial census, or multiplying the population that existed at the time of the most recent federal decennial census in the enumeration district by a ratio of the actual current population of the enumeration district divided in the same manner as the annexation.".

2. On page 3, line 5, after "if" insert "the methodology employed in determining" and strike "have" and insert "has"; and in lines 6 and 7, strike "and if such calculations are reasonable and accurate".

The Hartnett amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 268. E & R amendment, AM5421, found in the Journal on page 1055, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 191. E & R amendment, AM5419, found in the Journal on page 1055, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 590. E & R amendment, AM5420, found in the Journal on page 1055, was adopted.

Mr. Pedersen offered the following amendment:
AM0855

1. Insert the following new sections:

"Section 1. That section 39-6,104.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,104.06. Any coroner or other official performing the duties of coroner shall report in writing to the Department of ~~Motor Vehicles~~ Roads the death of any person within his or her jurisdiction as the result of an accident involving a motor vehicle and the circumstances of such accident. Such report by the coroner shall be made within ten days after such death.

Sec. 4. That section 39-6,104.11, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,104.11. The Department of ~~Motor Vehicles~~ Roads shall reimburse any county for expenses and costs incurred by the county pursuant to sections 39-6,104.06 to 39-6,104.12. The ~~Department of Motor Vehicles~~ department shall provide the official in each county with the appropriate reporting form.".

2. On page 2, line 14, strike "Motor Vehicles", show as stricken, and insert "Roads".

3. On page 3, line 2, strike "Director of Motor Vehicles", show as stricken, and insert "Director-State Engineer of the Department of Roads"; and in line 17 strike "Motor Vehicles" and insert "Roads".

4. On page 5, line 17, after "sections" insert "39-6,104.06," and after the last comma insert "39-6,104.11,".

5. Renumber the remaining sections accordingly.

The Pedersen amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 23. Advanced to E & R for engrossment.

LEGISLATIVE BILL 201. E & R amendment, AM5427, found in the Journal on page 1135, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 830. Messrs. Avery, Vrtiska, Dierks, Bernard-Stevens, Cudaback, Hartnett, Elmer, Schellpeper, Beutler, Baack, Mrs. Hudkins, and Ms. Day offered the following amendment:

(Amendment on file in the Clerk's Office - Room 2018 - AM1039.)

Mr. Preister requested a division of the question on the Avery et al. amendment.

The Chair sustained the division of the question.

The first Avery et al. amendment is as follows:
(Amendment on file in the Clerk's Office - Room 2018 - FA50.)

Mr. Avery moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The first Avery et al. amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

The second Avery et al. amendment is as follows:
(Amendment on file in the Clerk's Office - Room 2018 - FA51.)

The second Avery et al. amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 387. E & R amendment, AM5429, found in the Journal on page 1136, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 517. Advanced to E & R for engrossment.
LEGISLATIVE BILL 720. Advanced to E & R for engrossment.
LEGISLATIVE BILL 472. Advanced to E & R for engrossment.
LEGISLATIVE BILL 435. Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: 131A.

(Signed) Kurt A. Hohenstein, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 350. Indefinitely postponed.
LEGISLATIVE BILL 615. Indefinitely postponed.
LEGISLATIVE BILL 685. Indefinitely postponed.
LEGISLATIVE BILL 821. Indefinitely postponed.

LEGISLATIVE RESOLUTION 3CA. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 495 in the Journal. No objections. So ordered.

AM1065

1. Strike the original sections and insert the following new sections:

"Section 1. That section 69-1901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1901. The Legislature hereby finds that the state prohibits the use of smokeless tobacco products by minors and the furnishing of smokeless tobacco products to minors and that the enforcement of an age-related restriction on the promotional distribution of smokeless tobacco products is impractical and ineffective. The Legislature further finds that the rate of usage of smokeless tobacco products among Nebraska teenagers, both boys and girls, is higher than in the rest of the nation and that considering smoking and smokeless tobacco together, the rate of usage among Nebraska teenagers, both boys and girls, is significantly higher than in the nation as a whole. It is the intent of the Legislature to control the distribution of these products and discourage illegal activity by prohibiting all promotional distribution.

Sec. 2. That original section 69-1901, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Mr. Dierks asked unanimous consent to print the following amendment to LB 495 in the Journal. No objections. So ordered.

AM1044

1. Strike the original sections and insert the following new sections:

"Section 1. That section 69-1904, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1904. (1) The Attorney General shall apply for an injunction in the district court in the county in which any

violation of section 69-1903 occurs to enjoin the defendant from engaging in any practice which violates such section. Notice shall be given by certified mail to the defendant at least five days prior to the hearing on such injunction.

(2) The Attorney General may bring a civil action against any person violating section 69-1903. A civil penalty shall be imposed on such person in an amount of ~~five hundred~~ one thousand dollars for the first offense and in an amount of ~~not less than six hundred dollars nor more than three~~ two thousand dollars for a second or subsequent offense. Each distribution of a single package to an individual member of the general public shall be considered a separate violation under section 69-1903.

(3) Any manufacturer, wholesaler, retailer, or representative of any manufacturer, wholesaler, or retailer who violates section 69-1903 shall be guilty of a Class III misdemeanor.

Sec. 2. That original section 69-1904, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Mr. Dierks asked unanimous consent to print the following amendment to LB 495 in the Journal. No objections. So ordered.

AM0785

1. Insert the following new section:

"Sec. 7. That section 77-4008, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-4008. (1) ~~Commencing on or after January 1, 1988, a~~ A tax is hereby imposed upon the first owner of tobacco products to be sold in this state. The tax shall be ~~fifteen~~ thirty percent of (a) the purchase price of such tobacco products paid by the first owner or (b) the price at which a first owner who made, manufactured, or fabricated the tobacco product sells the items to others. Such tax shall be in addition to all other taxes.

(2) Whenever any person who is licensed under section 77-4009 purchases tobacco products from another person licensed under section 77-4009, the seller shall be liable for the payment of the tax.".

2. On page 4, line 15, after "That" insert "original section 77-4008, Reissue Revised Statutes of Nebraska, 1943, and also".

3. Underscore the original sections.

4. Renumber the remaining section accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 575 in the Journal. No objections. So ordered.

AM1040

(Amendments to E & R amendments, AM5424)

1. Insert the following new sections:

"Sec. 3. That section 13-1201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

13-1201. Sections 13-1201 to 13-1212 and section 4 of this act shall be known and may be cited as the Nebraska Public Transportation Act of 1975.

Sec. 4. Recipients of state funds under the Nebraska Public Transportation Act of 1975 for any city bus system operating over regularly scheduled routes in cities of the primary class may provide or designate that fares charged low-income persons may be discounted up to one-half of the rates generally applicable to other persons at peak hours for each one-way trip. Such recipient of state funds under the act may designate certain peak hours during which this section shall not apply. For purposes of this section, low-income persons shall mean persons whose income is at or below one hundred fifty percent of the current amount determined and published periodically by the federal government as the national poverty income level without regard to other resources.".

2. On page 59, strike beginning with "3" in line 20 through "49" in line 21 and insert "5, 7 to 17, 19, 20, 23 to 26, 28 to 32, 34, 41 to 48, and 51".

3. On page 60, line 2, after "sections" insert "13-1201,"; and in line 19 after the comma insert "line 1, after 'sections' insert '13-1201,';".

4. On page 61, line 9, after the second semicolon insert "to allow discount fares for low-income persons;".

5. Renumber the remaining sections accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 377 in the Journal. No objections. So ordered.

AM0810

(Amendments to E&R Amendments, AM5402)

1. On page 15, line 26, strike "total fee" and insert "additional fee assessed pursuant to this subdivision"; and in line 27 after "hundred" insert "fifty".

VISITORS

Visitors to the Chamber were 20 students from Loomis High School.

The Doctor of the Day was Annette Miller from Lincoln.

ADJOURNMENT

At 4:18 p.m., on a motion by Mr. Hohenstein, the Legislature adjourned until 9:00 a.m., Wednesday, March 31, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-FIRST DAY - MARCH 31, 1993

LEGISLATIVE JOURNAL

FIFTY-FIRST DAY - MARCH 31, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 31, 1993

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

PRAYER

The prayer was offered by Pastor Joe Scahill, First United Methodist Church, Hastings, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Beutler, Coordsen, Haberman, Hall, Hartnett, Lindsay, Moore, Schellpeper, Warner, Will, and Mrs. Crosby who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fiftieth day was approved.

COMMUNICATION

Received from the Missouri House of Representatives a copy of House Concurrent Resolution No. 9, adopted by the House in February 1993, supporting the proposed Federal Mandate Relief Act of 1993 as a means of achieving a more equitable distribution of fiscal responsibility between the state and federal government.

REPORTS

Received report from the Nebraska Department of Education for labor negotiations between the Department of Education and the Nebraska Department of Education Teachers Association required under Section 81-1384, R.R.S. 1943, Reissue of 1987, the State Employee Collective Bargaining Act.

Received report from the Nebraska Department of Education for labor negotiations between the Department of Education and the Nebraska Association of Public Employees, AFSCME Local 61, required under Section 81-1384, R.R.S. 1943, Reissue of 1987, the State Employee Collective Bargaining Act.

RESOLUTION

LEGISLATIVE RESOLUTION 53. Considered.

Standing Committee amendment, AM1072, found in the Journal on page 1226, was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LR 53 was adopted with 34 ayes, 0 ayes, 9 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 627. The Chambers pending motion, found in the Journal on page 1197, to bracket until April 6, 1993, was renewed.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Witek moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mrs. Witek requested a roll call vote on the Chambers motion to bracket LB 627.

Voting in the affirmative, 16:

Ashford	Hartnett	Lindsay	Preister	Wesely
Baack	Hillman	Lynch	Rasmussen	Will
Chambers	Horgan	McKenzie	Schimek	Withem
Day				

Voting in the negative, 26:

Abboud	Dierks	Hudkins	Moore	Schmitt
Avery	Elmer	Janssen	Pedersen	Vrtiska
Bromm	Fisher	Jones	Pirsch	Wehrbein
Byars	Haberman	Kristensen	Robinson	Wickersham
Coordsen	Hohenstein	Landis	Schellpeper	Witek
Cudaback				

Present and not voting, 2:

Bernard-Stevens Bohlke

Excused and not voting, 5:

Beutler Crosby Hall Robak Warner

The Chambers motion to bracket lost with 16 ayes, 26 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

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

Mrs. Witek offered the following amendment:
AM1156

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 29-2204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2204. ~~(1) Except as provided in subsection (2) of this section, in all cases when any person is convicted of any offense by this code declared criminal and made punishable by imprisonment in the Department of Correctional Services adult correctional facility, the court shall declare in its sentence for what period of time, within the respective periods prescribed by law, such convict shall be imprisoned at hard labor in the Department of Correctional Services adult correctional facility and shall determine and declare in its sentence whether any such convict shall be kept in solitary confinement in the cells of the Department of Correctional Services adult correctional facility, without labor, and, if so, for what period of time.~~

~~(2)~~ (1) Except as provided in subsection (3) of this section and except when a term of life is required by law, in imposing an indeterminate sentence upon an offender, the court shall:

(a) Fix the minimum and maximum limits of the sentence to be served within the limits provided by law, except that when a maximum limit of life is imposed by the court for a Class IB felony, the minimum limit may be any term of years not less than the statutory mandatory minimum;

(b) Advise the offender on the record the time the offender will serve on his or her minimum term before attaining parole eligibility assuming that no good time for which the offender will be eligible is lost; and

(c) Advise the offender on the record the time the

offender will serve on his or her maximum term before attaining mandatory release assuming that no good time for which the offender will be eligible is lost.

If any discrepancy exists between the statement of the minimum limit of the sentence and the statement of parole eligibility or between the statement of the maximum limit of the sentence and the statement of mandatory release, the statements of the minimum limit and the maximum limit shall control the calculation of the offender's term. If the court imposes more than one sentence upon an offender or imposes a sentence upon an offender who is at that time serving another sentence, the court shall state whether the sentences are to be concurrent or consecutive.

(2) When the court is of the opinion that imprisonment may be appropriate but desires more detailed information as a basis for determining the sentence to be imposed than has been provided by the presentence report required by section 29-2261, the court shall commit an offender to the Department of Correctional Services for a period not exceeding ninety days. The department shall conduct a complete study of the offender during that time, inquiring into such matters as his or her previous delinquency or criminal experience, social background, capabilities, and mental, emotional, and physical health and the rehabilitative resources or programs which may be available to suit his or her needs. By the expiration of the period of commitment or by the expiration of such additional time as the court shall grant, not exceeding a further period of ninety days, the offender shall be returned to the court for sentencing and the court shall be provided with a written report of the results of the study, including whatever recommendations the department believes will be helpful to a proper resolution of the case. After receiving the report and the recommendations, the court shall proceed to sentence the offender in accordance with subsection (1) of this section. The term of the sentence shall run from the date of original commitment under this subsection. In order to encourage the use of this procedure in appropriate cases, all costs incurred during the period the defendant is held in a state institution under this subsection shall be a responsibility of the state and the county shall be liable only for the cost of delivering the defendant to the institution and the cost of returning him or her to the appropriate court for sentencing or such other disposition as the court may then deem appropriate.

(3) Whenever the defendant was under eighteen years of age at the time he or she committed the crime for which he or she was convicted, the court may in its discretion, instead of imposing the penalty provided for the crime, make such disposition of the defendant as the court deems proper under

the Nebraska Juvenile Code.

Sec. 2. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 3. That original section 29-2204, Reissue Revised Statutes of Nebraska, 1943, and also sections 28-435 and 28-436, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

Mr. Bernard-Stevens moved to bracket LB 627 until April 7, 1993.

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

Mrs. Witek moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mrs. Witek requested a roll call vote on the Bernard-Stevens motion to bracket.

Voting in the affirmative, 34:

Abboud	Chambers	Hohenstein	McKenzie	Schimek
Ashford	Cudaback	Horgan	Moore	Schmitt
Baack	Day	Hudkins	Pedersen	Warner
Bernard-Stevens	Elmer	Kristensen	Preister	Wehrbein
	Fisher	Landis	Rasmussen	Wesely
Bohlke	Hartnett	Lindsay	Robinson	Wickersham
Bromm	Hillman	Lynch	Schellpeper	Will

Voting in the negative, 6:

Byars	Jones	Pirsch	Vrtiska	Witek
Haberman				

Present and not voting, 4:

Avery	Coordsen	Dierks	Janssen

Excused and not voting, 5:

Beutler	Crosby	Hall	Robak	Withem

The Bernard-Stevens motion to bracket prevailed with 34 ayes, 6 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

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

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 648. Placed on General File as amended.
Standing Committee amendment to LB 648:
AM0924

1. Strike the original sections and insert the following new sections:

"Section 1. Sections 1 to 5 of this act shall be known and may be cited as the Childhood Lead Poisoning Prevention Act.

Sec. 2. The Legislature hereby finds and declares that:

(1) Childhood environmental lead poisoning constitutes a serious threat to the public health of the children of this state and the identification, treatment, and prevention of childhood environmental lead poisoning is a goal of the people;

(2) The effectiveness of distinguishing and abating lead hazards in the environment and thereby providing a safer environment to prevent childhood lead poisoning has been well documented;

(3) Childhood environmental lead poisoning prevention programs have had a tremendous impact on reducing the occurrence of lead poisoning in the United States;

(4) The United States Department of Health and Human Services, Public Health Service, has as its Healthy People 2000 objective the identification, treatment, and reduction of childhood environmental lead poisoning; and

(5) There is a national effort to institute environmental lead hazard awareness action plan programs and to provide funds to implement the Healthy People 2000 objective.

Sec. 3. It is the intent of the Legislature that the citizens of Nebraska benefit by participation in national efforts to take innovative action to provide lead analysis of our children and the environment in which they are cared for, live, and learn.

Sec. 4. The Department of Health may participate in national efforts and may develop a statewide environmental lead hazard awareness action plan which is comprehensive in scope and reflects contributions from a broad base of providers and consumers. In order to implement the statewide environmental lead hazard awareness action plan, the department may:

(1) Actively seek the participation and commitment

of the public, health care professionals and facilities, the educational community, and community organizations in a comprehensive program to ensure that the state's children are appropriately protected from environmental lead hazards;

(2) Apply for and receive public and private awards to develop and administer a statewide comprehensive environmental lead hazard awareness action plan program;

(3) Provide environmental lead hazard information and education to the public, parents, health care providers, and educators to establish and maintain a high level of awareness;

(4) Assist parents, health care providers, and communities in developing systems, including demonstration and pilot projects, which emphasize the protection of children from environmental lead poisoning and the use of private practitioners; and

(5) Evaluate the effectiveness of these statewide efforts, identify children at special risk for environmental lead hazard exposure, and report on the activities of the statewide program annually to the Legislature and the citizens of Nebraska.

Sec. 5. The Childhood Lead Poisoning Prevention Act is not intended to create an entitlement to any activities described in the act, and the Department of Health may perform the activities described in the act to the extent funds are available.".

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Ashford asked unanimous consent to print the following amendment to LB 629 in the Journal. No objections. So ordered.

AM1124

1. Insert the following new sections:

"Sec. 19. The Parenting Act shall not apply in any action filed by a county attorney or authorized attorney pursuant to his or her duties under sections 42-358, 43-512 to 43-512.18, and 43-1401 to 43-1418 and the Income Withholding for Child Support Act for purposes of the establishment of paternity and the establishment and enforcement of child and medical support. A county attorney or authorized attorney shall not participate in the development of or court review of a parenting plan under the Parenting Act.

Sec. 20. That section 42-120, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

42-120. When the validity of any marriage ~~shall be~~ is denied or doubted by either of the parties, the other party

may file a bill or petition, in the manner ~~aforesaid~~ provided in section 42-119, for affirming the marriage, and upon due proof of the validity thereof it shall be declared valid by a decree or sentence of the court. Such ~~, and such~~ decree, unless reversed on appeal, shall be conclusive upon all persons concerned. A parenting plan developed pursuant to the Parenting Act may be incorporated into such decree if appropriate.".

2. On page 2, line 1, strike "18" and insert "19"; in line 22 after the period insert "It is the policy of this state to assure the right of children, when it is in their best interests, to frequent and continuing contact with parents who have shown the ability to act in the best interests of the children and to encourage parents to share in the rights and responsibilities of raising their children after divorce or separation."; and in line 25 strike "eighteen" and insert "nineteen".

3. On page 3, line 23, after "action" insert "(a)", and strike "declaration" and insert "(b)"; in line 24 after the first comma insert "or (c) for"; and strike beginning with the second comma in line 24 through "paternity" in line 25.

4. On page 4, line 6, after "from" insert "the clerk of"; in line 23 after the first comma insert "which may include"; and strike beginning with "as" in line 24 through "under" in line 25 and insert "or a counselor of".

5. On page 5, line 24, after the second period insert "(1)"; in line 25 strike "mediation and" and insert "court-based mediation, at no cost to the parties, and may"; and after line 28 insert the following new subsection:

"(2) In counties having a separate juvenile court, the district court may, if it determines it is in the best interest of a minor child, transfer a case to the separate juvenile court to determine the issues of care, support, custody, or control of the minor child. The separate juvenile court pursuant to section 43-2,113 shall have jurisdiction with the district court in all matters arising under Chapter 42, article 3, and Chapter 43, article 12, when the care, support, custody, or control of minor children is involved.".

6. On page 7, line 18, after the period insert "If a court refers a case to court-based mediation, there shall be no fee.".

7. On page 9, line 20, strike the first "shall" and insert "may".

8. On page 10, line 2, strike "42-364" and insert "42-120, 42-364,"; strike beginning with "If" in line 6 through line 7; in line 14 after the period insert "(1)"; and in line 21 strike "subdivision (5) of" and show as stricken.

9. On page 11, line 1, strike "(1)", show as stricken, and insert "(2)"; in line 14 strike "(2)", show as

stricken, and insert "(3)"; and in line 20 strike "(3)", show as stricken, and insert:

"(4) Regardless of the custody determination of the court, (a) each parent shall continue to have full and equal access to the education and medical records of his or her child unless the court orders to the contrary and (b) either parent may make emergency decisions affecting the health or safety of his or her child while the child is in the physical custody of such parent pursuant to a visitation order entered by the court.

(5)".

10. On page 12, line 1, strike "(4)", show as stricken, and insert "(6)"; and in line 20 strike "(5)", show as stricken, and insert "(7)".

11. On page 13, line 24, before "Whenever" insert "(8)".

12. On page 15, line 21, strike "section" and insert "sections 42-120 and".

13. Renumber the remaining sections accordingly.

14. In the Standing Committee amendment, AM0578, on page 1, line 9, before "mediation" insert "such".

Mr. Beutler asked unanimous consent to print the following amendment to LB 479 in the Journal. No objections. So ordered.

AM1108

1. Insert the following new sections:

"Section 1. That section 81-1632, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1632. (1) Any school district may apply to the State Energy Office for an energy efficiency loan from the School Weatherization Fund. Loans received pursuant to this subsection shall only be used for energy efficiency projects which are approved by the State Energy Office at the time the loan is approved. Energy efficiency projects may include studies, programs, building and equipment improvements, the purchase or conversion of vehicles to operate on alternate fuel, and the purchase and installation of fueling facilities for alternate-fuel vehicles. For purposes of this subsection, alternate fuel shall mean ethanol, methanol, electricity, compressed natural gas, liquefied natural gas, propane, and any other alternative fuel approved and recognized by the United States Department of Energy.

(2) The State Energy Office shall approve energy efficiency loan applications for proposed ~~programs or~~ projects which will reduce energy use or result in a more efficient use of available energy resources. Any such loan not denied within forty-five days of its submission shall be considered approved. In determining whether to approve, reduce, or deny

such application, the State Energy Office shall consider the type of project ~~or program proposed, the life expectancy of the building, the projected energy savings, and the simple payback period for the project~~ proposed and, when applicable, the life expectancy, projected energy savings, and simple payback. For purposes of this subsection, simple payback shall mean the cost of the project divided by the first year's estimated savings resulting from the project.

(3) ~~Upon~~ Following approval of an energy efficiency loan application pursuant to this section, the State Energy Office shall submit ~~its voucher~~ vouchers against the School Weatherization Fund to the Director of Administrative Services for the amount of the approved loan as requests are received. The Director of Administrative Services shall, on a monthly basis or more frequently if requested, notify the State Energy Office of the balance available in the School Weatherization Fund.

(4) Any school district may apply to the State Energy Office for a technical analysis study grant. The State Energy Office shall adopt and promulgate~~, not later than January 1, 1985,~~ rules and regulations pertaining to the application procedures, approval criteria, funding based on building floor area, and the required contents of a technical analysis study. The funds distributed in any fiscal year for such studies shall not exceed three percent of the funds available from the School Weatherization Fund during that fiscal year. No technical analysis study grant shall exceed two thousand five hundred dollars for any one building. Grants received pursuant to this subsection shall only be used for technical analysis studies which are approved by the State Energy Office at the time the grant is approved. The school district shall submit a copy of the technical analysis report and an expense voucher to the State Energy Office as a request for payment. The State Energy Office shall submit ~~its~~ a voucher to the Director of Administrative Services upon approval of the technical analysis study by the State Energy Office.

(5) Approved loan or grant applications shall be effected by contract or such other form or method as shall be provided by the State Energy Office. Loans shall be repaid in semiannual payments, with the first payment due six months after the date the project ~~or program~~ is completed. Loans shall carry no interest or finance charge, and payments made prior to July 1, 1996, shall be deposited in the School Weatherization Fund. The amount of each semiannual payment on loans for studies, alternate-fuel vehicles, and fueling facilities shall be established by the State Energy Office. The amount of each semiannual payment for all other loans shall be ~~one-fourth~~ no less than one-fourth and no greater

than one-half of the estimated first-year savings resulting from the project as established in the approved loan application, except that no ~~such~~ loan entered into prior to the effective date of this act shall be made for a term longer than fourteen years after the completion of the project. Any loan made on or after the effective date of this act for energy studies shall be repaid within five years from the date of such loan. Any loan made on or after the effective date of this act for alternate-fuel vehicles or fueling facilities shall be repaid within ten years from the date of such loan. Any other loan made on or after the effective date of this act shall be repaid within fourteen years from the date of such loan. ~~or program.~~

~~(6) For purposes of this section simple payback period shall mean the cost of the project divided by the first year's savings resulting from the project.~~

(6) ~~(7)~~ The State Energy Office shall provide forms on which loan and grant applications may be made. The State Energy Office shall record and compile a complete list of all loan and grant applications and shall make an equitable geographic distribution of loans and grants as nearly as possible among the congressional districts provided in section 32-1501.

Sec. 2. That section 81-1633, Revised Statutes Supplement, 1992, be amended to read as follows:

81-1633. (1) Each school district receiving a loan pursuant to section 81-1632 shall submit to the State Energy Office an annual energy consumption report on the funded project. ~~Each school district receiving a grant or loan pursuant to section 81-1632 shall, on an annual basis, submit a report to the State Energy Office detailing any changes in energy consumption for each school in which an energy efficiency project or program was funded pursuant to section 81-1632. The report shall also include a detailed breakdown of project expenditures for the previous twelve months.~~

~~(2) The State Energy Office shall prepare a report for the Legislature by November 1, 1989, assessing (a) the current energy efficiency status of Nebraska public schools, (b) the cost-effective opportunities for further public school weatherization, and (c) the adequacy of current funds to accomplish weatherization opportunities identified in the report.~~

(2) ~~(3)~~ The Legislature's Appropriations Committee shall annually review and assess the need for continuation of the School Weatherization Fund and the appropriateness of the administration expenses provided for this program.

(3) ~~(4)~~ The State Energy Office may adopt and promulgate rules and regulations necessary to ensure the effectiveness of this section and section 81-1632. For each

fiscal year, the Legislature shall designate, by appropriation, an amount from the School Weatherization Fund for the State Energy Office for administration of each new loan or grant and any outstanding loans.".

2. On page 2, line 19, strike "section" and insert "sections 81-1632 and"; and in line 20 strike "is" and insert "and section 81-1633, Revised Statutes Supplement, 1992, are".

3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 523. Title read. Considered.

Standing Committee amendment, AM0573, found in the Journal on page 825, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 523A. Title read. Considered.

Mrs. Bohlke offered the following amendment:
AM0991

1. On page 2, after line 5 insert:

"The appropriation to the Department of Social Services, for Program 347, shall be decreased by $13,334 General Funds and $14,175 federal funds for FY1994-95 if Legislative Bill 523, Ninety-third Legislature, First Session, 1993, becomes law.".

The Bohlke amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 193. Title read. Considered.

Standing Committee amendment, AM0546, found in the Journal on page 780, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mrs. McKenzie and Mr. Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 564. Title read. Considered.

MR. WARNER PRESIDING

Mr. Chambers offered the following amendment:
FA52
Page 2, line 14, strike "stopped for or"

SPEAKER BAACK PRESIDING

Pending.

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 53. Introduced by Kristensen, 37; Lindsay, 9; Pedersen, 39.

WHEREAS, Section 333 of the Fiscal Year 1991 United States Department of Transportation Appropriation Act entitled "Revocation or Suspension of the Driver's License of Individuals Convicted of Drug Offenses" requires states to enact legislation requiring the revocation or suspension of an individual's driver license upon conviction of any drug-related offense; and

WHEREAS, Section 333 requires withholding five percent of certain federal-aid highway funds in Fiscal Year 1994 and 1995 and ten percent in subsequent years from states that fail to enact legislation; and

WHEREAS, Section 333 provides the following procedure to avoid the sanctions without enacting the legislation:

"(B) The Governor of the State --

(i) submits to the Secretary no earlier than the adjournment sine die of the first regularly scheduled session of the state's legislature which begins after the date of enactment of this section a written certification stating that he is opposed to the enactment or enforcement in his state of a law described in subparagraph (A) relating to revocation, suspension, issuance, or reinstatement of driver's licenses to convicted drug offenders; and

(ii) submits to the Secretary a written certification that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law described in clause (i)"; and

WHEREAS, the Tenth Amendment to the Constitution of the United States provides that: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

WHEREAS, while drug abuse remains a paramount and priority national problem, the imposition of federal highway fund sanctions upon states does not appropriately address or respond to the problem; and

WHEREAS, the reasons for the negative recommendation include a belief that the granting or withholding of driving privileges is and always has been a prerogative of the states to decide for themselves, not the federal government.

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

1. That the Legislature opposes enactment or enforcement in this state of any federally mandated law relating to revocation, suspension, issuance, or reinstatement of driver's licenses including the sanction described in 23 U.S.C. 159.

2. That Congress repeal 23 U.S.C. 159 and allow states the right to determine and impose appropriate sanctions upon driving privileges of drug offenders within state boundaries.

3. That this resolution is intended to satisfy the requirement under 23 U.S.C. 159(a)(3)(B)(i) and (ii) which will protect the State of Nebraska from the loss of federal highway funds under 23 U.S.C. 159(a)(1) and (2).

4. That the Clerk of the Legislature transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the United States Secretary of Transportation, and to the Nebraska Congressional Delegation.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR 53.

(Signed) Kurt A. Hohenstein, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following enrolled resolution: LR 53.

GENERAL FILE

LEGISLATIVE BILL 564. The Chambers pending amendment, FA52, found in this day's Journal, was renewed.

Messrs. Cudaback and Moore asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The Chambers amendment was adopted with 25 ayes, 8 nays, 8 present and not voting, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

VISITORS

Visitors to the Chamber were 40 second grade students and sponsors from Everett Elementary, Lincoln; Senator Fisher's niece, Pam Sullivan, from Lincoln; 40 fourth grade students and teachers from Yutan Elementary School; Dr. Natalie Hahn from Polk; 45 fourth grade students and teachers from Westmont Elementary, Omaha; and 14 fourth grade students and teacher from Brownell Talbot Elementary, Omaha.

RECESS

At 11:55 a.m., on a motion by Speaker Baack, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Bernard-Stevens, Beutler, Bromm, Byars, Coordsen, Dierks, Hall, Landis, Pedersen, Schellpeper, Warner, Wickersham, Mrs. Robak, and Ms. Schimek who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 677A. E & R amendment, AM5435, found in the Journal on page 1202, was adopted.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 145A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 332A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 635. E & R amendment, AM5438, found in the Journal on page 1202, was adopted.

Mr. Cudaback offered the following amendment:
AM1165

1. On page 4, strike beginning with "At" in line 11 through "videoconference" in line 12 and insert "A citizen, upon giving reasonable advance notice to the state entity, advisory committee, or governing body prior to an intended videoconference meeting, is entitled to attend the meeting by utilizing any of the sites on the network chosen by the state entity, advisory committee, or governing body for its meeting, whether or not a member of the state entity, advisory committee, or governing body is present at the site. Reasonable efforts shall be made by the state entity, advisory committee, or governing body to accommodate scheduling of sites for such requests, and if the particular site most convenient to the citizen is not available due to prior scheduling, the citizen shall be advised promptly of the nearest site available for his or her attendance and participation at the meeting".

2. In the Standing Committee amendments, AM0392, on page 1, strike beginning with "in" in line 8 through line 9.

Mr. Cudaback moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Cudaback requested a roll call vote on his amendment.

Mr. Haberman requested the roll call vote be taken in reverse order.

Voting in the affirmative, 13:

Bromm	Haberman	Hudkins	Landis	Vrtiska
Byars	Hartnett	Jones	Schellpeper	Witek
Cudaback	Hohenstein	Kristensen		

Voting in the negative, 26:

Baack

Bernard-Stevens	Dierks	Janssen	Pirsch	Schmitt
Bohlke	Elmer	Lynch	Rasmussen	Wehrbein
Chambers	Fisher	McKenzie	Robak	Wesely
Crosby	Hillman	Moore	Robinson	Wickersham
Day	Horgan	Pedersen	Schimek	Will

Present and not voting, 4:

Avery	Lindsay	Preister	Withem

Excused and not voting, 6:

Abboud	Beutler	Coordsen	Hall	Warner
Ashford				

The Cudaback amendment lost with 13 ayes, 26 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 444. E & R amendment, AM5442, found in the Journal on page 1244, was adopted.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Wehrbein asked unanimous consent to print the following amendment to LB 495 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1167.)

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 313. Placed on General File.
LEGISLATIVE BILL 507. Placed on General File.
LEGISLATIVE BILL 544. Placed on General File.

LEGISLATIVE BILL 351. Indefinitely postponed.
LEGISLATIVE BILL 502. Indefinitely postponed.

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 757 in the Journal. No objections. So ordered.

AM1188

1. Insert the following new sections:

"Sec. 7. (1) The Nebraska Workers' Compensation Court may develop and implement an independent medical examiner system consistent with the requirements of this section. As part of such system, the compensation court may create, maintain, and periodically validate a list of health care providers that it finds to be the most qualified and to be highly experienced and competent in their specific fields of expertise and in the treatment of work-related injuries to serve as independent medical examiners from each of the health care specialties that the compensation court finds most commonly used by injured employees. The compensation court may establish a fee schedule for services rendered by independent medical examiners and may adopt and promulgate any rules and regulations considered necessary to carry out the purposes of this section.

(2) An independent medical examiner shall render medical findings on the medical condition of an employee and related issues as specified under this section. The independent medical examiner shall not be the employee's treating health care provider and shall not have treated the employee with respect to the injury for which the claim is being made or the benefits are being paid.

(3) If the parties to a dispute cannot agree on an independent medical examiner of their own choosing, the compensation court shall assign an independent medical examiner from the list of qualified examiners to render medical findings in any dispute relating to the medical condition of a claimant, including, but not limited to, whether the injured employee is able to perform any gainful employment temporarily or permanently, what physical restrictions, if any, would be imposed on the employee's employment, whether the injured employee has reached maximum medical improvement, the existence and extent of any permanent physical impairment, and the reasonableness and necessity of any medical treatment previously provided, or to be provided, to the injured employee.

(4) The compensation court may adopt and promulgate rules and regulations pertaining to the procedures before the independent medical examiner, including the parties' ability

to propound questions relating to the medical condition of the employee to be submitted to the independent medical examiner. In addition to the review of records and information, the independent medical examiner may examine the employee as often as the examiner determines necessary to render medical findings on the questions propounded by the parties or by the compensation court.

(5) The independent medical examiner shall submit a written report to the compensation court, the employer, and the employee stating the examiner's medical findings on the issues raised and providing a description of findings sufficient to explain the basis of those findings. The fee for the examination and report shall be paid by the employer.

(6) If the parties agree to use of a medical examiner, the examiner's findings shall be binding. If the compensation court assigns an independent medical examiner, it shall be a rebuttable presumption that the examiner's findings are correct.

(7) Any health care provider acting without malice and within the scope of the provider's duties as an independent medical examiner shall be immune from civil liability for making any report or other information available to the compensation court or for assisting in the origination, investigation, or preparation of the report or other information so provided.

Sec. 13. That section 48-145.04, Revised Statutes Supplement, 1992, be amended to read as follows:

48-145.04. (1) The Nebraska Workers' Compensation Court shall, prior to January 1 of each year, estimate as closely as possible the actual cost to the court of evaluating an application for self-insurance and supervising and administering the self-insurance program for the ensuing year and assess the amount thereof, but not to exceed two thousand dollars, against each applicant for self-insurance in this state. Such assessment shall be in addition to the payments required by subdivision (1)(b) of section 48-145 and sections 20 and 37 of this act. The court shall notify each applicant of the amount of the individual assessment. Such assessment shall be due and payable with the application for self-insurance. If any assessment is not paid, the application shall not be considered.

(2) All payments received under subsection (1) of this section shall be ~~promptly paid~~ remitted to the State Treasurer ~~for deposit in the state treasury~~ for credit to the ~~Self-Insurance Cash Fund which is hereby created~~ Compensation Court Cash Fund. Such ~~fund~~ payments shall be expended solely for evaluating applications for self-insurance and to aid in supervising and administering the self-insurance program. After the first year, the balance remaining ~~in such fund~~ of

such payments at the time each annual assessment is made shall be taken into account when the total assessment for the ensuing year is made.

(3) Any money in the Self-Insurance Cash Fund on the operative date of this section shall be transferred to the Compensation Court Cash Fund on such date. ~~available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.~~

~~(4) The State Treasurer shall furnish monthly to the compensation court a statement of the Self-Insurance Cash Fund setting forth the balance as of the first day of the preceding month, the income and its sources, the payments from such fund in itemized form, and the balance as of the last day of the preceding month.~~

Sec. 41. That original section 48-145.04, Revised Statutes Supplement, 1992, is repealed.".

2. On page 4, line 8, after "including" insert ", but not limited to,"; in line 10 after the first comma insert "and" and strike ", and hours worked" and in line 16 after "rules" insert "and regulations".

3. On page 8, lines 8 and 9, reinstate the stricken matter.

4. On page 9, line 18; page 13, line 28; page 14, line 4; and page 48, line 12, after "examiner" insert "pursuant to section 7 of this act".

5. On page 10, line 8, after "insurer" insert ", a risk management pool,"; and in line 23 after "insurer" insert ", risk management pool,".

6. On page 19, line 10, after "(1)(a)" insert "(i)"; and strike the new matter in lines 12 through 17 and insert:

":

(ii) Commencing June 1, 1994, the maximum weekly income benefit under sections 48-121 and 48-122 shall be three hundred ten dollars.

(iii) Commencing January 1, 1995, the maximum weekly income benefit under sections 48-121 and 48-122 shall be three hundred fifty dollars.

(b) Commencing January 1, 1996, and each January 1 thereafter, the maximum weekly income benefit under sections 48-121 and 48-122 shall be one hundred percent, computed to the next higher whole dollar, of the state average weekly wage determined pursuant to section 6 of this act, except that for the purposes of calendar years commencing after 1996, the Governor may not later than November 15, 1996, and not later than each November 15 thereafter, conduct a public hearing after not less than thirty days' notice to consider whether he or she should issue an order to suspend the effectiveness of the change in the maximum weekly income benefit otherwise

required by this subdivision for the ensuing calendar year. In order to make his or her decision, the Governor shall consider such factors as recent trends in economic conditions in the state, general wage levels, workers' compensation benefit levels, and workers' compensation premium levels. After such hearing but not later than November 30 immediately thereafter, the Governor may issue an order to suspend the effectiveness of the change in the maximum weekly income benefit otherwise required by this subdivision for the ensuing calendar year.".

7. On page 30, line 12, strike "section 30" and insert "sections 31 to 33".

8. On page 33, line 18, strike "workers" and insert "employees".

9. On page 44, lines 10 and 11 and 23; and page 45, line 17, strike "17 and 18" and insert "19 and 20".

10. On page 44, line 20, after the first comma insert "48-145.04,".

11. On page 45, line 5, strike "act" and insert "section".

12. On page 49, line 8, strike "and 17 to 21" and insert "7, and 19 to 23".

13. On page 51, strike beginning with "in" in line 1 through "Labor" in line 2; strike lines 5 through 9 and insert:

"(2)(a) For employers subject to collective bargaining agreements, the establishment of the safety committee shall be accomplished through the collective bargaining process.

(b) For employers not subject to collective bargaining agreements, the safety committee shall be composed of an equal number of members representing employees and the employer. Employee members shall not be selected by the employer but shall be selected pursuant to procedures prescribed in rules and regulations adopted and promulgated by the Commissioner of Labor.

(c) The cost of maintaining and operating the safety committee shall be minimal to the employer."; and in line 23 strike "29" and insert "31".

14. On page 52, line 1, strike "29 to 31" and insert "31 to 33".

15. On page 55, line 23, strike "employer" and insert "employed".

16. On page 58, strike beginning with "34" in line 7 through "35" in line 8 and insert "36 and 37"; in line 11 strike "29 to 31 and 37" and insert "13, 19 to 23, 29, 31 to 33, 39, and 40".

17. Renumber remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 564. Considered.

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

Mr. Lindsay offered the following amendment:
AM1196
1. On page 2, line 3, strike the colon and insert "when"; in line 4 strike the paragraphing and "(a) When"; and strike lines 7 through 10.
2. On page 2, lines 19, 20, 26, and 27; page 3, lines 9 and 21; page 4, line 10; page 7, line 28; and page 9, line 11, strike "or breath".

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

Ms. Schimek moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 6 nays, and 20 not voting.

MRS. CROSBY PRESIDING

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

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?"

Mr. Lynch moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Lindsay requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 27:

Avery	Horgan	Lynch	Preister	Vrtiska
Crosby	Hudkins	McKenzie	Robak	Wehrbein
Cudaback	Janssen	Moore	Schellpeper	Wickersham
Day	Jones	Pedersen	Schimek	Witek
Dierks	Kristensen	Pirsch	Schmitt	Withem
Hohenstein	Landis			

Voting in the negative, 9:

Abboud	Bohlke	Hall	Lindsay	Will
Ashford	Chambers	Hillman	Rasmussen	

Present and not voting, 9:

Baack	Beutler	Byars	Fisher	Hartnett
Bernard-Stevens	Bromm	Elmer	Haberman	

Absent and not voting, 1:

Wesely

Excused and not voting, 3:

Coordsen Robinson Warner

The motion to cease debate prevailed with 27 ayes, 9 nays, 9 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Mrs. Pirsch requested a record vote on the Lindsay amendment.

Voting in the affirmative, 19:

Abboud	Beutler	Hall	Lindsay	Robak
Ashford	Chambers	Hartnett	Lynch	Will
Baack	Elmer	Horgan	Moore	Withem
Bernard-Stevens	Fisher	Landis	Rasmussen	

Voting in the negative, 25:

Avery	Day	Janssen	Pirsch	Vrtiska
Bromm	Dierks	Jones	Preister	Warner
Byars	Haberman	Kristensen	Schellpeper	Wehrbein
Crosby	Hohenstein	McKenzie	Schimek	Wickersham
Cudaback	Hudkins	Pedersen	Schmitt	Witek

Present and not voting, 3:

Bohlke Hillman Wesely

Excused and not voting, 2:

Coordsen Robinson

The Lindsay amendment lost with 19 ayes, 25 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Messrs. Bromm and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA53
Amend: P. 2, in lines 4 and 8, Strike "two" and insert "three".

SPEAKER BAACK PRESIDING

Mr. Lindsay offered the following amendment to the Chambers pending amendment:
FA54
Amend the Chambers amendment FA53 by striking "three" and inserting "one"

The Lindsay amendment was adopted with 19 ayes, 6 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Lindsay moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Lindsay requested a roll call vote on the Chambers amendment, as amended.

Voting in the affirmative, 28:

Abboud	Chambers	Hohenstein	Lynch	Schimek
Avery	Cudaback	Horgan	McKenzie	Schmitt
Baack	Day	Janssen	Moore	Wehrbein
Bernard-Stevens	Fisher	Jones	Preister	Wesely
	Haberman	Landis	Rasmussen	Will
Bohlke	Hartnett	Lindsay	Robak	

Voting in the negative, 8:

Ashford	Hillman	Vrtiska	Witek	Withem
Byars	Pirsch	Warner		

Present and not voting, 8:

Beutler	Dierks	Kristensen	Schellpeper	Wickersham
Crosby	Elmer	Pedersen		

Absent and not voting, 2:

Hall	Hudkins

Excused and not voting, 3:

Bromm Coordsen Robinson

The Chambers amendment, as amended, was adopted with 28 ayes, 8 nays, 8 present and not voting, 2 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

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

Mr. Lindsay offered the following amendment:
FA55
1. On page 3, line 27, strike "ten" and insert "thirty";
2. On page 4, line 17 strike "ten" and insert "thirty";
3. On page 5, line 13, strike "ten" and insert "thirty".

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

The Lindsay amendment lost with 7 ayes, 18 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 30 ayes, 2 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 564A. Title read. Considered.

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

Advanced to E & R for review with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

MESSAGE FROM THE GOVERNOR

March 31, 1993

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 452 was received in my office on March 25, 1993.

This bill was signed by me on March 31, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 429 in the Journal. No objections. So ordered.

AM1175
(Amendments to Standing Committee amendments, AM0801)
1. On page 1, strike lines 9 through 13 and insert "pain associated with superficial conjunctival or corneal abrasions".

Mr. Chambers asked unanimous consent to print the following amendment to LB 677A in the Journal. No objections. So ordered.

FA56
In line 1, strike "$313,584" and insert "$333,584". In lines 10 and 11, strike "$241,802" and insert "$261,802".

Mr. Beutler asked unanimous consent to print the following amendment to LB 235 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1147.)

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 536 in the Journal. No objections. So ordered.

AM1183
1. Insert the following new section:
"Sec. 16. That section 71-1,258, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
71-1,258. (1) A person shall be qualified to be a certified master social worker if he or she (a) has a doctorate or a master's degree in social work from an approved educational program, (b) has had a minimum of at least three thousand hours of experience, in addition to the master's or doctorate degree, in social work under the supervision of a certified master social worker, (c) provides evidence to the board that he or she meets the requirements of subdivisions (1)(a) and (1)(b) of this section, and (d) satisfactorily passes an examination approved by the board. The department, upon the recommendation of the board, may adopt and promulgate

rules and regulations defining the experience required under subdivision (1)(b) of this section.

(2) A person shall be qualified to be a certified social worker if he or she:

(a) Provides evidence to the board that he or she has a baccalaureate or master's degree in social work:

(i) From an approved educational program; or

(ii) From any program of social work education and training in which the person was enrolled between July 17, 1983, and October 1, 1987, if the person applies to the department for a certificate by October 1, 1990;

(b) Applies to the department for a certificate by October 1, 1991, and provides evidence to the board that he or she:

(i) Has a baccalaureate or master's degree in a field related to social work, such as, psychology, sociology, gerontology, human services, human development, family relations, or counseling; and

(ii) Has been actually engaged in the practice of social work for at least one thousand hours in a nursing home; or

(c) Applies to the department for a certificate by October 1, 1991, and provides evidence to the board that he or she has been:

(i) Actually ~~actually~~ engaged in the practice of social work in a nursing home at least twenty hours per week for at least three of the seven years prior to making such application; or

(ii) Actually engaged in the practice of social work full time during two of the seven years prior to making such application. The department shall, at the request of the applicant, consider any application filed by October 1, 1991, and any appeal from a decision on such application on the basis of the provisions of this subdivision. No reconsideration of an application filed by October 1, 1991, shall be considered after October 1, 1994.

For purposes of this subsection, actually engaged in the practice of social work may include ~~(i)~~ services and activities provided under the direct supervision of a person with at least a master's degree in social work from an approved educational program or ~~(ii)~~ services and activities which are classified by title or description of duties and responsibilities as social work practice.".

2. On page 71, line 22, before "71-646" insert "71-1,258,".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 110 in the Journal. No objections. So ordered.

AM1201

(Amendments to Standing Committee amendments, AM0223)

1. Insert the following new amendments:

"1. Insert the following new sections:

'Sec. 4. When an emergency situation compels the performance of an abortion, the physician shall inform the woman, prior to the abortion if possible, of the medical indications supporting his or her or judgment that an abortion is necessary to avert her death or to avert substantial and irreversible impairment of major bodily function.

Sec. 5. That section 28-328, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-328. The intentional and knowing violation of section 28-327 is a Class II misdemeanor. No penalty may be imposed upon the woman upon whom the abortion is performed or attempted to be performed. No criminal penalty or civil liability for failure to comply with subdivision (2)(c) of section 28-327 or that portion of subsection (3) of such section requiring a written certification that the woman has been informed of her right to review the information referred to in subdivision (2)(c) of section 28-327 may be imposed unless the Department of Health has published and made available the printed materials at the time the physician or his or her agent is required to inform the woman of her right to review them.

Sec. 6. Any person upon whom an abortion has been performed or attempted in violation of section 28-327 or the parent or guardian of a minor upon whom an abortion has been performed or attempted in violation of such section shall have a right to maintain a civil cause of action against the person who performed the abortion or attempted to perform the abortion. A violation of such section shall be prima facie evidence of professional negligence. If judgment is rendered in favor of the plaintiff in any such action, the court shall also render judgment for a reasonable attorney's fee in favor of the plaintiff against the defendant.

Sec. 7. In every civil action or criminal proceeding brought pursuant to section 6 of this act or section 28-328, the court shall rule whether the anonymity of any woman upon whom an abortion is performed or attempted shall be preserved from public disclosure if she does not give her consent to such disclosure. The court, upon motion by a party or on its own motion, shall make such a ruling and, upon determining that her anonymity should be preserved, shall issue orders to the parties, witnesses, and counsel and shall

direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms, to the extent necessary to safeguard her identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the woman should be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable less restrictive alternative exists. In the absence of written consent of the woman upon whom an abortion has been performed or attempted, anyone, other than a public official, who brings an action under section 28-328 shall do so under a pseudonym. This section may not be construed to conceal the identity of the plaintiff or of witnesses from the defendant.

Sec. 8. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.'.

4. On page 4, strike lines 1 and 2 and show as stricken; strike beginning with 'on' in line 5 through line 10, show the old matter as stricken, and insert 'except with the voluntary and informed consent of the woman upon whom the abortion is to be performed. Except in the case of an emergency situation, consent to an abortion is voluntary and informed only if:

(1) The woman is told the following by the physician who is to perform the abortion or by the referring physician, at least twenty-four hours before the abortion:

(a) The name of the physician who will perform the abortion;

(b) The particular medical risks associated with the particular abortion procedure to be employed including, when medically accurate, the risks of infection, hemorrhage, and danger to subsequent pregnancies and infertility;

(c) The probable gestational age of the unborn child at the time the abortion is to be performed; and

(d) The medical risks associated with carrying her child to term.

The physician may provide this information by telephone without conducting a physical examination or tests of the patient, in which case the information required to be supplied may be based on facts supplied the physician by the patient and whatever other relevant information is reasonably available to the physician;

(2) The woman is informed, by the physician who is to perform the abortion, by the referring physician, or by an agent of either, at least twenty-four hours before the abortion:

(a) That medical assistance benefits may be

available for prenatal care, childbirth, and neonatal care;

(b) That the father is liable to assist in the support of her child, even in instances in which the father has offered to pay for the abortion; and

(c) That she has the right to review the printed materials described in section 3 of this act. The physician or his or her agent shall orally inform the woman that the materials have been provided by the Department of Health and that they describe the unborn child and list agencies which offer alternatives to abortion. If the woman chooses to review the materials, they shall either be given to her at least twenty-four hours before the abortion or mailed to her at least seventy-two hours before the abortion by certified mail, restricted delivery to addressee, which means the postal employee can only deliver the mail to the addressee;

(3) The woman certifies in writing, prior to the abortion, that the information described in subdivisions (1) and (2) of this section has been furnished her and that she has been informed of her right to review the information referred to in subdivision (2)(c) of this section; and

(4) Prior to the performance of the abortion, the physician who is to perform the abortion or his or her agent receives a copy of the written certification prescribed by subdivision (3) of this section.'; and in line 11 strike 'and 28-327' and insert ', 28-327, and 28-328'.".

2. On page 1, lines 12 and 18, strike "offered" and insert "they offer"; and in line 24 strike "and one-week".

3. On page 2, strike beginning with "except" in line 1 through the comma in line 3; in line 5 after the period insert "Any such pictures or drawings shall contain the dimensions of the unborn child and shall be realistic and appropriate for the stage of pregnancy depicted."; strike beginning with "each" in line 12 through "procedure" in line 13 and insert "abortion"; and strike beginning with "at" in line 18 through "hospital" in line 19 and insert "from the department upon the request by any person, facility, or hospital for an amount equal to the cost incurred by the department to publish the materials"; in line 20 strike "lines 4 and 13" and insert "line 4"; in line 21 strike "section 3" and insert "sections 3, 4, 6, and 7" and after the semicolon insert "strike beginning with 'an' in line 5 through line 13, show as stricken, and insert 'the use or prescription of any instrument, medicine, drug or any other substance or device intentionally to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child;';".

4. On page 3, line 1, strike the comma and insert

"; and"; and strike beginning with "strike" in line 2 through line 9 and insert "strike lines 1 through 28, show the old matter as stricken, and insert:

'(8) Probable gestational age of the unborn child shall mean what will with reasonable probability, in the judgment of the physician, be the gestational age of the unborn child at the time the abortion is planned to be performed.'.".

5. Renumber the remaining amendment accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Pedersen asked unanimous consent to have his name added as cointroducer to LR 53. No objections. So ordered.

VISITORS

Visitors to the Chamber were Doug Kucera from Grand Island; and 29 fourth grade students and teachers from Humboldt Public School.

ADJOURNMENT

At 4:47 p.m., on a motion by Mr. Byars, the Legislature adjourned until 9:00 a.m., Thursday, April 1, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-SECOND DAY - APRIL 1, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 1, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Stuart Kerns, Covenant Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Horgan who was excused; and Messrs. Abboud, Ashford, Bromm, Coordsen, Hall, Landis, Lindsay, Lynch, Robinson, Warner, Wesely, Wickersham, Will, Withem, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-first day was approved.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 338. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1081.)

LEGISLATIVE BILL 669. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1080.)

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 414 in the Journal. No objections. So ordered.

AM0955

(Amendments to Standing Committee amendments, AM0475)

1. Insert the following new amendment:

"4. On page 54, line 7, reinstate the stricken "shall" and strike "may".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 575 in the Journal. No objections. So ordered.

AM0925

(Amendments to E & R amendments, AM5424)

1. On page 60, line 18, after the comma insert "and section 39-6,193, Reissue Revised Statutes of Nebraska, 1943, as amended by section 7, Legislative Bill 370, Ninety-third Legislature, First Session, 1993,".

REPORT

Received report from the University of Nebraska Board of Regents on the status of collective bargaining negotiations pursuant to Section 81-1283 R.R.S. Neb. 1943.

MOTION - Approve Appointments

Mr. Beutler moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 1219: Dr. Timothy Biga - Game and Parks Commission.

Voting in the affirmative, 26:

Baack	Cudaback	Hohenstein	Moore	Schellpeper
Beutler	Day	Janssen	Pirsch	Schmitt
Bohlke	Elmer	Jones	Preister	Vrtiska
Byars	Hartnett	Kristensen	Rasmussen	Wehrbein
Chambers	Hillman	McKenzie	Robak	Witek
Crosby				

Voting in the negative, 0.

Present and not voting, 7:

Avery	Bernard-Stevens	Dierks	Haberman	Pedersen
		Fisher	Hudkins	

Excused and not voting, 16:

Abboud	Hall	Lindsay	Schimek	Wickersham
Ashford	Horgan	Lynch	Warner	Will
Bromm	Landis	Robinson	Wesely	Withem
Coordsen				

This appointment was confirmed with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Mr. Schellpeper moved the adoption of the report of the General Affairs Committee for the following Governor appointments found in the Journal on page 1242: Richard Bailey, Michael Harsh, and Janet Korell - Nebraska Arts Council.

Voting in the affirmative, 27:

Avery	Crosby	Hudkins	Pedersen	Schellpeper
Baack	Cudaback	Janssen	Pirsch	Schmitt
Bernard-Stevens	Day	Jones	Preister	Vrtiska
	Elmer	Kristensen	Rasmussen	Wehrbein
Beutler	Hall	McKenzie	Robinson	Witek
Byars	Hohenstein	Moore		

Voting in the negative, 0.

Present and not voting, 8:

Bohlke	Dierks	Haberman	Hillman	Robak
Chambers	Fisher	Hartnett		

Excused and not voting, 14:

Abboud	Coordsen	Lindsay	Warner	Will
Ashford	Horgan	Lynch	Wesely	Withem
Bromm	Landis	Schimek	Wickersham	

These appointments were confirmed with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 71. Read. Considered.

LR 71 was adopted with 24 ayes, 0 nays, and 25 not voting.

LEGISLATIVE RESOLUTION 72. Read. Considered.

LR 72 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 73. Read. Considered.

LR 73 was adopted with 28 ayes, 0 nays, and 21 not voting.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 735. Placed on General File.

LEGISLATIVE BILL 254. Placed on General File as amended.
Standing Committee amendment to LB 254:
AM1186

1. Strike original sections 1 to 4 and insert the following new section:

"Section 1. Any municipality or county may, under the provisions of the Interlocal Cooperation Act, enter into a contract with any other municipality or county for law enforcement services or joint law enforcement services. Under such an agreement law enforcement personnel may have such enforcement authority within the jurisdiction of each of the participating political subdivisions if provided for in the agreement. Unless otherwise provided in the agreement, each participating political subdivision shall provide liability insurance coverage for its own law enforcement personnel.".

2. Renumber the remaining section accordingly.

LEGISLATIVE BILL 568. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

MOTION - Place LR 2CA on General File

Mr. Landis renewed his pending motion, found in the Journal on page 1158, to place LR 2CA on General File notwithstanding the action of the Judiciary Committee, pursuant to Rule 3, Section 17.

Messrs. Hall and Baack asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

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

The Landis motion to place LR 2CA on General File prevailed with 37 ayes, 3 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 597. Title read. Considered.

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

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 597A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 725. Title read. Considered.

Standing Committee amendment, AM0856, printed separately from the Journal and referred to on page 1011, was considered.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 28 ayes, 1 nay, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 725A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 4 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 110. Title read. Considered.

Messrs. Bernard-Stevens and Lindsay moved to bracket LB 110 until Monday, April 5, 1993.

MRS. CROSBY PRESIDING

The Bernard-Stevens-Lindsay motion to bracket prevailed with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 253. Title read. Considered.

Standing Committee amendment, AM0632, found in the Journal on page 874, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Messrs. Dierks, Baack, Warner, and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT MOUL PRESIDING

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 431. Title read. Considered.

Standing Committee amendment, AM0595, found in the Journal on page 799, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Messrs. Wesely and Ashford asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Rasmussen moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Members Excused

Messrs. Haberman and Robinson asked unanimous consent to be excused until they return. No objections. So ordered.

ANNOUNCEMENT

The Chair announced today is Senator Rasmussen's birthday.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 246, 364, and 364A.

(Signed) Kurt A. Hohenstein, Chairperson

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 667. Placed on General File as amended.
Standing Committee amendment to LB 667:
AM0091

1. Strike original section 1 and insert the following new sections:

"Section 1. That section 20-144, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

20-144. The Legislature finds:

(1) That the policy of the State of Nebraska is to insure the free flow of news and other information to and from the public; and that those who gather, write, or edit information for the public, who ~~or~~ disseminate information to the public, or who disseminate or receive legislative information on public policy issues may perform these vital functions only in a free and unfettered atmosphere;

(2) That ~~such persons~~ members of the news media and members of the Legislature shall not be inhibited, directly or indirectly, by governmental restraint or sanction imposed by governmental process, but rather that they shall be encouraged to gather, write, edit, or disseminate news or other information vigorously so that the public may be fully served and informed;

(3) That compelling such persons to disclose a source of information or disclose unpublished or confidential information is contrary to the public interest and inhibits the free flow of information to the public and to and from the policymaking branch of government;

(4) That there is an urgent need to provide effective measures to halt and prevent this inhibition;

(5) That the obstruction of the free flow of information through any medium of communication to and from the public affects interstate commerce; and

(6) That ~~sections 20-144 to 20-147 are~~ the Free Flow of Information Act is necessary to insure the free flow of information and to implement the first and fourteenth amendments ~~and Article I, section 5,~~ of the United States Constitution, and Article I, section 5, Article II, section 1, and Article III, section 11, of the ~~Nebraska~~ Constitution of Nebraska.

Sec. 2. That section 20-145, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

20-145. ~~As used in sections 20-144 to 20-147~~ For

purposes of the Free Flow of Information Act, unless the context otherwise requires:

(1) Federal or state proceeding shall include any proceeding, examination, or investigation before or by any federal or state judicial, legislative, executive, or administrative body;

(2) Medium of communication shall include, but ~~is~~ not be limited to, any newspaper, magazine, other periodical, book, pamphlet, news service, wire service, news or feature syndicate, broadcast station or network, or cable television system;

(3) Information shall include any written, audio, oral, or pictorial news or other material;

(4) Published or broadcast information shall mean any information disseminated to the public by the person from whom disclosure is sought;

(5) Unpublished or nonbroadcast information shall include information not disseminated to the public by the person from whom disclosure is sought, whether or not related information has been disseminated and shall include, but not be limited to, all notes, outtakes, photographs, film, tapes, or other data of whatever sort not itself disseminated to the public through a medium of communication, whether or not published or broadcast information based upon or related to such material has been disseminated;

(6) Processing shall include compiling, storing, transferring, handling, and editing of information; ~~and~~

(7) Person shall mean any individual, and any partnership, corporation, association, or other legal entity existing under or authorized by the law of the United States, any state or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any foreign country; and

(8) Legislative information shall include any memorandum, correspondence, telephone communication, or record of communication which was prepared for, prepared by, or owned by a member of the Legislature.

Sec. 3. That section 20-146, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

20-146. No person engaged in procuring, gathering, writing, editing, or disseminating news or other information to the public and no member of the Legislature who receives or transmits legislative information on public policy issues shall be required to disclose in any federal or state proceeding:

(1) The source of any published or unpublished, broadcast or nonbroadcast information obtained in the gathering, receiving, or processing of information for any medium of communication to the public; ~~or~~

(2) Any unpublished or nonbroadcast information obtained or prepared in gathering, receiving, or processing of information for any medium of communication to the public; or

(3) The source or content of any legislative information.

Sec. 4. That original sections 20-144, 20-145, and 20-146, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

(Signed) John Lindsay, Chairperson

MESSAGE FROM THE GOVERNOR

April 1, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that Margre H. Durham has resigned from the Nebraska Arts Council. Please withdraw her name for confirmation. Thank you for your assistance in this matter.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

ANNOUNCEMENT

Mr. Warner announced the Committee on Revenue will be meeting in Executive Session today at noon in Room 1520.

SPEAKER BAACK PRESIDING

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 370.

A BILL FOR AN ACT relating to highways and vehicles; to amend sections 2-32,100, 13-1208, 28-109, 29-120, 29-422, 29-428, 29-431, 29-3604, 39-601, 39-604 to 39-618.02, 39-618.04, 39-620 to 39-648, 39-650 to 39-662, 39-663, 39-664, 39-665, 39-667, 39-669 to 39-669.05, 39-669.10, 39-669.13, 39-669.18, 39-669.21, 39-669.25,

39-669.29, 39-669.33, 39-669.38, 39-670 to 39-694, 39-697, 39-698, 39-699, 39-699.01, 39-6,101, 39-6,102, 39-6,103.02, 39-6,103.03, 39-6,104 to 39-6,105, 39-6,107, 39-6,108, 39-6,109, 39-6,111, 39-6,112, 39-6,115, 39-6,116, 39-6,118, 39-6,119, 39-6,120, 39-6,121, 39-6,123 to 39-6,130.01, 39-6,131, 39-6,131.08, 39-6,131.09, 39-6,132, 39-6,133, 39-6,135, 39-6,137, 39-6,138.01, 39-6,139, 39-6,140, 39-6,141, 39-6,142, 39-6,147, 39-6,148, 39-6,150, 39-6,152, 39-6,154, 39-6,155, 39-6,156, 39-6,160 to 39-6,166, 39-6,169, 39-6,170, 39-6,172, 39-6,178, 39-6,179, 39-6,179.01, 39-6,180.01, 39-6,180.02, 39-6,181, 39-6,181.01, 39-6,182 to 39-6,186, 39-6,188 to 39-6,191.01, 39-6,193, 39-6,196 to 39-6,200, 39-6,205, 39-6,206, 39-6,207, 39-6,209 to 39-6,214, 39-703 to 39-707, 39-712.01, 39-714.01, 39-715, 39-717, 39-892, 39-1302, 39-1367, 39-1801, 39-2113, 44-515, 48-1902, 53-1,120, 60-119, 60-122, 60-302.03, 60-311.02, 60-311.21, 60-331, 60-331.04, 60-335, 60-501, 60-505.03, 60-505.04, 60-1001, 60-1001.01, 60-1004, 60-1005, 60-1006, 60-1201, 60-1202, 60-1307, 60-1417, 60-2001 to 60-2011, 60-2012.01 to 60-2023, 60-2102, 60-2103, 60-2106, 60-2107, 60-2201 to 60-2212, 60-2301, 60-2302, 60-2305, 60-2306, 60-2307, 60-2507, 60-2801, 60-2803 to 60-2808, 81-805, 81-1010, 81-2005, and 81-2006, Reissue Revised Statutes of Nebraska, 1943, and sections 13-910, 18-1737, 28-306, 29-119, 39-603, 39-619, 39-619.01, 39-666, 39-668, 39-669.06, 39-669.07, 39-669.08, 39-669.09, 39-669.11, 39-669.12, 39-669.14, 39-669.15, 39-669.16, 39-669.17, 39-669.19, 39-669.20, 39-669.22, 39-669.23, 39-669.24, 39-669.26, 39-669.27, 39-669.28, 39-669.30, 39-669.37, 39-669.39, 39-6,100, 39-6,103.01, 39-6,103.05, 39-6,103.06, 39-6,103.07, 39-6,103.08, 39-6,110, 39-6,114.01, 39-6,122, 39-6,134, 39-6,136 to 39-6,136.05, 39-6,138, 39-6,149, 39-6,151, 39-6,171, 39-6,177, 39-6,180, 39-6,192, 60-102, 60-301, 60-311.15, 60-462, 60-463, 60-471, 60-474, 60-479, 60-496, 60-497, 60-498, 60-4,122, 60-4,127, 60-4,129, 60-4,130, 60-4,163, 60-4,167, 60-4,168, 60-1411.02, 60-2101.01, 60-2104, 60-2105, 60-2108, 60-2303, 60-2304, 60-2802, 71-1907, 77-1238, 79-488.07, 81-8,219, 81-1822, and 89-187, Revised Statutes Supplement, 1992; to define and redefine terms; to change, transfer, and eliminate provisions relating to rules of the road, liability for certain damages and injuries, highways, signs, penalties, odometers, motor vehicle operator's licenses, vehicle equipment, restrictions on size, weight, and load of vehicles, powers and duties of law enforcement personnel and certain state agencies, off-duty requirements for motor carriers, and state-owned motor vehicles; to eliminate provisions relating to the applicability of certain law to cases pending in 1976, the operation of motor vehicles by persons under sixteen, the disposition of certain fines and forfeitures, and the name of an act; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide an operative date; and to repeal the original sections, and also sections 39-649, 39-669.36, 39-695, 39-696, 39-6,112.01, 39-6,114, 39-6,117, 39-6,130.02, 39-6,131.10, 39-6,138.02, 39-6,153, 39-6,159, 39-6,176, 39-6,179.02, 39-6,181.02, 39-6,187, 39-6,201 to 39-6,204, 39-6,208, and 39-714.02, Reissue Revised

Statutes of Nebraska, 1943, and sections 39-602 and 39-6,106.01, Revised Statutes Supplement, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud	Crosby	Hillman	Moore	Schmitt
Ashford	Cudaback	Hohenstein	Pedersen	Vrtiska
Baack	Day	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Dierks	Janssen	Preister	Wesely
	Elmer	Jones	Robak	Wickersham
Beutler	Fisher	Kristensen	Robinson	Will
Bromm	Haberman	Landis	Schellpeper	Witek
Chambers	Hall	Lindsay	Schimek	Withem
Coordsen	Hartnett	Lynch		

Voting in the negative, 0.

Present and not voting, 3:

Byars	McKenzie	Rasmussen

Excused and not voting, 4:

Avery	Bohlke	Horgan	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 579 to Select File

Mr. Baack moved to return LB 579 to Select File for the following specific amendment:
FA57
Strike the enacting clause.

Mr. Baack withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 579. With Emergency.

A BILL FOR AN ACT relating to the Legislature; to amend sections 84-304.03 and 84-712.05, Reissue Revised Statutes of Nebraska, 1943,

and sections 50-401.01, 81-1120.27, and 84-304, Revised Statutes Supplement, 1992; to require audits as prescribed; to provide powers and duties for the Executive Board of the Legislative Council; to change provisions relating to use of the state's telecommunications systems and confidentiality of certain records; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Baack	Dierks	Hudkins	Moore	Schmitt
Bernard-Stevens	Elmer	Janssen	Pirsch	Warner
Bohlke	Haberman	Kristensen	Preister	Wehrbein
Byars	Hall	Landis	Rasmussen	Wesely
Chambers	Hartnett	Lindsay	Robak	Wickersham
Coordsen	Hillman	Lynch	Schellpeper	Will
Day	Hohenstein	McKenzie	Schimek	Withem

Voting in the negative, 13:

Abboud	Beutler	Cudaback	Pedersen	Vrtiska
Ashford	Bromm	Fisher	Robinson	Witek
Avery	Crosby	Jones		

Excused and not voting, 1:

Horgan

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 579A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 579, Ninety-third Legislature, First Session, 1993; to reduce an appropriation; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Ashford	Chambers	Hartnett	Lynch	Schmitt
Avery	Coordsen	Hillman	McKenzie	Warner
Baack	Cudaback	Hohenstein	Moore	Wehrbein
Bernard-Stevens	Day	Janssen	Preister	Wesely
Bohlke	Dierks	Jones	Rasmussen	Wickersham
Bromm	Elmer	Kristensen	Robak	Will
Byars	Haberman	Landis	Schellpeper	Withem
	Hall	Lindsay	Schimek	

Voting in the negative, 0.

Present and not voting, 10:

Abboud	Crosby	Hudkins	Pirsch	Vrtiska
Beutler	Fisher	Pedersen	Robinson	Witek

Excused and not voting, 1:

Horgan

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 370, 579, and 579A.

SELECT FILE

LEGISLATIVE BILL 471. E & R amendment, AM5385, found in the Journal on page 791, was adopted.

Mr. Schellpeper withdrew his pending amendments, AM0688 and AM0687, found in the Journal on pages 876 and 882.

Mr. Will withdrew his pending amendment, AM0700, found in the Journal on page 893.

Messrs. Schellpeper and Will renewed their pending amendment, AM0804, printed separately from the Journal and referred to on page 1125.

Mr. Haberman requested a ruling of the Chair on whether the Schellpeper-Will amendment is germane to the bill.

The Chair ruled the Schellpeper-Will amendment is germane to the bill.

The Schellpeper-Will amendment was adopted with 27 ayes, 2 nays, 19 present and not voting, and 1 excused and not voting.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Will withdrew his pending amendment, AM1009, printed separately from the Journal and referred to on page 1194.

Mr. Haberman requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 26 ayes, 2 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 187. E & R amendment, AM5399, found in the Journal on page 889, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 187A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 443. E & R amendment, AM5396, found in the Journal on page 891, was adopted.

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

Mr. Wickersham renewed his pending amendment, AM0668, found in the Journal on page 967.

The Wickersham amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 306. E & R amendment, AM5397, found in the Journal on page 891, was adopted.

Mr. Wickersham renewed his pending amendment, AM0598, found in the Journal on page 963.

SPEAKER BAACK PRESIDING

Mr. Wesely asked unanimous consent to be excused. No objections. So ordered.

The Wickersham amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Beutler offered the following amendment:
AM0676

(Amendments to E & R amendments, AM5397)

1. On page 4, line 5, strike ", 5, and 12" and insert "and 5"; and in line 6 strike "District 11" and insert "Districts 11 and 12".

PRESIDENT MOUL PRESIDING

Mr. Beutler moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Abboud	Crosby	Lindsay	Rasmussen	Wehrbein
Ashford	Elmer	Lynch	Robinson	Will
Avery	Hall	McKenzie	Schimek	Witek
Beutler	Hartnett	Pirsch	Warner	Withem
Chambers	Landis	Preister		

Voting in the negative, 20:

Baack	Coordsen	Fisher	Jones	Schellpeper
Bohlke	Cudaback	Hohenstein	Kristensen	Schmitt
Bromm	Day	Hudkins	Moore	Vrtiska
Byars	Dierks	Janssen	Robak	Wickersham

Present and not voting, 2:

Hillman Pedersen

Excused and not voting, 4:

Bernard-Stevens	Haberman	Horgan	Wesely

The Beutler amendment lost with 23 ayes, 20 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Janssen asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 30 ayes, 2 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 27. E & R amendment, AM5403, found in the Journal on page 980, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 236. Advanced to E & R for engrossment.

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

LEGISLATIVE BILL 44. Mr. Landis offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1209.)

Messrs. Jones and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

The Landis amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 44A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 90. Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 299 and 346.

Enrollment and Review Change to LB 299

The following changes, required to be reported for publication in the Journal, have been made:
ER7231

1. In the Beutler amendment, FA47, on page 1, line 2, "imposes" has been struck and "impose" inserted; and in line 5 "or" has been struck, "the" has been inserted after "restraining", and " of" has been inserted after "liberty".

2. On page 1, line 5, "and" has been struck; and in line 6 "; and to declare an emergency" has been inserted after "sections".

Enrollment and Review Change to LB 346

The following changes, required to be reported for publication in the Journal, have been made:
ER7232

1. In the Lindsay amendment, AM1107:

a. Section 19 has been renumbered as section 20; and

b. On page 1, line 14, "county" has been inserted after "the".

2. In the Warner amendment, AM1029, section 23 has been renumbered as section 25.

3. In the Coordsen amendment, AM0977:

a. Section 20 has been renumbered as section 21; and

b. On page 2, line 18, "county" has been inserted after "and".

4. For purposes of correlation with sections 6, 16, 28, and 43, LB 112:

a. On page 2, line 2, "as amended by section 6, Legislative Bill 112, Ninety-third Legislature, First Session, 1993," has been inserted after the second comma;

b. On page 3, lines 21 and 22 and line 25, "by the clerk" has been struck;

c. On page 5, line 1, "county" has been inserted after "The";

d. On page 6, after line 3:

"(8) If a county board consolidates services under the office of a designated county official other than the county clerk pursuant to section 1 of this act:

(a) Applications under subsection (2) of this section shall be submitted to the designated county official;

(b) The designated county official shall perform the duties imposed on the county clerk under subsection (4) of this section;

(c) The designated county official may accept certificates of inspection under the conditions described in subsection (7) of this section; and

(d) The designated county official shall act as office of record for title documents, applications, odometer statements, certificates of inspections, and lien and cancellation of lien notations." has been inserted; in line 5 "as amended by section 16, Legislative Bill 112, Ninety-third Legislature, First Session, 1993," has been inserted after the comma; in line 6 "(1)" has been inserted after the period; and in line 18 "(2)" has been inserted before "All";

e. On page 7, line 5, "(3)" has been inserted before "Any"; in line 9 "(4)" has been inserted before "Each"; and in line 25 "(5)" has been inserted before "The";

f. On page 8, after line 1:

"(6) If a county board consolidates services under the office of a designated county official other than the county treasurer pursuant to section 1 of this act, the powers and duties of the county treasurer

relating to registration under sections 60-301 to 60-347 shall be performed by the designated county official." has been inserted; in line 3 "as amended by section 28, Legislative Bill 112, Ninety-third Legislature, First Session, 1993," has been inserted after the second comma; and in line 5 "or designated county official as provided in section 60-302" has been inserted after "treasurer";

g. On page 12, line 14, "as amended by section 43, Legislative Bill 112, Ninety-third Legislature, First Session, 1993," has been inserted after the second comma; and in line 15 the underscoring has been struck; and

h. On page 13, after line 23:

"(5) ~~(2)~~ If a county board consolidates services under the office of a designated county official other than the county assessor pursuant to section 1 of this act, the claim for refund shall be filed with the designated county official." has been inserted.

5. Because of the adoption of the Warner amendment, AM1029, and the correlation with LB 112:

a. In the Cudaback amendment, AM0640, section 21 and all amendments thereto have been struck;

b. Original section 15 has been struck; and

c. The following new sections have been inserted:

"Sec. 22. This section and sections 7, 24, and 25 of this act shall become operative on their effective date. The other sections of this act shall become operative on January 1, 1994.

Sec. 23. That original sections 33-114, 70-651.04, 77-1239.01, 77-1239.02, 77-1706, and 77-2208, Reissue Revised Statutes of Nebraska, 1943, sections 60-344, 77-1238, 77-1239, 77-1240.01, 77-1241.01, 77-1242.01, and 77-1704, Revised Statutes Supplement, 1992, section 60-318, Reissue Revised Statutes of Nebraska, 1943, as amended by section 28, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, and sections 60-106, 60-302, and 77-1240.03, Revised Statutes Supplement, 1992, as amended by sections 6, 16, and 43, respectively, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, and also section 77-1240, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 24. That original section 77-202.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

6. On page 1, the matter beginning with "motor" in line 1 through line 11 and all amendments thereto have been struck and "fees and taxes; to amend sections 33-114, 70-651.04, 77-202.01, 77-1239.01, 77-1239.02, 77-1706, and 77-2208, Reissue Revised Statutes of Nebraska, 1943, sections 60-344, 77-1238, 77-1239, 77-1240.01, 77-1241.01, 77-1242.01, and 77-1704, Revised Statutes Supplement, 1992, section 60-318, Reissue Revised Statutes of Nebraska, 1943, as amended by section 28, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, and sections 60-106, 60-302, and 77-1240.03, Revised Statutes Supplement, 1992, as amended by sections 6, 16, and 43, respectively, Legislative Bill 112, Ninety-third Legislature, First Session, 1993; to change a collection fee retained by county treasurers;

to change and eliminate provisions relating to taxation of motor vehicles; to define and redefine terms; to create a presumption; to change provisions relating to the distribution of in-lieu-of-tax payments and receipts for taxes and other payments; to authorize late application for a property tax exemption and provide for a penalty; to impose a fee on rental of private passenger motor vehicles; to harmonize provisions; to provide operative dates; to repeal the original sections, and also section 77-1240, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency." inserted.

(Signed) Kurt A. Hohenstein, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 1, 1993, at 2:05 p.m., were the following bills: 370, 579, and 579A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 216 in the Journal. No objections. So ordered.

AM1084

1. On page 39, strike beginning with the underscored period in line 6 through "advice" in line 13.

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 563 in the Journal. No objections. So ordered.

AM1217

(Amendments to AM1061)

1. Strike section 24 and insert the following new sections:

"Sec. 24. Sections 1 to 22 and 25 of this act shall become operative on October 1, 1993. The other sections of this act shall become operative on their effective date.

Sec. 26. That original section 9-810, Reissue Revised Statutes of Nebraska, 1943, as amended by section 26, Legislative Bill 138, Ninety-third Legislature, First Session, 1993, is repealed.

Sec. 27. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 10, line 14, strike the second "and" and before the period insert "; in line 5 strike '9-620, and 9-810' and insert 'and 9-620'; and in lines 6 and 7 strike

16 '15, and 26' and insert 'and 15' ".

Mr. Hall asked unanimous consent to print the following amendment to LB 124 in the Journal. No objections. So ordered.

AM1181

1. Insert the following new sections:

"Sec. 5. It shall be unlawful for any employer in Nebraska to (1) refuse to interview or refuse to hire a prospective employee or (2) discharge or otherwise disadvantage any employee concerning any conditions, terms, compensation, or benefits of employment based on the prospective or current employee's use of any lawful product occurring outside the employer's premises during nonworking hours if the employee complies with applicable laws or policies of the employer regulating the use of such product or the effect of the use of such product in the workplace or while using or occupying any property of the employer.

Sec. 6. The sole remedy for an individual claiming to be aggrieved by a violation of section 5 of this act shall be a civil action for damages. Damages shall include all wages and benefits of which the individual was deprived by reason of the violation.

Sec. 7. Sections 5 to 8 of this act shall not apply to a nonprofit organization with regard to any lawful product when the primary purpose or objective of such organization is to promote, control, limit, or eliminate the use of such lawful product.

Sec. 8. Nothing in sections 5 and 6 of this act shall prohibit employers from:

(1) Establishing product-use policies in the workplace or while using or occupying any property of the employer;

(2) Offering or having in effect a health, disability, or life insurance policy which makes a distinction between employees for the type of coverage or the price of coverage based upon the use of lawful products if the differential premium rates charged reflect the differential cost to the employer and if the employer provides the employee with a statement delineating the differential rates;

(3) Establishing permissible blood content levels for alcohol, prescription drugs, and other medications while the employee is on duty in the workplace or while using or occupying any property of the employer; or

(4) Establishing and enforcing policies regarding employees using lawful products outside the employer's premises during nonworking hours when such policies are communicated to the employee, relate to use of a lawful product, and involve (a) an employer's duties and obligations

required by law, (b) compliance with fiduciary responsibilities, or (c) a legitimate conflict-of-interest policy designed to protect the employer's trade secrets, proprietary information, or other proprietary interests.".

2. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 235. Title read. Considered.

Standing Committee amendment, AM0396, found in the Journal on page 725, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Beutler renewed his pending amendment, AM1147, printed separately from the Journal and referred to on page 1289.

The Beutler amendment was adopted with 25 ayes, 5 nays, 13 present and not voting, and 6 excused and not voting.

Pending.

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 188. Placed on General File as amended.
Standing Committee amendment to LB 188:
AM1205

1. Strike section 1 and insert the following new section:

"Section 1. That section 76-2,110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-2,110. (1) After the effective date of this act, no action shall be maintained to set aside, cancel, annul, or declare void or invalid any conveyance, in any manner purporting to transfer title on real estate, which has been recorded in the office of the register of deeds of the county in which the real estate is situated on the ground that the conveyance or the recording of the conveyance has failed to comply with any requirement relating to subdivision approval. All conveyances properly filed and recorded with the register of deeds prior to such date shall be conclusively presumed to be fully valid notwithstanding any failure to comply with any requirement relating to subdivision approval.

(2) If ~~When~~ any conveyance, in any manner purporting to subdivide real estate, ~~has been or~~ is hereafter recorded in the office of register of deeds of the county ~~wherein such~~ in which the real estate is situated, ~~and~~ the conveyance~~,~~ or ~~the~~ recording ~~thereof, has failed to~~ shall comply with ~~any~~ the

requirement relating to subdivision approval~~, any party claiming an interest in such~~ if the conveyance has not otherwise been validated under subsection (1) of this section. ~~may file an affidavit with the register of deeds asserting that written notice of the defect in approval has been received by the governmental authority having subdivision approval jurisdiction over such real estate. Upon filing such affidavit, such governmental authority shall have one hundred twenty days from the receipt of such written notice to record an objection in the office of register of deeds in the county wherein the real estate is situated, or such conveyance shall be fully valid. If an objection is filed, the conveyance shall not be validated. The objection shall be in the form of a resolution adopted after public hearing. The governmental authority may waive, prospectively waive, or retroactively waive such notice or such one hundred twenty day period, as to a single subdivision or any category of subdivisions.~~

(3) Notwithstanding the validity of any such conveyance under subsection (1) of this section, the subdivider shall not ~~thus~~ be relieved of any penalty imposed by such governmental authority for the failure to comply with any requirement relating to subdivision approval. Any conveyance of real estate for the public use shall be valid only upon express approval of such governmental authority. Other than for purposes of validating a conveyance, this section shall not excuse compliance with applicable zoning or subdivision ordinances of the governmental authority having subdivision approval jurisdiction over such real estate.".

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis and Ms. Schimek asked unanimous consent to print the following amendment to LB 44A in the Journal. No objections. So ordered.

AM1226

1. Insert the following new section:

"Sec. 2. There is hereby appropriated (1) $37,976 from the General Fund for FY1993-94 and (2) $34,676 from the General Fund for FY1994-95 to the Legislative Council, for Program 504, to aid in carrying out the provisions of Legislative Bill 44, Ninety-third Legislature, First Session, 1993.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $25,311 for FY1993-94 or $25,311 for FY1994-95.".

ANNOUNCEMENTS

Mr. Schellpeper announced the General Affairs Committee will hold an executive session Friday, April 2, 1993, at 8:30 a.m. in Room 2022.

Mr. Beutler announced the Natural Resources Committee will hold an executive session Friday, April 2, at 8:00 a.m. in Room 1517.

VISITORS

Visitors to the Chamber were members of Nebraska General Federation of Women's Clubs from across the state; 60 first grade students and sponsor from Arnold Elementary, Lincoln; 28 fourth grade students and teacher from Central School, Plattsmouth; 47 fourth grade students and teacher from Wildwood Elementary, Ralston; 24 fourth grade students and sponsor from Blessed Sacrament, Lincoln; 60 fourth grade students and teachers from Wakonda Elementary, Omaha; Peter Juhasz from Hungary and Andras Szenikiralyi; 49 fourth grade students and teachers from Morton Elementary, Hastings; and 23 fourth grade students and teacher from Pleasanton.

ADJOURNMENT

At 4:03 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Friday, April 2, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-THIRD DAY - APRIL 2, 1993

LEGISLATIVE JOURNAL

FIFTY-THIRD DAY - APRIL 2, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 2, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Wesely Daughfenbaugh, Living Faith Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Horgan and Wesely who was excused; and Messrs. Ashford, Avery, Bernard-Stevens, Bromm, Chambers, Coordsen, Hall, Lindsay, Lynch, Mmes. McKenzie, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-second day was approved.

UNANIMOUS CONSENT - Member Excused

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

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 305, 305A, 453, 453A, 526, 623, 726, and 818.

Enrollment and Review Change to LB 305

The following changes, required to be reported for publication in the Journal, have been made:
ER7234

1. In the Wesely amendment, AM1100:

a. On page 2, line 20, "medical" has been struck and "medical" has been inserted after "or";

b. On page 5, line 5, "will" has been struck and "shall" inserted;

c. On page 7, lines 9 and 10, ", which shall mean" has been struck and "which means" inserted;

d. On page 8, line 8, the comma has been struck;

e. On page 9, line 11, "effective" has been struck and "operative" inserted;

f. On page 12, line 19, "section" has been struck and shown as stricken; and

g. On page 13, line 4, "35" has been struck and "36" inserted; in line 8 "36" has been struck and "37" inserted and "87-302, 87-303.08," has been struck; and in line 9 "87-303.11," and "and" have been struck and "87-302, 87-303.08, and 87-303.11," has been inserted after the last comma.

2. On page 1, lines 2 through 6 and all amendments thereto have been struck and "86-901 to 86-906, 86-1002, 86-1005, 87-302, 87-303.08, and 87-303.11, Revised Statutes Supplement, 1992; to state and restate intent; to provide, change, and eliminate definitions; to regulate activities involving automatic dialing-announcing devices and facsimile and similar machines; to provide for fees; to provide penalties; to provide powers and duties for the Public Service Commission; to eliminate provisions relating to such devices and machines; to name the Telecommunications Relay System Act; to rename a fund; to provide for the transfer of funds; to change provisions relating to a surcharge; to require certain reports regarding 911 service; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections, and also sections 87-307 to 87-312, Revised Statutes Supplement, 1992." inserted.

Enrollment and Review Change to LB 623

The following changes, required to be reported for publication in the Journal, have been made:
ER7233

1. On page 1, the matter beginning with "give" in line 3 through "air" in line 6 has been struck and "authorize and require air pollution control programs as prescribed" inserted.

(Signed) Kurt Hohenstein, Chairperson

MESSAGE FROM THE GOVERNOR

April 1, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building, Room 2018
Lincoln, NE 68509

Dear Madam President, Mr. Speaker, and
Members of the Legislature:

Engrossed Legislative Bills 579 and LB 579A were received in my office on April 1, 1993. These bills were signed by me on April 1, 1993 and delivered to the Secretary of State.

It has always been my position that there must be a timely public audit of the Legislature, including its telephone records. Unfortunately, the issue has been framed more by personalities and politics than by reasoned judgment. The issue should not be who or what agency does the audit. The goal should be that a legitimate public audit is conducted and that the result of that audit is open for public inspection to all interested parties including taxpayers. By signing this bill, that goal will be accomplished.

A veto would have retained the status quo. A veto could have delayed an audit for several years because of an inevitable court challenge. By signing this bill there will be an audit, at no additional cost to the taxpayer.

The politically expedient action for me to take is to veto this bill. But a veto would further delay a timely public audit. This course would be counterproductive. I believe the best course of action then is to sign the bill and move forward with an audit as soon as possible. The Legislature has assured the public they will move quickly to begin the auditing process.

This bill requires greater accountability by individual senators:

* It will determine whether there has been any misuse of public funds or state property, including telephones.

* It provides for more regular and frequent audits. An audit will be performed every two years instead of five or more.

* It requires all expenditures, including the cost of long distance phone calls, of each senator be made public. It requires public reporting of the amounts and dates of confidential phone calls, including long distance phone calls, but protects the privacy of citizens' discussions and contacts with senators.

There is substantial precedent for public entities being audited by private audit firms, including but not limited to: the University of Nebraska, State Colleges, City Governments, County Governments and Nebraska's Community Colleges.

This office is currently being audited by the State Auditor. I will not seek an outside firm to perform the audit of the Governor's Office because I believe it is appropriate for the State Auditor, as a member of the executive branch of government, to audit within the executive branch. It has been my experience that the State Auditor has handled

confidential information as such. The Auditor's Office has handled confidential information during audits of the Department of Social Services, the State Patrol and the Department of Revenue. No confidential information from those agency audits was released or revealed by the State Auditor. My decision to sign LB 579 is not a reflection on the Auditor.

I believe we must set aside this conflict and pursue an audit in the best interests of Nebraska citizens. The political bickering must end. We must move forward to address the pressing issues facing this state. I am confident this legislation will solve the paramount issue: ensuring Nebraskans' right to know how their tax dollars are being spent.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

ATTORNEY GENERAL'S OPINION

Opinion No. 93022

DATE: April 1, 1993

SUBJECT: Constitutionality of Free Parking for State Legislators

REQUESTED BY: John Breslow
State Auditor

WRITTEN BY: Don Stenberg, Attorney General

This opinion is in response to your correspondence of March 3, 1993, concerning the parking spaces in the Capitol area which are provided to members of the Nebraska Legislature free of charge by the Department of Administrative Services. You asked whether this free parking, which is provided legislators in addition to their per diem expense payment, is a perquisite in violation of Article III, Section 7 of the Nebraska Constitution. You apparently need this determination in connection with the audit which you are currently performing of the fiscal records of the Nebraska Legislature.

In our opinion, the Director of the Department of Administrative Services has the statutory authority to provide free parking space to State Senators at the Capitol Building and doing so does not violate the Nebraska Constitution. Under current law, the Director of the Department of Administrative Services could charge State Senators for their parking spaces if he finds it equitable to do so. However, in that event, the Senators might very well be able to claim reimbursement of that amount under Neb.Rev.Stat. §50-202 (1988) which provides that, "Each member of the Legislature shall be allowed necessary expenses incurred while performing in the official capacity as a member of the

Legislature." The providing of a parking space is in the nature of an operational expense rather than a perquisite as that term has been interpreted by the Nebraska Supreme Court, and hence does not violate Article III, Section 7 of the Nebraska Constitution.

Before discussing the legal precedents that apply to this issue, it is helpful to view this question in the overall context of the operations of State government. State Senators, constitutional officers and other State employees are provided an office, telephone, office supplies, and other essentials necessary to carry out their job duties. Generally speaking, State employees, whether they be State Senators, constitutional officers or other State employees, are entitled to be reimbursed for lodging, transportation, meals, parking fees, and other reasonable and necessary expenses incurred in carrying out their job duties when away from their homes in the line of duty. See Neb.Rev.Stat. §81-1174 (Cum.Supp. 1992).

For example, if a Department of Revenue auditor was on official business performing an audit in western Nebraska and was there for several days, he or she would be reimbursed for transportation expense, lodging, meals, and other necessary expenses. The same is true for members of the Legislature.

The Nebraska Supreme Court, as discussed later in this opinion, has specifically held that members of the Legislature are entitled to reimbursement for expenses incurred in connection with the performance of their duties. Certainly this includes reasonable and necessary lodging expense, transportation cost to and from Lincoln, meals while away from home, and similar expenses.

In our modern age, most people, at least in Nebraska, drive an automobile to work. A State Senator must be at the Capitol in order to carry on his or her work and must necessarily have some place to park his or her automobile. In our opinion, at least, a parking space for an automobile is no different, from a legal standpoint, than the State providing an office for the Senator to work in, or paying lodging expense for a Senator staying overnight in Lincoln while away from home. Having undertaken this general overview, let us now turn to the specific legal authorities concerning this issue.

From the materials you provided us, it appears that each member of the Legislature is provided a free parking space in the parking lot east of the Capitol or in the "horseshoe" at the north entrance of that building. This has apparently been the practice for at least the last 15 years, and State Senators may never have been billed for their parking spaces. On the other hand, all other elected State officials and judges are billed the standard $22 per month parking fee for their parking spaces at the Capitol. However, State employees who work at the Department of Corrections, Department of Roads, Department of Public Institutions, and a number of other State employees are provided free parking at their places of work.

Under Neb. Rev. Stat. § 81-1108.17 (1987), the Director of the Department of Administrative Services is required to develop a system of equitable billing and charges for parking facilities under his or her

control and used by State employees and State vehicles. As a result, most State employees with reserved parking in the Capitol parking lots pay a monthly fee of $22 for parking privileges.

Article III, Section 7 of the Nebraska Constitution provides, in pertinent part,

> Each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay or perquisites other than his or her salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.

Two recent Nebraska cases have dealt with aspects of this constitutional provision. In State ex rel. Douglas v. Beermann, 216 Neb. 849, 347 N.W.2d 297 (1984), the Nebraska Supreme Court indicated that a statute which provided that each member of the Legislature should be allowed his or her necessary expenses incurred while performing duties in his or her official capacity did not violate Article III, Section 7 of the Nebraska Constitution as it existed at that time. In contrast, the Court held in State ex rel. Spire v. Public Employees Retirement Board, 226 Neb. 176, 410 N.W.2d 463 (1987), that a statute creating a pension program for State legislators was unconstitutional under Article III, Section 7 since it involved pay or perquisites in addition to the legislators' salary and expenses. As a result, under the constitutional provision in question, State Senators can receive payment for their necessary expenses, but they may not receive pay or perquisites additional to their salary. The pertinent question in the present instance, therefore, becomes whether the free parking afforded Senators is a perquisite or an expense.

The Beermann case contains the following definition of "perquisite":

> "Perquisite" is defined in Webster's Third New International Dictionary, Unabridged (1968), as casual income or profits; a privilege, gain or profit incidental to an employment in addition to regular salary or wages; a gratuity or tip; something held or claimed as an exclusive right or possession. Black's Law Dictionary 1027 (5th ed. 1979) defines the word as meaning emoluments, fringe benefits, or other incidental profits or benefits attaching to an office or position. We have previously, in State v. Sheldon, 78 Neb. 552, 111 N.W. 372 (1907), defined perquisite as a gain or profit incidentally made from employment in addition to regular salary or wages. In that case we held that a residence provided by the State for occupancy by the Governor, at the place he was required by law to live, was not a "perquisite" within the meaning of a constitutional provision that the Governor might not receive any "perquisites of office or other compensation" in addition to his salary. We concluded that perquisite meant a compensation or reward for the performance of an official duty.

216 Neb. at 855, 347 N.W.2d at 301, 302 (emphasis supplied). The Beermann opinion also defines "expense":

> An "expense" is something expended in order to secure a profit or bring about a result. Expenses are the charges incurred by an employee in connection with the performance of his duties, and typically include transportation, meals, and lodging while traveling. Expenses are the money given to an employee as reimbursement for such charges. Webster's Third New International Dictionary, Unabridged (1968). Black's Law Dictionary 518 (5th ed. 1979) defines an expense as that which is "expended, laid out or consumed. An outlay; charge; cost; price."

216 Neb. at 856, 347 N.W.2d at 302. The Court then went on to state:

> The meaning of the third sentence {of Article III, Section 7 of the Nebraska Constitution}, interpreting the terms and words used in their natural and obvious senses, is: Members of the Legislature shall receive no wages, remuneration, compensation, fees, profit, or gain other than the salary mandated in the first sentence above and reimbursement for expenses incurred in connection with the performance of their duties.

216 Neb. at 857, 347 N.W.2d at 302 (emphasis supplied).

The Nebraska Supreme Court has said that a Senator may be reimbursed for transportation expense. Part of transportation expense is parking the vehicle upon arrival. If a Senator parked his or her automobile at a commercial garage near the Capitol Building, §50-202, which has specifically been held constitutional by the Nebraska Supreme Court, would appear to allow the Senator to claim and receive reimbursement for that expense.

Therefore, since the Nebraska Constitution allows a State Senator to pay for parking and receive reimbursement for that expense, we see no constitutional difficulty in the Director of Administrative Services eliminating the paperwork of refunding parking fees by simply providing parking for free in the first instance. While some argument might be made that Lincoln Senators are not away from home and hence, might not qualify for reimbursement, we do not see a constitutional significance because whether you drive from Scottsbluff or 70th & A Streets in Lincoln, a Senator still needs a parking place in a reasonable vicinity of the Capitol in order to be in attendance at the Capitol. Moreover, §50-202, which provides for reimbursement of expenses to State Senators, does not contain the various restrictions (such as being away from home) that apply to other State employees under §81-1174.

Does this mean that every State employee is entitled to free parking at State expense? No. A State employee is only entitled to such reimbursement of expense as the law provides for. In this case, authority has been delegated to the Department of Administrative Services to develop a system of equitable billing for parking. The Department has determined that other State constitutional officers, Supreme Court judges, and other State employees who, generally speaking, are paid more (often several times more) than State Senators,

should pay for their parking while State Senators should not. We cannot say as a matter of law that the Department of Administrative Services has abused its discretion in making such determination. In this regard, it should be noted that employees of the Department of Corrections, Department of Roads, and certain other State agency employees also do not pay for their parking.

Finally, does the fact that Senators are receiving per diems to cover housing, transportation, and other expenses create a constitutional problem in so far as the parking issue is concerned. We think not, so long as the Senators' actual expenses equal or exceed the per diem reimbursements they are receiving. See Beermann.

In sum, although the Director of the Department of Administrative Services is not required to provide free parking to State Senators, he has the legal authority to do so and the exercise of that authority does not violate Article III, Section 7 of the Nebraska Constitution.

Yours truly,
(Signed) Don Stenberg
Attorney General

DS:bs
cc: Clerk of the Legislature

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 1, 1993. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Batenhorst, Gary R. - Omaha	Godfather's Pizza, Inc.
Bequette, Michael R. - Lincoln (Withdrawn 03/27/93)	Citizens Against Pornography
Dirrim, Delbert E. - Omaha (Withdrawn 03/30/93)	Omaha Public Power District
Gould, John S. - Valparaiso	Common Cause Nebraska
Philburn, Ann - Lincoln	Nebraska Right to Life
Radcliffe & Associates	
Radcliffe, Walter H. - Lincoln	Securities Industry Association
Rogers, Carson H. - Lincoln	Nebraska Soybean Association

REPORT

Received annual report from the Board of Examiners for County Highway and City Street Superintendents in compliance with 39-2301 to 39-2311 Nebraska Revised Statutes.

MOTHERS OF THE YEAR

Mrs. Crosby, Messrs. Fisher, and Warner escorted the following women to the rostrum: Ruby A. Washington, Mother of the Year; and Debra Ridge Badeer, Mother of Young Children.

RESOLUTION

LEGISLATIVE RESOLUTION 70. Read. Considered.

LR 70 was adopted with 25 ayes, 0 nays, and 24 not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 71, LR 72, and LR 73.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 131. With Emergency.

A BILL FOR AN ACT relating to water wells; to amend sections 46-601, 46-602, 46-602.01, 46-604, 46-606, 46-608, 46-609, 46-610, 46-611, 46-613.01, 46-613.02, 46-625, 46-630, 46-636, 46-637, 46-638, 46-639, 46-651, 46-653, 46-654, 46-659, 46-660, 46-661, 46-662, 46-663, 46-666, 46-667, 46-675, 46-677, 46-678, 46-680, 46-684, 46-1208, 46-1212, 46-1217, 46-1224, 46-1225, 46-1235, 46-1236, 46-1237, and 46-1241, Reissue Revised Statutes of Nebraska, 1943, and sections 46-640, 46-657, 46-673.09, 46-1201, 46-1203, 46-1223, and 46-1240, Revised Statutes Supplement, 1992; to change provisions relating to water well registration; to define, redefine, and eliminate terms; to change and authorize fees; to change, provide, and eliminate penalties; to change and eliminate log requirements; to change provisions of the Water Well Standards and Contractors' Licensing Act; to authorize disciplinary actions and provide procedures for disciplinary actions; to provide reinstatement procedures; to change and provide hearing procedures; to provide immunity for the Water Well Standards and Contractors' Licensing Board; to harmonize provisions; to provide operative dates; to repeal the original sections, and also sections 46-603, 46-607, 46-612, and 46-1204, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Abboud	Cudaback	Hudkins	Pedersen	Vrtiska
Baack	Day	Janssen	Pirsch	Warner
Beutler	Elmer	Jones	Preister	Wehrbein
Bohlke	Fisher	Kristensen	Rasmussen	Wickersham
Bromm	Haberman	Landis	Robinson	Will
Byars	Hartnett	Lynch	Schellpeper	Witek
Coordsen	Hillman	McKenzie	Schimek	Withem
Crosby	Hohenstein	Moore	Schmitt	

Voting in the negative, 1:

Dierks

Excused and not voting, 9:

Ashford	Bernard-	Chambers	Horgan	Robak
Avery	Stevens	Hall	Lindsay	Wesely

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 131A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 131, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud	Cudaback	Janssen	Pirsch	Vrtiska
Baack	Day	Jones	Preister	Warner
Beutler	Elmer	Landis	Rasmussen	Wehrbein
Bohlke	Fisher	Lynch	Robinson	Wickersham
Bromm	Haberman	McKenzie	Schellpeper	Will
Byars	Hillman	Moore	Schimek	Witek
Coordsen	Hohenstein	Pedersen	Schmitt	Withem
Crosby	Hudkins			

Voting in the negative, 0.

Present and not voting, 3:

Dierks	Hartnett	Kristensen

Excused and not voting, 9:

Ashford	Bernard-Stevens	Chambers	Horgan	Robak
Avery		Hall	Lindsay	Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 311.

A BILL FOR AN ACT relating to public buildings and lands; to amend sections 2-127, 72-729, 81-1108.17, 81-1108.32, 81-1108.36, and 81-1108.38, Reissue Revised Statutes of Nebraska, 1943; to eliminate the State Building Advisory Commission; to create the Nebraska Capitol Commission; to provide powers and duties for the commission and the Department of Administrative Services; to eliminate provisions relating to the Nebraska Educational Telecommunications Building; to harmonize provisions; and to repeal the original sections, and also sections 72-718.03 and 72-718.05, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud	Cudaback	Hohenstein	Moore	Schmitt
Baack	Day	Hudkins	Pedersen	Vrtiska
Beutler	Dierks	Janssen	Pirsch	Warner
Bohlke	Elmer	Jones	Preister	Wehrbein
Bromm	Fisher	Kristensen	Rasmussen	Wickersham
Byars	Haberman	Landis	Robinson	Will
Chambers	Hartnett	Lynch	Schellpeper	Witek
Coordsen	Hillman	McKenzie	Schimek	Withem
Crosby				

Voting in the negative, 0.

Excused and not voting, 8:

Ashford	Bernard-Stevens	Hall	Lindsay	Wesely
Avery		Horgan	Robak	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 588.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-958, 71-2510, and 81-2,162.04, Reissue Revised Statutes of Nebraska, 1943; to adopt the Pesticide Act; to eliminate provisions relating to economic poisons; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 2-2601 to 2-2614 and 2-2616 to 2-2621, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud	Chambers	Hall	Lynch	Schimek
Ashford	Coordsen	Hartnett	McKenzie	Schmitt
Avery	Crosby	Hillman	Moore	Vrtiska
Baack	Cudaback	Hohenstein	Pedersen	Warner
Bernard-Stevens	Day	Hudkins	Pirsch	Wehrbein
Beutler	Dierks	Janssen	Preister	Wickersham
Bohlke	Elmer	Jones	Rasmussen	Will
Bromm	Fisher	Kristensen	Robinson	Witek
Byars	Haberman	Landis	Schellpeper	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Horgan	Lindsay	Robak	Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 588A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 588, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud	Ashford	Baack

Bernard-Stevens	Day	Hohenstein	Moore	Vrtiska
Bohlke	Dierks	Hudkins	Pedersen	Warner
Bromm	Elmer	Janssen	Preister	Wehrbein
Byars	Fisher	Jones	Rasmussen	Wickersham
Coordsen	Haberman	Kristensen	Robinson	Will
Crosby	Hall	Landis	Schellpeper	Witek
Cudaback	Hartnett	Lynch	Schimek	Withem
	Hillman	McKenzie	Schmitt	

Voting in the negative, 2:

Beutler Pirsch

Present and not voting, 2:

Avery Chambers

Excused and not voting, 4:

Horgan Lindsay Robak Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 155.

A BILL FOR AN ACT relating to the Nebraska Resources Development Fund; to amend section 2-1588, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to restrictions on the allocation of funds; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Coordsen	Hartnett	McKenzie	Schmitt
Ashford	Crosby	Hillman	Moore	Vrtiska
Avery	Cudaback	Hohenstein	Pedersen	Warner
Baack	Day	Hudkins	Preister	Wehrbein
Bernard-Stevens	Dierks	Janssen	Rasmussen	Wickersham
Beutler	Elmer	Jones	Robinson	Will
Bohlke	Fisher	Kristensen	Schellpeper	Witek
Bromm	Haberman	Landis	Schimek	Withem
	Hall	Lynch		

Voting in the negative, 1:

Pirsch

Present and not voting, 2:

Byars Chambers

Excused and not voting, 4:

Horgan Lindsay Robak Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 462.

A BILL FOR AN ACT relating to the Court of Appeals; to amend section 24-1104, Revised Statutes Supplement, 1992; to change provisions relating to publication of court opinions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud	Coordsen	Hartnett	McKenzie	Schmitt
Ashford	Crosby	Hillman	Moore	Vrtiska
Avery	Cudaback	Hohenstein	Pedersen	Warner
Baack	Day	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Dierks	Janssen	Preister	Wickersham
	Elmer	Jones	Rasmussen	Will
Beutler	Fisher	Kristensen	Robinson	Witek
Bohlke	Haberman	Landis	Schellpeper	Withem
Bromm	Hall	Lynch	Schimek	

Voting in the negative, 0.

Present and not voting, 2:

Byars Chambers

Excused and not voting, 4:

Horgan Lindsay Robak Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 479 to Select File

Mr. Beutler moved to return LB 479 to Select File for his specific amendment, AM1108, found in the Journal on page 1272.

The Beutler motion to return prevailed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 479. The Beutler specific amendment, AM1108, found in the Journal on page 1272, was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 505. E & R amendment, AM5440, found in the Journal on page 1203, was adopted.

Mr. Schellpeper offered the following amendment:
AM1063
(Amendments to Standing Committee amendments, AM0802)
1. On page 5, line 20, after "in" insert "a designated medical profession shortage area or".

The Schellpeper amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Withem offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1230.)

The Withem amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 131, 131A, 311, 588, 588A, 155, and 462.

SELECT FILE

LEGISLATIVE BILL 505A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 365. Considered.

MR. HALL PRESIDING

Mr. Chambers moved to indefinitely postpone LB 365.

Mrs. Hillman and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?"

Mr. Schellpeper moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

SPEAKER BAACK PRESIDING

The motion to cease debate prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 7:

Abboud	Chambers	Jones	Schimek	Vrtiska
Ashford	Haberman			

Voting in the negative, 32:

Baack	Crosby	Hohenstein	Moore	Warner
Bernard-Stevens	Cudaback	Hudkins	Pedersen	Wehrbein
	Dierks	Janssen	Pirsch	Wickersham
Bohlke	Elmer	Kristensen	Rasmussen	Will
Bromm	Fisher	Landis	Robinson	Witek
Byars	Hall	Lynch	Schellpeper	Withem
Coordsen	Hartnett	McKenzie		

Present and not voting, 4:

Avery	Beutler	Preister	Schmitt

Excused and not voting, 6:

Day	Horgan	Lindsay	Robak	Wesely
Hillman				

The Chambers motion to indefinitely postpone lost with 7 ayes, 32 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Haberman moved to bracket LB 365 until April 6.

Mr. Haberman withdrew his motion to bracket.

Mrs. McKenzie and Mr. Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA58
Amend page 2, lines 13 & 18
Strike "ten" and insert "five"

Messrs. Dierks, Moore, Haberman, Schmitt, Ashford, Withem, Mmes. Rasmussen, and Hudkins asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?"

Mr. Robinson moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The motion to cease debate lost with 21 ayes, 0 nays, and 28 not voting.

The Chair declared the call raised.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

MR. WARNER PRESIDING

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 2, 1993, at 10:45 a.m., were the following bills: 131, 131A, 311, 588, 588A, 155, and 462.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

ATTORNEY GENERAL'S OPINION

Opinion No. 93023

DATE: March 24, 1993

SUBJECT: Application of Political Subdivision Budget Limitations to Public Power and Irrigation Districts.

REQUESTED BY: Senator Jerry Schmitt
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion as to the application of the statutory provisions imposing budget limitations on political subdivisions (other than school districts) contained in Neb. Rev. Stat. §§ 77-3437 to 77-3441 (Cum. Supp. 1992) to public power and irrigation districts. In addition, you have asked us to address certain other questions pertaining to the powers of public power and irrigation districts. As you indicate that, depending upon our responses to your questions, you are considering introducing clarifying legislation, we will respond to your request.

Initially, you ask whether "the lid restrictions in the Nebraska Budget Act apply to public power and irrigation districts?" The budget limitations on political subdivisions referred to in your request are not actually a part of the "Nebraska Budget Act." The provisions of the Nebraska Budget Act are contained at Neb. Rev. Stat. §§ 13-501 to 13-513 (1991 and Cum. Supp. 1992), while the limitations on budgets of political subdivisions are contained at Neb. Rev. Stat. §§ 77-3437 to 77-3441 (Cum. Supp. 1992). The provisions outlining these budget limitations, however, make reference to various provisions of the Nebraska Budget Act. Section 77-3438 provides, in pertinent part: "(1) Except as provided in sections 77-3438.01, 77-3439, and 77-3340, no governing body shall adopt a budget statement pursuant to section 13-506. . . in which the anticipated aggregate receipts from property taxes for any fiscal year exceed the anticipated aggregate receipts from property taxes for the prior fiscal year. . . ." Section 77-3437(3) provides the definition of "{g}overning body" shall be that found in § 13-503, with the exception of school boards or boards of education of school districts. "Adopted budget statement" is defined in § 77-3437(1) to have the same meaning as in § 13-503, in which the term is defined to mean a "proposed budget statement which has been adopted or amended and adopted as provided in section 13-506."

Recently, questions have arisen regarding the scope and application of both the provisions of the Nebraska Budget Act and the limitations on political subdivision budgets imposed under §§ 77-3437 to 77-3441. In a recent opinion, this office concluded that "the Budget Act and budget limit provisions apply to all political subdivisions including public building commissions." Op. Att'y Gen. I92-087 (December 29, 1992). As a result of our issuance of this opinion, a legal challenge to the applicability of the Budget Act and the limits on political subdivision budgets was instituted. Lincoln-Lancaster County Public

Building Comm'n v. Breslow, Doc. 492, Page 212 (Lancaster County District Court). As we stated previously: "The question whether the budget requirements are applicable to political subdivisions whose governing bodies are not included in Section 13-503 is recurring. . . . Legislative clarification of provisions of the Budget Act, and in particular, the definitional section regarding governing bodies would serve to facilitate implementation of and compliance with the requirements of the Act." While recognizing these difficulties, we will nevertheless endeavor to respond to your initial question regarding the application of these statutory provisions to public power and irrigation districts.

Public power and irrigation districts are not among the entities whose "governing body" is specifically mentioned in § 13-503. However, based on our recent opinion, this does not necessarily mean that these entities are therefore excluded from compliance with the Budget Act. Public power districts are public corporations and political subdivisions of the state. York County Rural Public Power Dist. v. O'Connor, 172 Neb. 602, 111 N.W.2d 376 (1961); Consumers Public Power Dist. v. Eldred, 146 Neb. 926, 22 N.W.2d 188 (1946). Consistent with our prior opinion, then, it appears that public power and irrigation districts are not exempt from the provisions of the Budget Act.

It does not necessarily follow, however, that such entities are also subject to the budget limitations on political subdivisions imposed under §§ 77-3437 to 77-3441. As noted previously, § 77-3438 (1) prohibits a governing body from adopting a budget statement "in which the anticipated aggregate receipts from property taxes for any fiscal year exceed the anticipated aggregate receipts from property taxes for the prior fiscal year. . . ." (Emphasis added). Neb. Rev. Stat. § 70-629 provides: "Except for the authority to make assessments granted by section 70-677 to districts organized under or subject to Chapter 70, article 6, the district shall have no power of taxation, and no governmental authority shall have the power to levy or collect taxes for the purpose or paying, in whole or in part, any indebtedness or obligation of or incurred by the district or upon which the district may be or become in any manner liable." As the limits imposed under §§ 77-3437 to 77-3441 apply to revenues raised by "property taxes" as defined in § 77-3437(5), and public power and irrigation districts are generally precluded from exercising taxing power under § 70-629, the limitations in §§ 77-3437 to 77-3441 would not be applicable to public power and irrigation districts organized and operating under Chapter 70, article 6, to the extent revenues for the district are not generated from property taxes.

Section 70-667 provides, in part:

> All power plants and systems, all ethanol production or distribution systems, and all irrigation works constructed, acquired, used, or operated by any district organized under or subject to Chapter 70, article 6, or proposed by such district to be so constructed, acquired, owned, used, or operated are hereby declared to be works of internal

improvement. All laws applicable to works of internal improvement and all provisions of law applicable to electric light and power corporations, irrigation districts, or privately owned irrigation corporations, the use and occupation of state and other public lands and highways, the appropriation, acquisition, or use of water, water power, water rights, or water diversion or storage rights, for any of the purposes contemplated in such statutory provisions, the manner or method of construction and physical operation of power plants, systems, transmission lines, and irrigation works, as herein contemplated, shall be applicable, as nearly as may be, to all districts organized under or subject to Chapter 70, article 6, and in the performance of the duties conferred or imposed upon them under such statutory provisions. Such laws, provisions of law, or statutory provisions are hereby made applicable to all irrigation works and facilities operated by irrigation divisions of public power and irrigation districts organized under Chapter 70, article 6, and shall include, but not be limited to, the right of such district to exercise the powers conferred upon districts by Chapters 31 and 46, relating to operation, maintenance, rehabilitation, construction, reconstruction, repairs, extension, recharge of ground water, and surface and subsurface drainage projects and the assessment of the cost thereof to the lands benefited thereby.

Pursuant to § 70-667, public power and irrigation districts are authorized to exercise powers conferred upon drainage districts (Chapter 31) and irrigation districts (Chapter 41) "relating to operation, maintenance, rehabilitation, construction, reconstruction, repairs, extension, recharge for ground water, and surface and subsurface drainage projects and the assessment of the cost thereof to the lands benefited thereby." Thus, for example, irrigation districts are empowered to make annual assessments on real property within the district, see Neb. Rev. Stat. §§ 46-131 to 46-141 (1988); to call a special election to seek approval of an additional assessment, see Neb. Rev. Stat. § 46-144; or to make an assessment to defray certain costs of the district, see Neb. Rev. Stat. § 46-152. Assessments of this nature, however, may or may not be characterized as "property taxes" within the meaning of § 77-3437(5). While it is unlikely that exactions in the nature of special assessments (which are excluded form the definition of "tax" under § 13-503(4) of the Budget Act) should be classified in this manner, all taxes imposed under these provisions may not be deemed to fall in this category. Further, while irrigation districts formerly were exempted from the Budget Act, that exemption was recently removed. Neb. Rev. Stat. § 13-514 (1991) (repealed 1992 Neb. Laws LB 1063, § 214; 1992 Neb. Laws, 2nd Special Sess. LB 1, § 182). To the extent this situation interjects an area of unclarity, amendatory legislation would certainly be appropriate.

You next ask whether it is permissible for a public power and irrigation district to borrow funds in excess of fifty cents per acre of land in the district under the provisions of Neb. Rev. Stat. § 46-152. Section 46-152 provides, in part, as follows:

> If, after the annual assessment for the current year, the funds provided are for some unusual or unforeseen cause insufficient for the proper maintenance and operation of the district, the board of directors shall have the power to borrow additional funds needed, to an amount not to exceed fifty cents per acre for the land embraced in the district, pledging credit of the district for the payment of the same, and shall include in the estimate for the levy for the ensuing year for the general fund the amount so borrowed, and provide for the payment of the same.

The question presented is whether the provisions of § 70-667, making laws relating to irrigation districts applicable to public power and irrigation districts "as nearly as may be," requires that public power and irrigation districts acting under § 46-152 comply with the limit on borrowing contained in the statute.

"A statute is not to be read as if open to construction as a matter of course." County of Douglas v. Board of Regents, 210 Neb. 573, 577, 316 N.W.2d 62, 65 (1982). "Where words of a statute are plain and unambiguous, no interpretation is necessary to ascertain their meaning, and in the absence of anything to indicate to the contrary, words will be given their ordinary meaning." Hill v. City of Lincoln, 213 Neb. 517, 521, 330 N.W.2d 471, 474 (1983).

Construing the provisions of §§ 70-667 and 46-152, it appears plain that, to the extent a public power and irrigation district invokes the powers contained in § 46-152, the district is subject to the requirements and limitations imposed under this statute applicable to irrigation districts. See Wright v. Loup River Public Power Dist., 133 Neb. 715, 277 N.W.2d 53 (1938) (public power district governed by statutes relating to irrigation districts as to their appropriation, crossing, and use of highways). Thus, the limitation on borrowing in § 46-152 would be applicable to public power and irrigation districts acting pursuant to this provision.

Finally, you ask what consequences exist if a public power and irrigation district exceeds the borrowing limitation contained in § 46-152. While this is a rather broad and open-ended question, it appears that one possible consequence could be that a property owner in the district with standing to challenge such action could institute a lawsuit to have the district's act declared invalid as in excess of the authority granted by statute. While it may be likely that such action by the district could be deemed invalid only as to amounts borrowed in excess of the fifty cent per acre limit provided by statute, the lawsuit could seek to have any amount borrowed in excess of the limit declared invalid. Also, an affected property owner could seek to have all or part of any ensuing levy for payment of the amount borrowed declared invalid or illegal in whole or in part. Beyond such potential actions, we decline to speculate as to any further possible consequences which may flow from a determination that a district has acted contrary to § 46-152.

Very truly yours,

DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

cc: Patrick O'Donnell
Clerk of the Legislature
7-619-7.19

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

Governor Appointment Thursday, April 22, 1993 1:15 p.m.
Darrell Johnson - Crime Victim's Reparations Committee

(Signed) DiAnna R. Schimek, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Dierks asked unanimous consent to print the following amendment to LB 421 in the Journal. No objections. So ordered.

AM1113

1. Strike original section 19.

2. On page 7, strike beginning with "and" in line 2 through "made" in line 4; and strike beginning with the comma in line 7 through the comma in line 8.

3. On page 8, line 5; page 9, line 7; and page 10, lines 15 and 19, strike "23" and insert "22".

4. On page 9, line 14; and page 10, line 15, strike "25" and insert "24".

5. On page 10, lines 23 and 24, strike "26 and 27" and insert "25 and 26".

6. Renumber the remaining sections accordingly.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 110 in the Journal. No objections. So ordered.

AM1207

(Amendments to Standing Committee amendments, AM0223)

1. Strike amendments 1 to 4 and insert the following new amendment:

"1. Strike the original sections and insert the following new sections:

'Section 1. That section 28-326, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-326. ~~As used in~~ For purposes of sections 28-325 to 28-345 and sections 3, 4, 6, and 7 of this act, unless the context otherwise requires:

(1) Abortion shall mean ~~an act, procedure, device,~~

~~or prescription administered to a woman known by the person so administering to be pregnant and performed with the intent and result of producing the premature expulsion, removal, or termination of the human life within the womb of the pregnant woman, except that in cases in which the unborn child's viability is threatened by continuation of the pregnancy, early delivery after viability shall not be construed as an abortion for the purposes of sections 28-325 to 28-345~~ the use or prescription of any instrument, medicine, drug, or other substance or device intentionally to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child;

(2) Hospital shall mean those institutions licensed by the Department of Health pursuant to sections 71-2017 to 71-2029;

(3) Physician shall mean any person licensed to practice medicine in this state as provided in sections 71-102 to 71-110;

(4) Pregnant shall mean that condition of a woman who has unborn human life within her as the result of conception;

(5) Conception shall mean the fecundation of the ovum by the spermatozoa;

(6) Viability shall mean that stage of human development when the unborn child is potentially able to live more than merely momentarily outside the womb of the mother by natural or artificial means;

(7) Emergency situation shall mean that condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function; and

(8) Probable gestational age of the unborn child shall mean what will with reasonable probability, in the judgment of the physician, be the gestational age of the unborn child at the time the abortion is planned to be performed. ~~a condition exists that in the sound medical judgment of the physician the abortion should be performed without delay so as not to adversely affect the best physical or mental health of the woman;~~

~~(8) Informed consent shall mean a written statement, voluntarily entered into by the person upon whom an abortion is to be performed, whereby she specifically consents to such abortion. Such consent shall be deemed to be an informed consent only if it affirmatively appears in the written~~

~~statement that the person upon whom the abortion is to be performed has been advised (a) of possible alternatives to abortion, including childbirth and adoption, and that there are agencies and services available to assist her to carry her pregnancy to a natural term, (b) of the abortion procedures to be used, (c) of the particular risks associated with the abortion procedures to be employed in her case, and (d) that there are agencies and services available for prevention of future unintended pregnancies. The person providing the information specified in subdivision (8) of this section to the person upon whom the abortion is to be performed shall be deemed qualified to so advise and provide such information only if, at a minimum, he or she has had training in each of the following subjects: Sexual and reproductive health, abortion technology, contraceptive technology, short-term counseling skills, community resources and referral, and informed consent. Such statement shall bear the signature of the person upon whom the abortion is to be performed and be signed by the attending physician; and~~

~~(9) The word signature includes the mark of a person unable to write her name. A mark shall have the same effect as a signature when the name is written by some other person and the mark is made near thereto by the person unable to write her name.~~

Sec. 2. That section 28-327, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-327. No abortion shall be performed except with the voluntary and informed consent of the woman upon whom the abortion is to be performed. Except in the case of an emergency situation, consent to an abortion is voluntary and informed only if:

(1) The woman is told the following by the physician who is to perform the abortion or by the referring physician, at least twenty-four hours before the abortion:

(a) The name of the physician who will perform the abortion;

(b) The particular medical risks associated with the particular abortion procedure to be employed including, when medically accurate, the risks of infection, hemorrhage, and danger to subsequent pregnancies and infertility;

(c) The probable gestational age of the unborn child at the time the abortion is to be performed; and

(d) The medical risks associated with carrying her child to term.

The physician may provide this information by telephone without conducting a physical examination or tests of the patient, in which case the information required to be supplied may be based on facts supplied the physician by the patient and whatever other relevant information is reasonably

available to the physician;

(2) The woman is informed, by the physician who is to perform the abortion, by the referring physician, or by an agent of either, at least twenty-four hours before the abortion:

(a) That medical assistance benefits may be available for prenatal care, childbirth, and neonatal care;

(b) That the father is liable to assist in the support of her child, even in instances in which the father has offered to pay for the abortion; and

(c) That she has the right to review the printed materials described in section 3 of this act. The physician or his or her agent shall orally inform the woman that the materials have been provided by the Department of Health and that they describe the unborn child and list agencies which offer alternatives to abortion. If the woman chooses to review the materials, they shall either be given to her at least twenty-four hours before the abortion or mailed to her at least seventy-two hours before the abortion by certified mail, restricted delivery to addressee, which means the postal employee can only deliver the mail to the addressee;

(3) The woman certifies in writing, prior to the abortion, that the information described in subdivisions (1) and (2) of this section has been furnished her and that she has been informed of her right to review the information referred to in subdivision (2)(c) of this section; and

(4) Prior to the performance of the abortion, the physician who is to perform the abortion or his or her agent receives a copy of the written certification prescribed by subdivision (3) of this section. ~~on any woman in the absence of an informed consent, except that an abortion may be performed if, in the sound medical judgment of the physician, an emergency endangers the life or health of the woman and the woman is unable to give informed consent.~~

Sec. 3. (1) The Department of Health shall cause to be published, within sixty days after the effective date of this act, the following easily comprehensible printed materials:

(a) Geographically indexed materials designed to inform the woman of public and private agencies and services available to assist a woman through pregnancy, upon childbirth, and while the child is dependent, including adoption agencies, which materials shall include a comprehensive list of the agencies available, a description of the services they offer, and a description of the manner, including telephone numbers and addresses in which such agencies may be contacted or, at the option of the department, printed materials including a toll-free, twenty-four-hour-a-day telephone number which may be called to

orally obtain such a list and description of agencies in the locality of the caller, and of the services they offer; and

(b) Materials designed to inform the woman of the probable anatomical and physiological characteristics of the unborn child at two-week gestational increments from the time when a woman can be known to be pregnant to full term, including pictures or drawings representing the development of unborn children at the two-week gestational increments, and any relevant information on the possibility of the unborn child's survival. Any such pictures or drawings shall contain the dimensions of the unborn child and shall be realistic and appropriate for the stage of pregnancy depicted. The materials shall be objective, nonjudgmental, and designed to convey only accurate scientific information about the unborn child at the various gestational ages. The material shall also contain objective information describing the methods of abortion procedures commonly employed, the medical risks commonly associated with each such procedure, the possible detrimental psychological effects of abortion, the medical risks commonly associated with abortion, and the medical risks commonly associated with carrying a child to term.

(2) The materials shall be printed in a typeface large enough to be clearly legible.

(3) The materials required under this section shall be available from the department upon the request by any person, facility, or hospital for an amount equal to the cost incurred by the department to publish the materials.

Sec. 4. When an emergency situation compels the performance of an abortion, the physician shall inform the woman, prior to the abortion if possible, of the medical indications supporting his or her or judgment that an abortion is necessary to avert her death or to avert substantial and irreversible impairment of major bodily function.

Sec. 5. That section 28-328, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-328. The intentional and knowing violation of section 28-327 is a Class II misdemeanor. No penalty may be imposed upon the woman upon whom the abortion is performed or attempted to be performed. No criminal penalty or civil liability for failure to comply with subdivision (2)(c) of section 28-327 or that portion of subsection (3) of such section requiring a written certification that the woman has been informed of her right to review the information referred to in subdivision (2)(c) of section 28-327 may be imposed unless the Department of Health has published and made available the printed materials at the time the physician or his or her agent is required to inform the woman of her right to review them.

Sec. 6. Any person upon whom an abortion has been performed or attempted in violation of section 28-327 or the parent or guardian of a minor upon whom an abortion has been performed or attempted in violation of such section shall have a right to maintain a civil cause of action against the person who performed the abortion or attempted to perform the abortion. A violation of such section shall be prima facie evidence of professional negligence. If judgment is rendered in favor of the plaintiff in any such action, the court shall also render judgment for a reasonable attorney's fee in favor of the plaintiff against the defendant.

Sec. 7. In every civil action or criminal proceeding brought pursuant to section 6 of this act or section 28-328, the court shall rule whether the anonymity of any woman upon whom an abortion is performed or attempted shall be preserved from public disclosure if she does not give her consent to such disclosure. The court, upon motion by a party or on its own motion, shall make such a ruling and, upon determining that her anonymity should be preserved, shall issue orders to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms, to the extent necessary to safeguard her identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the woman should be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable less restrictive alternative exists. In the absence of written consent of the woman upon whom an abortion has been performed or attempted, anyone, other than a public official, who brings an action under section 28-328 shall do so under a pseudonym. This section may not be construed to conceal the identity of the plaintiff or of witnesses from the defendant.

Sec. 8. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 9. That original sections 28-326, 28-327, and 28-328, Reissue Revised Statutes of Nebraska, 1943, are repealed.'.".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 74.

LR	Committee
74	Government, Military and Veterans Affairs

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

SELECT FILE

LEGISLATIVE BILL 365. The Chambers pending amendment, FA58, found in this day's Journal, was renewed.

Mr. Chambers offered the following amendment to his pending amendment:
FA59
Amend the Chambers amendment, FA58, by striking "five" and inserting "seven"

The Chambers amendment lost with 7 ayes, 11 nays, 19 present and not voting, and 12 excused and not voting.

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

The Chambers amendment, FA58, lost with 7 ayes, 12 nays, 18 present and not voting, and 12 excused and not voting.

Mr. Chambers offered the following amendment:
FA60
Page 2, lines 19 & 28,
Strike "eighty" and insert "sixty"

Mr. Jones and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Hall and Will offered the following amendment to the Chambers pending amendment:
FA61
Amend the Chambers amendment (FA60)
Strike "sixty" and insert "seventy-three"

The Hall-Will amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

The Chambers amendment, as amended, was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Advanced to E & R for engrossment.

ANNOUNCEMENT

Mr. Warner announced the Committee on Revenue will be meeting in Executive Session upon adjournment today in Room 1520.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 23, 191, 201, 268, 590, and 830.

Enrollment and Review Change to LB 268

The following changes, required to be reported for publication in the Journal, have been made:
ER7237

1. On page 1, line 13, "powers and" has been inserted before "duties".

2. On page 6, line 14, "act" has been struck and "Nebraska Manufacturing Milk Act" inserted.

3. On page 40, line 5, "diary" has been struck and "dairy" inserted.

Enrollment and Review Change to LB 590

The following changes, required to be reported for publication in the Journal, have been made:
ER7235

1. In the Pedersen amendment, AM0855, on page 1, line 23, "of the Department of Roads" has been struck.

2. In the E & R amendment, AM5420, on page 1, line 2, "Motor Vehicles" has been struck and "Roads" inserted.

3. On page 1, line 3, "to change the department with which certain reports are filed;" has been inserted after the semicolon.

4. On page 3, line 9, the third comma has been struck and shown as stricken.

Enrollment and Review Change to LB 830

The following changes, required to be reported for publication in the Journal, have been made:
ER7236

1. In the Avery et al. amendment, AM1039, adopted as FA50 and FA51:

a. On page 2, line 7, "aquaculture board" has been struck and "Nebraska Aquaculture Board" inserted; and in line 27 "director" has been struck and "secretary" inserted;

b. On page 3, lines 3 and 4, "to be" has been struck;

c. On page 4, lines 1 and 26, "act" has been struck and "legislation" inserted; in line 5 the comma has been struck; in line 18

the third comma has been struck; in line 20 the commas have been struck; and in line 25 an underscored comma has been inserted after "understanding";

d. On page 5, lines 8 and 9, "Department of Agriculture" has been struck and "department" inserted; and in line 9 "in the" has been inserted after "commission";

e. On page 8, line 11, "Game and Parks Commission" has been struck, shown as stricken, and "commission" inserted; and in line 26 "of" has been inserted after "Nebraska";

f. On page 9, line 2, both occurrences of "to" have been struck; in line 20 "Procedures" has been struck and "Procedure" inserted; and

g. On page 11, line 12, "shall originate" has been struck and "originates" inserted; in line 13 "terminate" has been struck and "terminates" inserted; in line 15 "shall" has been struck.

2. On page 1, the matter beginning with "the" in line 1 through line 5 has been struck and "fish and game; to amend section 37-719, Reissue Revised Statutes of Nebraska, 1943, and sections 37-101, 37-102, and 37-702, Revised Statutes Supplement, 1992; to state intent; to define terms; to create the Nebraska Aquaculture Board; to provide powers and duties for the board; to change provisions relating to acting as a commercial fish culturist; to change penalty provisions relating to releasing certain animals to the wild; to prohibit the importation, exploitation, and exportation of certain animals; to provide exceptions; to provide a penalty; to provide powers and duties for the Game and Parks Commission; to harmonize provisions; to provide operative dates; and to repeal the original sections." inserted.

(Signed) Kurt Hohenstein, Chairperson

VISITORS

Visitors to the Chamber were 28 fourth grade students and teacher from Central Elementary, Plattsmouth; 70 fourth grade students and sponsors from Walt Disney Elementary, Omaha; Harold Smith from Auburn; and 35 fourth grade students and teachers from Bloomfield Community School.

The Doctor of the Day was Jeff Gotschall from Columbus.

ADJOURNMENT

At 1:14 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Monday, April 5, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-FOURTH DAY - APRIL 5, 1993

LEGISLATIVE JOURNAL

FIFTY-FOURTH DAY - APRIL 5, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 5, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Thomas Johnson, Our Savior Lutheran Church, Odell, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Avery, Bernard-Stevens, Coordsen, Haberman, Hohenstein, Kristensen, Landis, Lindsay, Moore, Robinson, Warner, Mmes. Bohlke, Hillman, Rasmussen, Robak, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-third day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 387, 435, 472, 517, and 720.

(Signed) Kurt A. Hohenstein, Chairperson

UNANIMOUS CONSENT - Member Excused

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

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 677 in the Journal. No objections. So ordered.

AM1228

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 8. This act shall become operative on July 1, 1993.".

2. On page 1, line 12, after the second semicolon insert "to provide an operative date;".

3. On page 3, line 8, strike "effective" and insert "operative".

4. On page 7, line 11, strike "effective" and insert "operative".

5. Renumber the remaining section accordingly.

Mr. Abboud asked unanimous consent to print the following amendment to LB 757 in the Journal. No objections. So ordered.

AM1247

(Amendments to Standing Committee amendments, AM1004)

1. Insert the following new amendment:

"2. On page 10, strike beginning with 'may' in line 21 through the period in line 23 and insert 'shall not be subject to the managed health care provisions of this section and the employer shall be liable for all reasonable medical, surgical, and hospital services subsequently found compensable, regardless of who provides such services. If compensability is accepted after an initial denial of compensability, no employee shall be made to enter managed health care if medical services are already being provided by other sources.'.".

2. Renumber the remaining amendments accordingly.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on Governor appointments.

Anderson, James W. - State Board of Public Roads Classifications and Standards -- Transportation

Ellsworth, John D. - Environmental Trust -- Natural Resources

Galyen, James W. - Nebraska Agricultural Land Valuation Advisory Board -- Revenue

Grabouski, Paul - Nebraska Agricultural Land Valuation Advisory Board -- Revenue

Hansen, Bradley J. - Environmental Trust -- Natural Resources

Johnson, Bruce B. - Nebraska Agricultural Land Valuation Advisory Board -- Revenue

Jura, Charles L. - Environmental Trust -- Natural Resources

Kramper, Vincent J. - Environmental Trust -- Natural Resources

Mercer, Richard W. - Environmental Trust -- Natural Resources

Roper, Lynn A. - Environmental Trust -- Natural Resources

Schmedding, Ivan - Nebraska Agricultural Land Valuation Advisory Board -- Revenue

Seacrest, Susan S. - Environmental Trust -- Natural Resources

Wilken, David A. - Environmental Trust -- Natural Resources

Yanney, Gail - Environmental Trust -- Natural Resources

Yonkey, Arthur B. - State Board of Public Roads Classifications and Standards -- Transportation

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

REPORT

Received yearly report from the Nebraska State Patrol on the Drug Cash Fund as required by statute.

MOTION - Approve Appointment

Ms. Schimek moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following Governor appointment found in the Journal on page 993: Allan J. Eurek - Nebraska State Personnel Board. (Lora J. Villarreal, Nebraska State Personnel Board, was withdrawn as per Governor's letter on page 1101.)

Voting in the affirmative, 25:

Baack	Byars	Chambers	Crosby	Cudaback

Dierks	Hartnett	McKenzie	Schimek	Wesely
Elmer	Janssen	Pedersen	Schmitt	Wickersham
Fisher	Jones	Pirsch	Vrtiska	Will
Hall	Lynch	Preister	Wehrbein	Witek

Voting in the negative, 0.

Present and not voting, 5:

Beutler	Horgan	Hudkins	Schellpeper	Withem

Excused and not voting, 19:

Abboud	Bohlke	Haberman	Landis	Robak
Ashford	Bromm	Hillman	Lindsay	Robinson
Avery	Coordsen	Hohenstein	Moore	Warner
Bernard-Stevens	Day	Kristensen	Rasmussen	

The appointment was confirmed with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 70.

MOTION - Return LB 44A to Select File

Ms. Schimek and Mr. Landis moved to return LB 44A to Select File for their specific amendment, AM1226, found in the Journal on page 1316.

The Schimek-Landis motion to return prevailed with 27 ayes, 0 nays, 5 present and not voting, and 17 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 44A. The Schimek-Landis specific amendment, AM1226, found in the Journal on page 1316, was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to E & R for engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 593.

A BILL FOR AN ACT relating to county courts; to amend sections 24-514 and 24-515, Revised Statutes Supplement, 1992; to change provisions relating to payment of costs and expenses of the county courts; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Ashford	Coordsen	Hohenstein	Pedersen	Vrtiska
Avery	Crosby	Horgan	Pirsch	Wehrbein
Baack	Cudaback	Hudkins	Preister	Wesely
Bernard-Stevens	Dierks	Janssen	Robak	Wickersham
Beutler	Elmer	Jones	Schellpeper	Will
Byars	Hall	Lynch	Schimek	Witek
Chambers	Hartnett	McKenzie	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 1:

Fisher

Excused and not voting, 13:

Abboud	Day	Kristensen	Moore	Robinson
Bohlke	Haberman	Landis	Rasmussen	Warner
Bromm	Hillman	Lindsay		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 58.

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-1201 and 18-1202, Revised Statutes Supplement, 1992; to increase the rate of tax authorized for certain public safety purposes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Avery	Cudaback	Hohenstein	Pedersen	Vrtiska
Baack	Dierks	Horgan	Preister	Wehrbein
Bernard-Stevens	Elmer	Hudkins	Robak	Wesely
Byars	Fisher	Janssen	Robinson	Wickersham
Coordsen	Haberman	Jones	Schellpeper	Will
Crosby	Hall	Lynch	Schimek	Witek
	Hartnett	McKenzie	Schmitt	Withem

Voting in the negative, 3:

Ashford	Chambers	Pirsch

Present and not voting, 1:

Beutler

Excused and not voting, 11:

Abboud	Day	Kristensen	Lindsay	Rasmussen
Bohlke	Hillman	Landis	Moore	Warner
Bromm				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 128.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-2708, Revised Statutes Supplement, 1992, as amended by section 28, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992; to change provisions relating to tax returns as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Ashford	Crosby	Hillman	Pedersen	Schmitt
Avery	Cudaback	Hohenstein	Pirsch	Vrtiska
Baack	Dierks	Horgan	Preister	Wehrbein
Bernard-Stevens	Elmer	Hudkins	Rasmussen	Wesely
Beutler	Fisher	Janssen	Robak	Wickersham
Byars	Haberman	Jones	Robinson	Will
Chambers	Hall	Lynch	Schellpeper	Witek
Coordsen	Hartnett	McKenzie	Schimek	Withem

Voting in the negative, 0.

Excused and not voting, 9:

Abboud	Bromm	Kristensen	Lindsay	Warner
Bohlke	Day	Landis	Moore	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 626.

A BILL FOR AN ACT relating to flood plain management; to amend sections 31-1001, 31-1002, 31-1015, 31-1017, 31-1018, 31-1020, and 31-1023, Reissue Revised Statutes of Nebraska, 1943; to eliminate duties of the Department of Water Resources; to harmonize provisions; and to repeal the original sections, and also sections 31-1004 and 31-1024 to 31-1031, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Ashford	Crosby	Hillman	Pedersen	Schmitt
Avery	Cudaback	Hohenstein	Pirsch	Vrtiska
Baack	Day	Horgan	Preister	Wehrbein
Bernard-Stevens	Dierks	Hudkins	Rasmussen	Wesely
	Elmer	Janssen	Robak	Wickersham
Beutler	Fisher	Jones	Robinson	Will
Byars	Haberman	Lynch	Schellpeper	Witek
Chambers	Hall	McKenzie	Schimek	Withem
Coordsen	Hartnett			

Voting in the negative, 0.

Excused and not voting, 8:

Abboud	Bromm	Landis	Moore	Warner
Bohlke	Kristensen	Lindsay		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 42.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 75-140, 75-141, and 75-144, Reissue Revised Statutes

of Nebraska, 1943; to adopt the Intrastate Pay-Per-Call Regulation Act; to define a term; to change provisions relating to enforcement and violations of the orders of the commission; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Ashford	Crosby	Hillman	Pedersen	Schmitt
Avery	Cudaback	Hohenstein	Pirsch	Vrtiska
Baack	Day	Horgan	Preister	Wehrbein
Bernard-Stevens	Dierks	Hudkins	Rasmussen	Wesely
	Elmer	Janssen	Robak	Wickersham
Beutler	Fisher	Jones	Robinson	Will
Byars	Haberman	Lynch	Schellpeper	Witek
Chambers	Hall	McKenzie	Schimek	Withem
Coordsen	Hartnett			

Voting in the negative, 0.

Excused and not voting, 8:

Abboud	Bromm	Landis	Moore	Warner
Bohlke	Kristensen	Lindsay		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

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

LEGISLATIVE BILL 340. With Emergency.

A BILL FOR AN ACT relating to titles to mobile homes; to amend section 39-602, Revised Statutes Supplement, 1992, and section 60-106, Revised Statutes Supplement, 1992, as amended by section 6, Legislative Bill 112, Ninety-third Legislature, First Session, 1993; to redefine a term; to provide for the titling of mobile homes and the perfection of security interests in such mobile homes as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Ashford	Coordsen	Hartnett	Moore	Schimek
Avery	Crosby	Hillman	Pedersen	Schmitt
Baack	Cudaback	Hohenstein	Pirsch	Wehrbein
Bernard-Stevens	Day	Hudkins	Preister	Wesely
Beutler	Dierks	Janssen	Rasmussen	Wickersham
Bohlke	Elmer	Jones	Robak	Will
Byars	Fisher	Lynch	Robinson	Witek
Chambers	Haberman	McKenzie	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 2:

Hall Horgan

Excused and not voting, 7:

Abboud	Kristensen	Lindsay	Vrtiska	Warner
Bromm	Landis			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 477.

A BILL FOR AN ACT relating to railroads; to amend section 74-1318, Reissue Revised Statutes of Nebraska, 1943; to change provisions for payments to political subdivisions for grade crossing elimination; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Ashford	Coordsen	Hartnett	Moore	Schimek
Avery	Crosby	Hillman	Pedersen	Schmitt
Baack	Cudaback	Hohenstein	Pirsch	Wehrbein
Bernard-Stevens	Day	Hudkins	Preister	Wesely
Beutler	Dierks	Janssen	Rasmussen	Wickersham
Bohlke	Elmer	Jones	Robak	Will
Byars	Fisher	Lynch	Robinson	Witek
Chambers	Haberman	McKenzie	Schellpeper	Withem
	Hall			

Voting in the negative, 0.

Present and not voting, 1:

Horgan

Excused and not voting, 7:

Abboud	Kristensen	Lindsay	Vrtiska	Warner
Bromm	Landis			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 465.

A BILL FOR AN ACT relating to the Nebraska Educational Facilities Authority Act; to amend sections 79-2901 to 79-2904, 79-2907, 79-2908, 79-2910, 79-2912, 79-2914, 79-2915, 79-2918, 79-2923, 79-2924, 79-2929, 79-2932 to 79-2935, 79-2938, 79-2940 to 79-2944, 79-2946 to 79-2948, 79-2950 to 79-2954, and 79-2959, Reissue Revised Statutes of Nebraska, 1943; to change the name of the authority and the act; to provide for the Nebraska Student Loan Assistance Program; to authorize the issuance of bonds; to provide duties for the authority; to state intent; to eliminate a definition and a duty for the Revisor of Statutes; and to repeal the original sections, and also sections 79-2909.01 and 79-2960, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Ashford	Chambers	Hall	Lindsay	Schellpeper
Avery	Coordsen	Hartnett	McKenzie	Schimek
Baack	Crosby	Hillman	Moore	Schmitt
Bernard-Stevens	Cudaback	Hohenstein	Pedersen	Wehrbein
	Day	Horgan	Pirsch	Wesely
Beutler	Dierks	Hudkins	Preister	Wickersham
Bohlke	Elmer	Janssen	Rasmussen	Will
Bromm	Fisher	Jones	Robak	Witek
Byars	Haberman	Landis	Robinson	Withem

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 4:

Abboud Kristensen Vrtiska Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 767.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2703, Revised Statutes Supplement, 1992, as amended by section 26, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, and section 45, Legislative Bill 112, Ninety-third Legislature, First Session, 1993; to change a provision related to collection of tax for leased vehicles; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Avery	Crosby	Hillman	McKenzie	Schimek
Baack	Cudaback	Hohenstein	Moore	Schmitt
Bernard-Stevens	Day	Horgan	Pedersen	Vrtiska
Beutler	Dierks	Hudkins	Pirsch	Wehrbein
Bohlke	Elmer	Janssen	Preister	Wesely
Bromm	Fisher	Jones	Rasmussen	Wickersham
Byars	Haberman	Landis	Robak	Will
Chambers	Hall	Lindsay	Robinson	Witek
Coordsen	Hartnett	Lynch	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 3:

Abboud Kristensen Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 455.

A BILL FOR AN ACT relating to corrections; to amend section 83-4,122, Revised Statutes Supplement, 1992; to provide a standard of proof for inmate disciplinary hearings; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Ashford	Coordsen	Hillman	McKenzie	Schimek
Avery	Crosby	Hohenstein	Moore	Schmitt
Baack	Cudaback	Horgan	Pedersen	Vrtiska
Bernard-Stevens	Day	Hudkins	Pirsch	Wehrbein
Beutler	Dierks	Janssen	Preister	Wesely
Bohlke	Elmer	Jones	Rasmussen	Wickersham
Bromm	Fisher	Landis	Robak	Will
Byars	Haberman	Lindsay	Robinson	Witek
Chambers	Hall	Lynch	Schellpeper	Withem
	Hartnett			

Voting in the negative, 0.

Excused and not voting, 3:

Abboud	Kristensen	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 106.

A BILL FOR AN ACT relating to motor vehicle industry licensing; to amend sections 60-1413 and 60-1415, Reissue Revised Statutes of Nebraska, 1943, and section 60-1411.02, Revised Statutes Supplement, 1992; to provide for administrative fines and probation; to change provisions relating to hearings; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Ashford	Coordsen	Hartnett	McKenzie	Schimek
Avery	Crosby	Hillman	Moore	Schmitt
Baack	Cudaback	Hohenstein	Pedersen	Vrtiska
Bernard-Stevens	Day	Hudkins	Pirsch	Wehrbein
Beutler	Dierks	Janssen	Preister	Wesely
Bohlke	Elmer	Jones	Rasmussen	Wickersham
Bromm	Fisher	Landis	Robak	Will
Byars	Haberman	Lindsay	Robinson	Witek
Chambers	Hall	Lynch	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 1:

Horgan

Excused and not voting, 3:

Abboud Kristensen Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 604.

A BILL FOR AN ACT relating to employment security; to amend section 48-657, Reissue Revised Statutes of Nebraska, 1943; to provide for final payment on public works contracts conditioned upon satisfactory bond; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Ashford	Cudaback	Hohenstein	Pedersen	Schmitt
Baack	Day	Hudkins	Pirsch	Vrtiska
Beutler	Dierks	Janssen	Preister	Wehrbein
Bohlke	Elmer	Jones	Rasmussen	Wesely
Bromm	Fisher	Landis	Robak	Wickersham
Byars	Haberman	Lindsay	Robinson	Will
Chambers	Hall	Lynch	Schellpeper	Witek
Coordsen	Hartnett	McKenzie	Schimek	Withem
Crosby	Hillman	Moore		

Voting in the negative, 0.

Present and not voting, 3:

Avery	Bernard-Stevens	Horgan

Excused and not voting, 3:

Abboud	Kristensen	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 593, 58, 128, 626, 42, 340, 477, 465, 767, 455, 106, and 604.

GENERAL FILE

LEGISLATIVE BILL 389. Title read. Considered.

Standing Committee amendment, AM0714, found in the Journal on page 1209, was considered.

Mmes. Robak and McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

MR. HALL PRESIDING

Mr. Beutler moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Beutler requested a roll call vote on the Standing Committee amendment.

Voting in the affirmative, 12:

Avery	Hartnett	Landis	Moore	Schmitt
Beutler	Horgan	Lynch	Schimek	Witek
Bromm	Janssen			

Voting in the negative, 25:

Ashford	Chambers	Haberman	Lindsay	Schellpeper
Baack	Coordsen	Hall	Pedersen	Vrtiska
Bernard-Stevens	Day	Hohenstein	Pirsch	Wehrbein
Byars	Dierks	Hudkins	Rasmussen	Wesely
	Elmer	Jones	Robinson	Wickersham

Will

Present and not voting, 7:

Bohlke	Cudaback	Hillman	Preister	Withem
Crosby	Fisher			

Excused and not voting, 5:

Abboud	Kristensen	McKenzie	Robak	Warner

The Standing Committee amendment lost with 12 ayes, 25 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

SPEAKER BAACK PRESIDING

Mr. Beutler requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Ashford	Chambers	Hohenstein	Pedersen	Wehrbein
Avery	Crosby	Horgan	Preister	Wesely
Baack	Day	Landis	Rasmussen	Wickersham
Bernard-Stevens	Elmer	Lindsay	Schellpeper	Will
	Hall	Lynch	Schimek	Witek
Beutler	Hartnett			

Voting in the negative, 14:

Bohlke	Cudaback	Janssen	McKenzie	Schmitt
Byars	Fisher	Jones	Moore	Vrtiska
Coordsen	Hudkins	Kristensen	Robinson	

Present and not voting, 6:

Bromm	Haberman	Hillman	Pirsch	Withem
Dierks				

Excused and not voting, 3:

Abboud	Robak	Warner

Advanced to E & R for review with 26 ayes, 14 nays, 6 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Messrs. Warner and Landis asked unanimous consent to print the following amendment to LB 220 in the Journal. No objections. So ordered.

AM1241

(Amendments to Standing Committee amendments, AM0756)

1. On page 2, line 4, strike "or to" and insert ", expenditures for"; in line 5 after "fund" insert ", transfers from one fund or account to another fund or account which is part of the accounts of the same political subdivision, or expenditures incurred in carrying out a proprietary function"; and in line 10 after "Act" insert "other than expenditures budgeted for carrying out a proprietary function".

2. On page 3, line 1, strike "and" and show as stricken; and in line 12 after "year" insert "; and

(11) Proprietary function shall mean a water supply and distribution utility, a wastewater collection and treatment utility, an electric generation, transmission, and distribution utility, a gas supply, transmission, and distribution utility, an integrated solid waste management collection, disposal, and handling utility, and a hospital or a nursing home owned by a municipality".

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 5, 1993, at 10:45 a.m., were the following bills: 593, 58, 128, 626, 42, 340, 477, 465, 767, 455, 106, and 604.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 831. Placed on General File.

(Signed) Scott Moore, Chairperson

GENERAL FILE

LEGISLATIVE BILL 292. Title read. Considered.

Standing Committee amendment, AM0879, found in the Journal on page 1079, was considered.

Mr. Moore offered the following amendment to the Standing Committee amendment:
AM1101

(Amendments to Standing Committee amendments, AM0879)

1. Insert the following new section:

"Sec. 7. Any expenditure made by a school district pursuant to sections 79-1522.01, 79-1545, and 79-1549 as changed by this legislative bill and section 4 of this act shall be considered a general fund expenditure of the district and shall not be exempt from the growth limitations placed on district spending by the Tax Equity and Educational Opportunities Support Act.".

2. On page 1, lines 5 and 6, strike "section 4" and insert "sections 4 and 7".

3. Renumber the remaining sections accordingly.

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Withem requested a roll call vote on the Moore amendment.

Voting in the affirmative, 23:

Ashford	Byars	Hartnett	Jones	Robinson
Avery	Coordsen	Hillman	Landis	Schellpeper
Baack	Dierks	Hohenstein	Moore	Schmitt
Beutler	Fisher	Hudkins	Pirsch	Witek
Bromm	Hall	Janssen		

Voting in the negative, 17:

Bernard-Stevens	Cudaback	Kristensen	Schimek	Wickersham
	Day	Lynch	Vrtiska	Will
Bohlke	Haberman	McKenzie	Wehrbein	Withem
Crosby	Horgan	Rasmussen		

Present and not voting, 6:

Chambers	Lindsay	Pedersen	Preister	Wesely
Elmer				

Excused and not voting, 3:

Abboud	Robak	Warner

The Moore amendment was adopted with 23 ayes, 17 nays, 6 present and not voting, and 3 excused and not voting.

Mr. Hall offered the following amendment to the Standing Committee amendment:
FA62

Amend the Committee Amendments of LB 292, on page 5, lines 20 thru 27, strike the new language.

Messrs. Landis and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall withdrew his amendment.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 523. Placed on Select File as amended.
E & R amendment to LB 523:
AM5443

1. For purposes of correlation with section 2, LB 118, strike section 3 and all amendments thereto and insert the following new section:

"Sec. 3. That section 48-149, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 118, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

48-149. No proceeds or interest thereon from payments or lump-sum settlements under the Nebraska Workers' Compensation Act or law of another state which provides compensation and benefits for employees sustaining job-related injuries shall be assignable, subject to attachment or garnishment, or held liable in any way for any debts, except (1) as provided in section 48-108 and (2) payments under the act or law of another state which provides compensation and benefits for employees sustaining job-related injuries shall be subject to income withholding under the Income Withholding for Child Support Act and garnishment by a county attorney or authorized attorney pursuant to section 43-512.03 or garnishment for child support as defined in section 43-1705 by an obligee as defined in section 43-1713.".

2. On page 1, strike beginning with "section" in line 1 through "and" in line 2; and in line 4 after "1992" insert ", and section 48-149, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 118, Ninety-third Legislature, First Session, 1993".

3. On page 11, strike beginning with "section" in line 7 through "and" in line 8 and in line 9 after the last comma insert "and section 48-149, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 118,

7 Ninety-third Legislature, First Session, 1993,".

LEGISLATIVE BILL 523A. Placed on Select File as amended.
E & R amendment to LB 523A:
AM5444
1 1. On page 1, line 3, after "1993" insert "; and to
2 reduce appropriations".

(Signed) Kurt A. Hohenstein, Chairperson

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 624. Placed on General File.

(Signed) Chris Beutler, Chairperson

VISITORS

Visitors to the Chamber were 32 eighth grade students and teachers from Tecumseh High School; 40 fourth grade students and teachers from St. Mary's Elementary, David City; and students and sponsors from across the state for the Ninth Annual Sophomore Pilgrimage.

RECESS

At 12:00 noon, on a motion by Mr. Bernard-Stevens, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Haberman, Hall, Lindsay, Moore, Pedersen, Robinson, Warner, and Wesely who were excused until they arrive.

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 416. Placed on General File.

LEGISLATIVE BILL 694. Placed on General File as amended.
Standing Committee amendment to LB 694:
AM1242
1 1. Strike original sections 105 to 113 and insert
2 the following new sections:

"Sec. 64. That section 9-307, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

9-307. Distributor shall mean any person ~~licensed pursuant to section 9-330,~~ who purchases or otherwise obtains pickle card units from manufacturers and sells, ~~or~~ distributes, or otherwise provides pickle card units in this state to licensed organizations.

Sec. 107. This act shall become operative on October 1, 1993.".

2. On page 4, lines 13 through 18, strike the new matter and reinstate the stricken matter.

3. On page 6, line 13, strike "requirements" and insert "fingerprinting and a check of his or her criminal history record information maintained by the Identification Division of the Federal Bureau of Investigations through the Nebraska State Patrol".

4. On page 9, line 11, after "leased", insert "only at the time and place of the bingo occasion".

5. On page 1, after line 13, insert the following new paragraph:

"The department may, by rule and regulation, approve variations to the card formats described in subdivision (1) and (2) of this section if such variations result in a bingo game which is conducted in a manner that is consistent with section 9-204."; in lines 19 and 27, strike "such as" and insert "including, but not limited to,".

6. On page 11, line 7, after "purchases" insert "or otherwise obtains"; and in line 13 strike "an" and insert "a licensed".

7. On page 17, line 27; and page 20, line 8, strike "therein", show as stricken, and insert "in the applicant, licensee, or permittee".

8. On page 34, line 13; page 70, line 23; page 72, line 27; page 78, line 16; and page 82, line 2, strike "sixty" and insert "forty-five".

9. On page 38, line 20, after the underscored period insert "The proceeds from the sale of such food and beverage items shall not be commingled with the organization's bingo receipts or placed in the bingo checking account. No expense associated with the purchase, preparation, serving, or selling of such food and beverage items shall be paid using bingo receipts.".

10. On page 39, after line 5, insert the following new subsections:

"(3) No person who is conducting or assisting in the conduct of a bingo occasion shall be permitted to participate as a player at that bingo occasion.

(4) No licensed commercial lessor, distributor, or manufacturer, person having a substantial interest in a

licensed commercial lessor, distributor, or manufacturer, or employee or agent of a licensed commercial lessor, distributor, or manufacturer shall operate, manage, conduct, advise, or assist in the operating, managing, conducting, promoting, or administering of any bingo game or occasion. For purposes of this subsection, the term assist shall include, but not be limited to, the payment of any expense of a licensed organization, whether such payment is by loan or otherwise.".

11. On page 40, after line 17, insert the following new paragraph:

"For any means of selection permitted by subdivisions (1) and (2) of this section, the balls to be drawn shall be essentially the same in size, shape, weight, balance, and all other characteristics so that at all times during the conduct of bingo each ball possesses the capacity for equal agitation with any other ball within the receptacle. All balls within the total set shall be subject to random selection at the beginning of each bingo game.".

12. On page 41, line 23, strike "and".

13. On page 42, line 2, after "kind" insert "; and

(e) The total fair market value of all promotional prizes awarded at a bingo occasion shall be excluded from determination of the fifty percent prize payout requirement in subsection (3) of this section."; and after line 17 insert the following new subsection:

"(3) A licensed organization may commingle funds received from the conduct of bingo with any general operating funds of the licensed organization by a check or electronic funds transfer, but the burden of proof shall be on the licensed organization to demonstrate that such commingled funds are not used to make any payments associated with the conduct of bingo and are used for a lawful purpose.".

14. On page 43, line 22, after "Act" insert "with respect to the twelve-percent expense limitation and the fair-market-value limitation on fixed expenses"; and in line 28 before the underscored comma insert "but excluding concession workers" and after "paid" insert "only".

15. On page 44, line 1, after "account" insert "and shall not receive any other compensation or payment for working at a bingo occasion from any other source"; and in line 11 after "account" insert "or by electronic funds transfer as provided only by section 9-347".

16. On page 46, line 1, after the underscored period insert "A commercial lessor who desires to lease more than one premises shall file a separate application and pay a separate fee for each such premises.".

17. On page 47, line 25, after "distributor" insert "or person having a substantial interest therein".

18. On page 51, line 27, strike "supplies and" and show as stricken.

19. On page 61, line 20; page 63, line 27; page 97, line 11; and page 99, line 13, strike "therein", show as stricken, and insert "in the applicant or licensee".

20. On page 82, strike beginning with "No" in line 22 through the underscored period in line 24.

21. On page 83, line 26, after "distributor" insert "or to a federally recognized Indian tribe".

22. On page 84, line 3, after "Act" insert "or to a federally recognized Indian tribe".

23. On page 87, line 12, strike "shall", show as stricken, and insert "may"; and in line 14 strike "or" and insert "and".

24. On page 90, line 26, strike "section 51 of this act" and insert "the Nebraska Bingo Act with respect to the twelve-percent expense limitation and the fair-market-value limitation on fixed expenses"; and in line 28 after "organization" insert "which needs to allocate a portion of the expenses associated with the conduct of its bingo occasions to its lottery by the sale of pickle cards conducted at such bingo occasions to pay bingo expenses as provided by this section".

25. On page 91, line 3, after "account" insert "or by electronic funds transfer".

26. On page 92, strike line 28 and show as stricken.

27. On page 93, line 1, strike beginning with "general" through "organization", show as stricken, and insert "by a check or electronic funds transfer".

28. On page 95, line 7, strike "required"; and strike line 8 and insert "purchase that includes participation".

29. On page 121, line 22, after "manufactured" insert "or imprinted"; in line 23 strike "and"; and in line 25 after "them" insert "; and

(iii) The tickets utilized shall not be substantially similar to any type of pickle card approved by the department pursuant to section 9-332.01".

30. On page 124, line 4, after the last comma insert "9-307,"; strike beginning with "9-508" in line 8 through "9-701" in line 10 and insert "and 9-508"; and in line 12 strike "9-240,".

31. Renumber the remaining sections and correct internal references accordingly.

(Signed) Stan Schellpeper, Chairperson

SELECT FILE

LEGISLATIVE BILL 124. E & R amendment, AM5436, found in the Journal on page 1175, was adopted.

Mr. Will withdrew the pending Hall amendment, AM1181, found in the Journal on page 1314.

Mr. Will offered the following amendment:
AM1276

1. Insert the following new sections:

"Sec. 5. It shall be unlawful for any employer in Nebraska to (1) refuse to interview or refuse to hire a prospective employee or (2) discharge or otherwise disadvantage any employee concerning any conditions, terms, compensation, or benefits of employment based on the prospective or current employee's use of any lawful product occurring outside the employer's premises during nonworking hours if the employee complies with applicable laws or policies of the employer regulating the use of such product or the effect of the use of such product in the workplace or while using or occupying any property of the employer.

Sec. 6. The sole remedy for an individual claiming to be aggrieved by a violation of section 5 of this act shall be a civil action for damages. Damages shall include all wages and benefits of which the individual was deprived by reason of the violation.

Sec. 7. Sections 5, 6, and 8 of this act shall not apply to (1) a nonprofit organization with regard to any lawful product when the primary purpose or objective of such organization is to promote, control, limit, or eliminate the use of such lawful product or (2) a religious corporation, association, or society with respect to employees who (a) perform work connected with the carrying on of the religious activities of the corporation, association, or society or (b) are employed in a school connected with the corporation, association, or society.

Sec. 8. Nothing in sections 5 and 6 of this act shall prohibit employers from:

(1) Establishing product-use policies in the workplace or while using or occupying any property of the employer;

(2) Offering or having in effect a health, disability, or life insurance policy which makes a distinction between employees for the type of coverage or the price of coverage based upon the use of lawful products if the differential premium rates charged reflect the differential cost to the employer and if the employer provides the employee with a statement delineating the differential rates;

(3) Establishing permissible blood content levels

for alcohol, prescription drugs, and other medications while the employee is on duty in the workplace or while using or occupying any property of the employer; or

(4) Establishing and enforcing policies regarding employees using lawful products outside the employer's premises during nonworking hours when such policies are communicated to the employee, relate to use of a lawful product, and involve (a) an employer's duties and obligations required by law, (b) compliance with fiduciary responsibilities, or (c) a legitimate conflict-of-interest policy designed to protect the employer's trade secrets, proprietary information, or other proprietary interests.".

2. Renumber the remaining section accordingly.

Mr. Cudaback asked unanimous consent to be excused. No objections. So ordered.

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

Mr. Chambers offered the following amendment to the Will pending amendment:

FA63

Amendment AM1276:

Strike section 5.

The Chambers amendment was adopted with 25 ayes, 2 nays, 15 present and not voting, and 7 excused and not voting.

The Will amendment, as amended, lost with 1 aye, 25 nays, 17 present and not voting, and 6 excused and not voting.

Mrs. Witek offered the following amendment:

AM1274

1. On page 8, line 19, strike "A" and insert "Subject to the limitations of subsection (4) of this section, a".

2. On page 9, line 13, after "(4)" insert "If the unlawful employment practice is harassment because of sex, the sum of the amount of compensatory damages awarded because of such unlawful employment practice for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses shall not exceed, for each complainant:

(a) If the respondent has more than fourteen and fewer than one hundred one employees in each of twenty or more calendar weeks in the current or preceding calendar year, fifty thousand dollars;

(b) If the respondent has more than one hundred and

fewer than two hundred one employees in each of the twenty or more calendar weeks in the current or preceding calendar year, one hundred thousand dollars;

(c) If the respondent has more than two hundred and fewer than five hundred one employees in each of twenty or more calendar weeks in the current or preceding calendar year, two hundred thousand dollars; and

(d) If the respondent has more than five hundred employees in each of twenty or more calendar weeks in the current or preceding calendar year, three hundred thousand dollars.

(5)".

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

Mr. Ashford offered the following amendment to the Witek pending amendment:

FA64

Amendment to the Witek Amendment AM1274

To add the following language:

The limitations shall not apply if the employer engaged in discriminatory practices with malice and reckless indifference.

MRS. CROSBY PRESIDING

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

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

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

Mrs. Witek requested a roll call vote on the Ashford amendment.

Voting in the affirmative, 31:

Abboud	Day	Hohenstein	McKenzie	Schellpeper
Ashford	Dierks	Horgan	Moore	Schimek
Avery	Elmer	Hudkins	Pedersen	Schmitt
Bohlke	Fisher	Janssen	Pirsch	Vrtiska
Bromm	Haberman	Landis	Rasmussen	Will
Chambers	Hillman	Lindsay	Robak	Witek
Coordsen				

Voting in the negative, 2:

Bernard-Stevens	Withem			

Present and not voting, 9:

Baack	Byars	Hartnett	Preister	Wesely
Beutler	Crosby	Lynch	Wehrbein	

Absent and not voting, 1:

Wickersham

Excused and not voting, 6:

Cudaback	Jones	Kristensen	Robinson	Warner
Hall				

The Ashford amendment was adopted with 31 ayes, 2 nays, 9 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

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

Mrs. McKenzie asked unanimous consent to be excused. No objections. So ordered.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Witek moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mrs. Witek requested a roll call vote on her amendment, as amended.

Voting in the affirmative, 5:

Haberman	Jones	Pirsch	Vrtiska	Witek

Voting in the negative, 27:

Abboud	Bromm	Elmer	Landis	Rasmussen
Baack	Byars	Hillman	Lindsay	Robak
Bernard-Stevens	Chambers	Horgan	Lynch	Schellpeper
	Crosby	Hudkins	Moore	Schimek
Bohlke	Day	Kristensen	Preister	Wehrbein

Wesely Wickersham Withem

Present and not voting, 11:

Ashford	Coordsen	Fisher	Hohenstein	Pedersen
Avery	Dierks	Hartnett	Janssen	Schmitt
Beutler				

Excused and not voting, 6:

Cudaback	McKenzie	Robinson	Warner	Will
Hall				

The Witek amendment, as amended, lost with 5 ayes, 27 nays, 11 present and not voting, and 6 excused and not voting.

Mr. Landis asked unanimous consent to pass over LB 124. No objections. So ordered.

The Chair declared the call raised.

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

LEGISLATIVE BILL 631. Advanced to E & R for engrossment.

LEGISLATIVE BILL 53. E & R amendment, AM5433, found in the Journal on page 1175, was adopted.

Mrs. Robak renewed her pending amendment, AM0834, found in the Journal on page 1146.

SPEAKER BAACK PRESIDING

Mrs. Robak moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The Robak amendment lost with 15 ayes, 24 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mrs. Robak moved to indefinitely postpone LB 53.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

The Robak motion to indefinitely postpone lost with 3 ayes, 19 nays, 19 present and not voting, and 8 excused and not voting.

Mrs. Robak requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 25 ayes, 5 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 561. E & R amendment, AM5434, found in the Journal on page 1176, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 267. E & R amendment, AM5439, found in the Journal on page 1201, was adopted.

Mr. Coordsen offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1267.)

The Coordsen amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Bromm asked unanimous consent to print the following amendment to LB 479 in the Journal. No objections. So ordered.

AM1282

1. Insert the following new section:

"Section 1. That section 66-1009, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-1009. (1) A customer borrowing from a utility under a plan adopted pursuant to the Nebraska Investment Finance Authority Act or sections ~~58-201 to 58-272 or~~ 66-1001 to 66-1011 shall be allowed to contract with the utility for a repayment plan and shall be offered a repayment period of not less than three years and not more than twenty years.

(2) Upon default on a loan by a customer, after expending reasonable efforts to collect, a utility may treat the entire unpaid contract amount as due, but services to a residential, agricultural, or commercial customer may not be terminated as a result of such default. Default occurs when any amount due a utility under a plan adopted pursuant to sections 66-1001 to 66-1011, 70-625, 70-704, 81-161, 81-1602, 81-1606 to 81-1626, and 84-162 to 84-167 is not paid within sixty days of the due date.

(3) Any customer obtaining a loan pursuant to ~~sections 58-201 to 58-272~~ the act or section 66-1007 shall only use the funds to accomplish the purposes agreed upon at

the time of the loan. If the borrower of any funds obtained pursuant to the act or sections ~~58-201 to 58-272 or~~ 66-1001 to 66-1011 uses such funds in a manner or for a purpose not authorized by this section, the total amount of the loan shall immediately become due and payable.

(4) Any amount due a utility on a loan pursuant to the act or sections ~~58-201 to 58-272 or~~ 66-1001 to 66-1011 which is not paid in full within sixty days of the due date shall become a lien as provided in this section on the real property concerned as to the full unpaid balance. No lien under this section shall be valid unless (a) the loan was signed by the party or parties shown on the indexes of the register of deeds to be the owners of record of such real property on the date of the loan and (b) the lien is filed not more than four months after the date of default, in the same office and in the same manner as mortgages in the county in which the real property is located. Such lien shall take effect and be in force from and after the time of delivering the same to the register of deeds for recording, and not before, as to all creditors and subsequent purchasers in good faith without notice, ; and such lien shall be adjudged void as to all such creditors and subsequent purchasers without notice whose deeds, mortgages, or other instruments shall be first recorded, except that such lien shall be valid between the parties. A publicly owned utility shall not maintain possession of any property which it may acquire pursuant to a lien authorized by this section for a period of time longer than is reasonably necessary to dispose of such property.

(5) Any loan made under a plan adopted pursuant to sections 66-1001 to 66-1011 shall not exceed ~~three~~ thirty-five thousand dollars, subject to any existing limitations under federal law.

(6) The State Energy Office may adopt and promulgate rules and regulations to carry out sections 66-1001 to 66-1011.".

2. In AM1108, on page 5, line 22, strike "81-1632" and insert "66-1009, 81-1632,".

3. Renumber the remaining sections accordingly.

Mr. Coordsen asked unanimous consent to print the following amendment to LB 389 in the Journal. No objections. So ordered.

AM1275

1. Insert the following new section:

"Sec. 2. That section 2-3229, Revised Statutes Supplement, 1992, be amended to read as follows:

2-3229. The purposes of natural resources districts shall be to develop and execute, through the exercise of powers and authorities granted by law, plans, facilities,

works, and programs relating to (1) erosion prevention and control, (2) prevention of damages from flood water and sediment, (3) flood prevention and control, (4) soil conservation, (5) water supply for any beneficial uses, (6) development, management, utilization, and conservation of ground water and surface water, (7) pollution control, (8) solid waste disposal and sanitary drainage, (9) drainage improvement and channel rectification, (10) development and management of fish and wildlife habitat, (11) ~~development and management of recreational and park facilities, and (12)~~ forestry and range management, and (12) development and management of recreational and park facilities incidental to any plans, facilities, works, and programs developed and executed under subdivisions (1) through (11) of this section.

As to development and management of fish and wildlife habitat and development and management of recreational and park facilities, such plans, facilities, works, and programs shall be in conformance with any outdoor recreation plan for Nebraska and any fish and wildlife plan for Nebraska as developed by the Game and Parks Commission.".

2. On page 6, line 11, strike "is" and insert "and section 2-3229, Revised Statutes Supplement, 1992, are".

3. Renumber the remaining section accordingly.

Mrs. Rasmussen asked unanimous consent to print the following amendment to LB 520A in the Journal. No objections. So ordered.

AM1229

1. Insert the following new section:

"Sec. 5. There is hereby appropriated (1) $50,000 from the General Fund for FY1993-94 and (2) $50,000 from the General Fund for FY1994-95 to the Legislative Council, for Program 126, to aid in carrying out the provisions of Legislative Bill 520, Ninety-third Legislature, First Session, 1993.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

ATTORNEY GENERAL'S OPINION

Opinion No. 93026

DATE: April 5, 1993

SUBJECT: LB 124: Amendment to Nebraska Fair Employment Practice Act Authorizing the Nebraska Equal Opportunity Commission to Grant

Injunctive Relief, Damages, Attorney's Fees, and Costs

REQUESTED BY: Senator Kurt A. Hohenstein
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Jan E. Rempe, Assistant Attorney General

Legislative Bill 124 seeks to amend Neb. Rev. Stat. § 48-1119(3) (1988), which is part of the Nebraska Fair Employment Practice Act. Section 48-1119(3), as it currently exists, addresses disposition of cases heard by the Nebraska Equal Opportunity Commission (NEOC). Under this section, the NEOC is required to issue cease and desist orders and to order other appropriate affirmative action, which may include reinstatement or hiring of employees, with or without backpay, if the NEOC finds intentional unlawful employment practices. Legislative Bill 124 adds other disposition options to section 48-1119(3) by providing that "{a} complainant who has suffered physical, emotional, or financial harm as a result of a violation of the Nebraska Fair Employment Practice Act shall be entitled to injunctive relief, general and special damages, reasonable attorney's fees, and costs." LB 124, sec. 4 (1993).

You have requested our opinion regarding the constitutionality of the above language. Specifically, you are concerned that the NEOC does not have the constitutional authority to grant these types of relief. We note that the language you question does not specifically provide that the NEOC may grant injunctive relief and award damages, attorney's fees, and costs; the provision simply states that certain complainants "shall be entitled" to those types of relief. However, since the proposed amendment to section 48-1119(3) appears within several existing provisions which outline the NEOC's power to dispose of cases by granting various forms of relief, you have obviously assumed that the language at issue means that the NEOC, as opposed to a court, may grant the types of relief in question. For purposes of this opinion, we will make the same assumption.

From our analysis of several cases which address the constitutionality of administrative bodies awarding damages and other types of relief, we have identified three constitutional arguments often raised concerning the granting of such relief: (1) that such awards violate the judicial powers clause; (2) that such awards violate one's right to a jury trial; and (3) that statutorily authorizing administrative bodies to make such awards constitutes an unlawful delegation of power.

I. DISCUSSION

A. Judicial Powers Clause

Article V, section 1, of the Nebraska Constitution vests the judicial power of the state in the courts. Article II, section 1, divides the powers of state government into three departments--the legislative,

executive, and judicial--and prevents people "being one of these departments" from exercising any power properly belonging to the others, except as otherwise directed or permitted in the Nebraska Constitution.

Based on these constitutional provisions, administrative agencies generally do not have judicial powers, but may perform "quasi-judicial" duties. Transport Workers of America v. Transit Auth., 205 Neb. 26, 286 N.W.2d 102 (1979). The conferring upon administrative agencies of executive or administrative functions which require the exercise of quasi-judicial powers does not violate article V, section 1, of the Nebraska Constitution, especially when the matter at issue is affected with a public interest and where appeal to the courts is available from administrative decisions. Anderson v. Tiemann, 182 Neb. 393, 155 N.W.2d 322 (1967).

Like the Nebraska Supreme Court in Transport Workers and Anderson, courts in other states have routinely categorized various functions performed by administrative entities as "judicial" or "quasi-judicial" as a means of distinguishing between permissible and prohibited administrative acts. However, the means of categorization used by such courts are often left unexplained. See Wikman v. City of Novi, 413 Mich. 617, 322 N.W.2d 103 (1982) (issuance of an injunction is an exercise of judicial power); Transport Workers of America v. Transit Auth., 205 Neb. 26, 286 N.W.2d 102 (1979) (entering a declaratory judgment and ordering an accounting are judicial functions).

Simply labeling various administrative acts as "judicial" or "quasi-judicial" without setting forth a standard by which these acts are so designated has been criticized by both courts and commentators. McHugh v. Santa Monica Rent Control Bd., 49 Cal. 3d 348, 777 P.2d 91, 261 Cal. Rptr. 318, at f.n. 30 (1989). Therefore, in McHugh the California Supreme Court developed a standard by which administrative actions may be evaluated for compliance with the judicial powers clause of the California Constitution, which, like the Nebraska Constitution, states that the judicial power of the state is vested in the state's courts. Cal. Const. art. 6, § 1. The McHugh test, distilled from case law from nine states, including Wisconsin and Missouri, provides:

> An administrative agency may constitutionally hold hearings, determine facts, apply the law to those facts, and order relief--including certain types of monetary relief--so long as (i) such activities are authorized by statute or legislation and are reasonably necessary to effectuate the administrative agency's primary, legitimate regulatory purposes, and (ii) the "essential" judicial power (i.e., the power to make enforceable, binding judgments) remains ultimately in the courts, through review of agency determinations.

Id. at 372, 777 P.2d at 106, 261 Cal. Rptr. at 333 (1989) (emphasis in original deleted).

1. Damage Awards

Part of the amendment proposed in LB 124 would allow the NEOC to award general and special damages.

Based on the test quoted above, the McHugh court concluded that administrative awards of restitution do not offend the judicial powers clause of the California Constitution when both the substantive and procedural aspects of the test are met. Several other courts have also found that awards of restitution by administrative agencies are constitutionally permissible. See Sunpower of Arizona v. Arizona State Registrar, 166 Ariz. 437, 803 P.2d 430 (Ct. App. 1990) (administrative agency's award of restitutionary damages constitutional when due process procedural rights were protected, prohibited conduct was well defined by statute, and judicial review was available); Percy Kent Bag Co. v. Missouri Comm'n on Human Rights, 632 S.W.2d 480 (Mo. 1982) (commission's award of backpay in discrimination case constitutional when statute contained adequate standards, remedy was appropriate in light of public policy of eliminating discrimination, and all administrative decisions were subject to judicial review); Jackson v. Concord Co., 54 N.J. 113, 253 A.2d 793 (1969) (reimbursement for out-of-pocket loss in housing discrimination case constitutional when award was incidental in connection with a subject delegated to the agency and judicial review available).

In Walnut Creek Manor v. Fair Employment & Housing Comm'n, 54 Cal. 3d 245, 814 P.2d 704, 284 Cal. Rptr. 718 (1991), the California Supreme Court distinguished an administrative agency's award of restitution, defined as a quantifiable amount of money owed to an injured party to compensate for pecuniary loss directly resulting from the other party's violation of the law, from an award of general compensatory damages for emotional distress in a discrimination case. The Walnut Creek court held that the Fair Employment and Housing Commission's award of unlimited general compensatory damages for emotional distress violated the judicial powers clause of the state constitution because such general compensatory damages were not readily measurable or quantifiable; could be awarded without proof of pecuniary loss; were not necessary or incidental to the agency's purposes under the McHugh test; and shifted the remedial focus of the administrative hearing from redress for a particular incident of unlawful discrimination, and prevention of a recurrence thereof, to compensation for intangible and nonquantifiable injury to one's psyche in a manner similar to a private tort action. See also Broward County v. La Rosa, 505 So. 2d 422 (Fla. 1987) (administrative agency's award of unliquidated common law damages for humiliation and embarrassment in discrimination case violated separation of powers provision in state constitution).[1]

Although we were unable to locate any specific Nebraska authority concerning the constitutionality of an administrative agency awarding general and special damages, we believe the above cases are persuasive. Although Nebraska courts would have final judicial power to make the NEOC's damage awards enforceable and binding, Neb. Rev. Stat. § 48-1120 (1988), awarding damages for injuries like emotional distress would not seem to be reasonably necessary to effectuate the NEOC's purpose of fostering and safeguarding the right

to employment without discrimination for the reasons stated in Walnut Creek. Therefore, to the extent that "general and special damages" in LB 124 means general compensatory damages for emotional distress, humiliation, embarrassment, or other types of intangible injury, the provision violates the judicial powers clause contained in article V, section 1, of the Nebraska Constitution. However, damages which are more in the nature of restitution would be constitutionally permissible.

2. Attorney's Fees and Costs

The amendment at issue in LB 124 also allows the NEOC to award attorney's fees and costs. Since these items would be reimbursement for quantifiable, out-of-pocket expenditures incurred by a victim of discrimination as a direct consequence of exercising that victim's rights under the Nebraska Fair Employment Practice Act, awards for attorney's fees and costs would seem to be in the nature of restitution and would not violate the judicial powers clause of the Nebraska Constitution, pursuant to the analysis used in McHugh and Walnut Creek.

3. Injunctive Relief

Under McHugh, it is constitutionally permissible, as far as the judicial powers clause is concerned, for an administrative agency like the NEOC to prohibit parties from committing unlawful discriminatory practices since such orders are obviously necessary to accomplish the NEOC's purpose of safeguarding employment without discrimination and since the power to make such orders legally binding and enforceable ultimately lies with the courts. § 48-1120.

Although the NEOC may constitutionally grant the type of relief encompassed by an injunction, the NEOC would have no power to grant a legally enforceable injunction. Since an injunction is an equitable remedy issued or granted by a court, Black's Law Dictionary 705 (5th ed. 1979), the NEOC would have no power to issue an "injunction," as that term is legally understood. Further, since section 48-1119(3) currently authorizes the NEOC to issue cease and desist orders, it is unclear why the additional power to grant injunctions is mentioned in the proposed legislation.

B. Right to Jury Trial

Another constitutional argument often raised in the context of administrative agencies awarding damages is that such awards violate the state constitutional right to a jury trial. Neb. Const. art. I, § 6. However, the court in McHugh noted that many states have addressed such challenges and have almost unanimously held that no jury trial right exists concerning adjudication of a matter within the regulatory power of an administrative agency. McHugh, 49 Cal. 3d at 380, 777 P.2d at 112, 261 Cal. Rptr. at 339. The McHugh court concluded that restitution-like damage awards by administrative agencies do not violate the jury trial provision in the state constitution.

In contrast, at least one court has held that damages awarded by an administrative agency for humiliation and embarrassment violated the state constitutional right of trial by jury. Broward County v. La Rosa, 505 So. 2d 422 (Fla. 1987). Since the jury trial provision of the

Florida Constitution--which is similar to the provision found in Nebraska's Constitution--secures the right to a jury trial in cases which were traditionally afforded a jury trial at common law, and since common law recognized actions for unliquidated damages, the Broward court concluded that damage awards given by an administrative agency for humiliation and embarrassment violate the constitutional right to a jury trial.

Therefore, if "general and special damages" within the meaning of the proposed language in LB 124 includes damages for humiliation and embarrassment, this provision may be subject to a constitutional challenge on grounds that it violates article I, section 6, of the Nebraska Constitution. Awards of restitution, however, would not be subject to such a challenge.

C. Delegation of Power

We would also like to note a potential delegation problem with the provision at issue. The court in County Council for Montgomery County v. Investors Funding Corp., 270 Md. 403, 312 A.2d 225 (1973), concluded that an act which authorized an administrative body to impose a civil penalty not exceeding $1,000 for the violation of any provision in a chapter of the act constituted an invalid delegation of legislative power and violated due process requirements. The court stated that although delegation to an administrative body of power to impose a monetary penalty is constitutional, this particular provision was completely without legislative safeguards or standards to guide the agency in exercising its discretion.

Reasonably adequate, sufficient, and definite standards must be provided when conferring discretionary power upon an administrative agency in order to guide the agency in the exercise of the power conferred upon it, and to enable those affected to know their rights and obligations under the law. Bosselman, Inc. v. State, 230 Neb. 471, 432 N.W.2d 226 (1988).

The provision at issue in LB 124 may lack proper standards to guide the NEOC in setting the amount and specific types of damages, fees, and costs which may be awarded, and to alert those affected by the provision to know their obligations under the law.

II. CONCLUSION

If the provision in LB 124 which allows the NEOC to award general and special damages to those suffering physical, emotional, or financial harm as a result of violations of the Nebraska Fair Employment Practice Act includes general compensatory damages for emotional distress, humiliation, embarrassment, and other intangible injury, the provision may violate the judicial powers and jury trial clauses of the Nebraska Constitution. Neb. Const. art. V, § 1 & art. I, § 6. The proposed amendment may also constitute an invalid delegation of legislative power due to the lack of standards to guide the NEOC in exercising its administrative functions under the Nebraska Fair Employment Practice Act.

[1]There are cases which were decided prior to McHugh and which came to a contrary conclusion. Kentucky Comm'n on Human Rights v. Fraser, 625 S.W.2d 852 (Ky. 1981) (commission's award of compensatory damages for embarrassment and humiliation caused by discrimination constitutional when procedural due process was provided, prohibited conduct was well defined by statute, and judicial review was available); Plasti-Line, Inc. v. Tennessee Human Rights Comm'n, 746 S.W.2d 691 (Tenn. 1988) (same); State Human Rights Comm'n v. Pearlman Realty Agency, 161 W. Va. 1, 239 S.E.2d 145 (1977) (same).

Sincerely,
DON STENBERG
Attorney General
(Signed) Jan E. Rempe
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
13-352-6.93D

VISITORS

Visitors to the Chamber were John Cohen, Nate Lawyer, and Andy Long from Grant; and Mr. and Mrs. Richard Mosier from Davenport.

The Doctor of the Day was Kathy Bliese from Waterloo.

ADJOURNMENT

At 4:50 p.m., on a motion by Mrs. Hudkins, the Legislature adjourned until 9:00 a.m., Tuesday, April 6, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-FIFTH DAY - APRIL 6, 1993

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 6, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Allan Harder, The Berean Church, Humboldt, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Coordsen, Haberman, Hall, Landis, Lindsay, Lynch, Moore, Preister, Warner, Will, Withem, Mmes. Bohlke, Pirsch, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1345, line 32, strike "amendment" and insert "amended".
The Journal for the fifty-third day was approved as corrected.
The Journal for the fifty-fourth day was approved.

MOTION - Return LB 677 to Select File

Mr. Chambers moved to return LB 677 to Select File for his specific amendment, AM1228, found in the Journal on page 1349.

The Chambers motion to return prevailed with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 677. The Chambers specific amendment, AM1228, found in the Journal on page 1349, was adopted with 25

ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 677A to Select File

Mr. Chambers moved to return LB 677A to Select File for his specific amendment, FA56, found in the Journal on page 1289.

The Chambers motion to return prevailed with 25 ayes, 0 nays, 12 present and not voting and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 677A. The Chambers specific amendment, FA56, found in the Journal on page 1289, was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 520A. E & R amendment, AM5437, found in the Journal on page 1202, was adopted.

Mrs. Rasmussen renewed her pending amendment, AM1229, found in the Journal on page 1377.

Mrs. Rasmussen moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The Rasmussen amendment was adopted with 25 ayes, 5 nays, 9 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

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

Advanced to E & R for engrossment.

LEGISLATIVE BILL 301. E & R amendment, AM5441, found in the Journal on page 1203, was adopted.

Mr. Beutler offered the following amendment:
AM1283
(Amendments to Standing Committee amendments, AM0747)
1. Insert the following new section:
"Sec. 10. If any section in this act or any part of any section shall be declared invalid or unconstitutional,

such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. On page 2, line 24, strike "waters" and insert "water".

3. On page 4, line 23, strike "Thirty" and insert "Ninety".

4. On page 5, lines 16, 19, 22, and 25, strike "between" and insert "on or after"; and in lines 17, 20, 23, and 26 after "and" insert "on or before".

5. On page 8, line 3; and page 9, lines 17 and 18, strike "drilled" and insert "constructed".

6. On page 9, strike beginning with "Wells" in line 13 through "subsection" in line 14 and all amendments thereto and insert "An application for an induced ground water recharge appropriation for public water supplier wells constructed and placed in service before the effective date of this act"; in line 16 strike "(a); in line 18 after "drilled" insert "on or"; in line 22 strike "(i)" and insert "(a)"; and in line 24 strike "(ii)" and insert "(b)".

7. On page 10, line 2, strike "(b)" and insert "(4)(a)" and after "application" insert "filed under subsection (2) or (3) of this section"; in line 13 strike "(c)" and insert "(b)"; and in line 22 strike "(d)" and insert "(c)".

8. On page 11, line 3, strike "such" and after "section" insert "46-233"; and in line 12 strike "46-235" and insert "46-233".

9. On page 12, after line 6, insert the following new subsection:

"(3) A cause of action for just compensation shall accrue at the time a junior appropriator is regulated by the Department of Water Resources.".

10. Renumber the remaining section accordingly.

The Beutler amendment was adopted with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 301A. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 292. The pending Standing Committee amendment, AM0879, as amended, found in the Journal on page 1079 and considered on page 1363, was renewed.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Mrs. Crosby withdrew her pending amendment, AM0349, found in the Journal on page 641.

Advanced to E & R for review with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Wehrbein asked unanimous consent to print the following amendment to LB 389 in the Journal. No objections. So ordered.

AM1271

1. On page 2, line 15, after the period insert paragraphing and insert "(2)"; and in line 18 strike the new matter and reinstate the stricken matter and after the reinstated comma insert "except that (a) commencing with the primary election in 1994, no subdistrict shall have a population greater than two times the population of any other subdistrict within the district and (b) commencing with the primary election in 1996 no subdistrict shall have a population greater than the population of any other subdistrict within the district".

2. On page 3, line 12, strike "(2)", show as stricken, and insert "(3)".

3. On page 4, line 7, strike "(3)", show as stricken, and insert "(4)"; and in line 21 strike "(4)", show as stricken, and insert "(5)".

4. On page 6, line 2, strike "(5)", show as stricken, and insert "(6)"; and in line 7 strike "(6)", show as stricken, and insert "(7)".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 253 in the Journal. No objections. So ordered.

AM1257

1. Insert the following new section:

"Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

MESSAGE FROM THE GOVERNOR

April 6, 1993

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 370 was received in my office on April 1, 1993; Engrossed Legislative Bills 131e, 131A, 311, 155, and 462 were received on April 2, 1993.

These bills were signed by me on April 6, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

GENERAL FILE

LEGISLATIVE BILL 110. Standing Committee amendment, AM0223, found in the Journal on page 547, was considered.

Mr. Landis renewed his pending amendment, AM0618, found in the Journal on page 814, to the Standing Committee amendment.

Mr. Moore and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis withdrew his amendment, AM0618.

Mr. Lindsay withdrew his pending amendments, AM1201 and AM1207, found in the Journal on pages 1291 and 1339.

Messrs. Lindsay, Landis, Mmes. Rasmussen, and Bohlke offered the following amendment to the Standing Committee amendment:
AM1309

(Amendments to Standing Committee amendments, AM0223)

1. Strike amendments 1 to 4 and insert the following new amendment:

"1. Strike the original sections and insert the following new sections:

'Section 1. That section 28-326, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-326. ~~As used in~~ For purposes of sections 28-325 to 28-345 and sections 3, 4, 6, and 7 of this act, unless the context otherwise requires:

(1) Abortion shall mean ~~an act, procedure, device, or prescription administered to a woman known by the person so administering to be pregnant and performed with the intent and result of producing the premature expulsion, removal, or termination of the human life within the womb of the pregnant woman, except that in cases in which the unborn child's viability is threatened by continuation of the pregnancy, early delivery after viability shall not be construed as an abortion for the purposes of sections 28-325 to 28-345~~ the use or prescription of any instrument, medicine, drug, or other substance or device intentionally to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child;

(2) Hospital shall mean those institutions licensed by the Department of Health pursuant to sections 71-2017 to 71-2029;

(3) Physician shall mean any person licensed to practice medicine in this state as provided in sections 71-102 to 71-110;

(4) Pregnant shall mean that condition of a woman who has unborn human life within her as the result of conception;

(5) Conception shall mean the fecundation of the ovum by the spermatozoa;

(6) Viability shall mean that stage of human development when the unborn child is potentially able to live more than merely momentarily outside the womb of the mother by natural or artificial means;

(7) Emergency situation shall mean that condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function; and

(8) Probable gestational age of the unborn child shall mean what will with reasonable probability, in the judgment of the physician, be the gestational age of the unborn child at the time the abortion is planned to be performed. ~~a condition exists that in the sound medical judgment of the physician the abortion should be performed without delay so as not to adversely affect the best physical or mental health of the woman;~~

~~(8) Informed consent shall mean a written statement, voluntarily entered into by the person upon whom an abortion is to be performed, whereby she specifically consents to such abortion. Such consent shall be deemed to be an informed~~

~~consent only if it affirmatively appears in the written statement that the person upon whom the abortion is to be performed has been advised (a) of possible alternatives to abortion, including childbirth and adoption, and that there are agencies and services available to assist her to carry her pregnancy to a natural term, (b) of the abortion procedures to be used, (c) of the particular risks associated with the abortion procedures to be employed in her case, and (d) that there are agencies and services available for prevention of future unintended pregnancies. The person providing the information specified in subdivision (8) of this section to the person upon whom the abortion is to be performed shall be deemed qualified to so advise and provide such information only if, at a minimum, he or she has had training in each of the following subjects: Sexual and reproductive health, abortion technology, contraceptive technology, short-term counseling skills, community resources and referral, and informed consent. Such statement shall bear the signature of the person upon whom the abortion is to be performed and be signed by the attending physician; and~~

~~(9) The word signature includes the mark of a person unable to write her name. A mark shall have the same effect as a signature when the name is written by some other person and the mark is made near thereto by the person unable to write her name.~~

Sec. 2. That section 28-327, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-327. No abortion shall be performed except with the voluntary and informed consent of the woman upon whom the abortion is to be performed. Except in the case of an emergency situation, consent to an abortion is voluntary and informed only if:

(1) The woman is told the following by the physician who is to perform the abortion, by the referring physician, or by an agent of either, at least twenty-four hours before the abortion:

(a) The name of the physician who will perform the abortion;

(b) The particular medical risks associated with the particular abortion procedure to be employed including, when medically accurate, the risks of infection, hemorrhage, and danger to subsequent pregnancies and infertility;

(c) The probable gestational age of the unborn child at the time the abortion is to be performed;

(d) The medical risks associated with carrying her child to term;

(e) That medical assistance benefits may be available for prenatal care, childbirth, and neonatal care;

(f) That the father is liable to assist in the

support of her child, even in instances in which the father has offered to pay for the abortion; and

(g) That she has the right to review the printed materials described in section 3 of this act. The physician or his or her agent shall orally inform the woman that the materials have been provided by the Department of Health and that they describe the unborn child and list agencies which offer alternatives to abortion. If the woman chooses to review the materials, they shall either be given to her at least twenty-four hours before the abortion or mailed to her at least seventy-two hours before the abortion by certified mail, restricted delivery to addressee, which means the postal employee can only deliver the mail to the addressee. The physician and the physician's agent may disassociate themselves from the materials and may comment or refrain from commenting on them as they choose.

The physician or the physician's agent may provide this information by telephone without conducting a physical examination or tests of the patient, in which case the information required to be supplied may be based on facts supplied by the patient and whatever other relevant information is reasonably available to the physician or the physician's agent.

(2) The woman is told the following by the physician who is to perform the abortion or by the referring physician, before the abortion:

(a) The particular medical risks associated with the particular abortion procedure to be employed including, when medically accurate, the risks of infection, hemorrhage, and danger to subsequent pregnancies and infertility;

(b) The probable gestational age of the unborn child at the time the abortion is to be performed; and

(c) The medical risks associated with carrying her child to term.

(3) The woman certifies in writing, prior to the abortion, that the information described in subdivisions (1) and (2) of this section has been furnished her and that she has been informed of her right to review the information referred to in subdivision (1)(g) of this section; and

(4) Prior to the performance of the abortion, the physician who is to perform the abortion or his or her agent receives a copy of the written certification prescribed by subdivision (3) of this section. ~~on any woman in the absence of an informed consent, except that an abortion may be performed if, in the sound medical judgment of the physician, an emergency endangers the life or health of the woman and the woman is unable to give informed consent.~~

Sec. 3. (1) The Department of Health shall cause to be published, within sixty days after the effective date of

this act, the following easily comprehensible printed materials:

(a) Geographically indexed materials designed to inform the woman of public and private agencies and services available to assist a woman through pregnancy, upon childbirth, and while the child is dependent, including adoption agencies and agencies and services for prevention of unintended pregnancies, which materials shall include a comprehensive list of the agencies available, a description of the services they offer, and a description of the manner, including telephone numbers and addresses in which such agencies may be contacted or, at the option of the department, printed materials including a toll-free, twenty-four-hour-a-day telephone number which may be called to orally obtain such a list and description of agencies in the locality of the caller, and of the services they offer; and

(b) Materials designed to inform the woman of the probable anatomical and physiological characteristics of the unborn child at two-week gestational increments from the time when a woman can be known to be pregnant to full term, including pictures or drawings representing the development of unborn children at the two-week gestational increments, and any relevant information on the possibility of the unborn child's survival. Any such pictures or drawings shall contain the dimensions of the unborn child and shall be realistic and appropriate for the stage of pregnancy depicted. The materials shall be objective, nonjudgmental, and designed to convey only accurate scientific information about the unborn child at the various gestational ages. The material shall also contain objective information describing the methods of abortion procedures commonly employed, the medical risks commonly associated with each such procedure, the possible detrimental psychological effects of abortion, the medical risks commonly associated with abortion, and the medical risks commonly associated with carrying a child to term.

(2) The materials shall be printed in a typeface large enough to be clearly legible.

(3) The materials required under this section shall be available from the department upon the request by any person, facility, or hospital for an amount equal to the cost incurred by the department to publish the materials.

Sec. 4. When an emergency situation compels the performance of an abortion, the physician shall inform the woman, prior to the abortion if possible, of the medical indications supporting his or her judgment that an abortion is necessary to avert her death or to avert substantial and irreversible impairment of major bodily function.

Sec. 5. That section 28-328, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-328. The intentional and knowing violation of section 28-327 is a Class II misdemeanor. No penalty may be imposed upon the woman upon whom the abortion is performed or attempted to be performed. No criminal penalty or civil liability for failure to comply with subdivision (1)(g) of section 28-327 or that portion of subsection (3) of such section requiring a written certification that the woman has been informed of her right to review the information referred to in subdivision (1)(g) of section 28-327 may be imposed unless the Department of Health has published and made available the printed materials at the time the physician or his or her agent is required to inform the woman of her right to review them.

Sec. 6. Any person upon whom an abortion has been performed or attempted in violation of section 28-327 or the parent or guardian of a minor upon whom an abortion has been performed or attempted in violation of such section shall have a right to maintain a civil cause of action against the person who performed the abortion or attempted to perform the abortion. A violation of such section shall be prima facie evidence of professional negligence. If judgment is rendered in favor of the plaintiff in any such action, the court shall also render judgment for a reasonable attorney's fee in favor of the plaintiff against the defendant.

Sec. 7. In every civil action or criminal proceeding brought pursuant to section 6 of this act or section 28-328, the court shall rule whether the anonymity of any woman upon whom an abortion is performed or attempted shall be preserved from public disclosure if she does not give her consent to such disclosure. The court, upon motion by a party or on its own motion, shall make such a ruling and, upon determining that her anonymity should be preserved, shall issue orders to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms, to the extent necessary to safeguard her identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the woman should be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable less restrictive alternative exists. In the absence of written consent of the woman upon whom an abortion has been performed or attempted, anyone, other than a public official, who brings an action under section 28-328 shall do so under a pseudonym. This section may not be construed to conceal the identity of the plaintiff or of witnesses from the defendant.

Sec. 8. If any section in this act or any part of any section shall be declared invalid or unconstitutional,

such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 9. That original sections 28-326, 28-327, and 28-328, Reissue Revised Statutes of Nebraska, 1943, are repealed.'.".

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

Pending.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 298. Indefinitely postponed.
LEGISLATIVE BILL 559. Indefinitely postponed.
LEGISLATIVE BILL 573. Indefinitely postponed.
LEGISLATIVE BILL 591. Indefinitely postponed.
LEGISLATIVE BILL 650. Indefinitely postponed.
LEGISLATIVE BILL 806. Indefinitely postponed.
LEGISLATIVE BILL 814. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 332A, 444, and 635.

(Signed) Kurt A. Hohenstein, Chairperson

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LR 74 Tuesday, April 13, 1993 12:00 noon

(Signed) DiAnna R. Schimek, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Dierks asked unanimous consent to print the following amendment to LB 152 in the Journal. No objections. So ordered.

AM1311

1. On page 3, line 27, after the period insert "The resident stipends and benefits funded in this section shall apply only to residents who begin family practice residency

training at a qualifying institution in years beginning on or after January 1, 1993.".

Mr. Dierks asked unanimous consent to print the following amendment to LB 152A in the Journal. No objections. So ordered.

AM1280

1. On page 1, line 1, strike "$84,375" and insert "$150,500"; and in line 2 strike "$213,750" and insert "$322,500".

Mr. Vrtiska asked unanimous consent to print the following amendment to LB 152 in the Journal. No objections. So ordered.

AM1240

1. On page 3, line 27, after the period insert "The funding provided in the form of stipends and benefits to any individual in a family practice residency program under this section shall not exceed the funding provided in the form of stipends and benefits to individuals in a family practice residency program under section 71-5203.".

Mr. Beutler asked unanimous consent to print the following amendment to LB 292 in the Journal. No objections. So ordered.

AM1078

(Amendments to Standing Committee amendments, AM0879)

1. On page 2, lines 13 through 27, strike the new matter and reinstate the stricken matter.

2. On page 3, reinstate the stricken matter in lines 1 through 9.

Messrs. Ashford, Hohenstein, and Schellpeper asked unanimous consent to print the following amendment to LB 627 in the Journal. No objections. So ordered.

AM1296

1. Insert the following new sections:

"Section 1. (1) A person who is the parent, guardian, or person having custody or control over a child under the age of eighteen commits child endangerment when the person does any of the following, either directly or indirectly:

(a) Knowingly, intentionally, or negligently acts in a manner that creates a substantial risk to a child or a child's physical, mental, or emotional health or safety; or

(b) Abandons a child to fend for himself or herself, knowing that the child is unable to do so.

(2) A person who commits child endangerment

resulting in serious injury to a child is guilty of a Class IV felony. A person who commits child endangerment not resulting in serious injury to a child or minor is guilty of a Class I misdemeanor.

(3) Each licensed firearm dealer shall provide at the point of retail sale educational information provided by any national firearm association on the safe storage of firearms for purchasers of firearms.

Sec. 2. That section 28-101, Revised Statutes Supplement, 1992, be amended to read as follows:

28-101. Sections 28-101 to 28-1348 and section 1 of this act shall be known and may be cited as the Nebraska Criminal Code.".

2. In AM0944, on page 1, line 7, strike "1992" and insert "83-1,122"; and in line 8 after "1943" insert ", and section 28-101,".

3. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 120 fourth grade students and teachers from Crete Elementary; 27 fourth grade students and teacher from Central Elementary, Plattsmouth; Senator Witek's husband and children, Charles, Kimberly, and Thomas; and FHA members from Davenport.

RECESS

At 11:57 a.m., on a motion by Mrs. McKenzie, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Ms. Day and Mr. Warner who were excused; and Messrs. Haberman, Hall, Jones, Landis, Lynch, Moore, Robinson, Wehrbein, Withem, Mmes. Bohlke, Hillman, Pirsch, Rasmussen, Witek, and Ms. Schimek who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 193. Placed on Select File as amended.
E & R amendment to LB 193:
AM5445

1. For purposes of correlation with section 1, LB

192:

a. On page 1, line 6; page 9, line 10; and page 33, line 6, after "1992" insert ", as amended by section 1, Legislative Bill 192, Ninety-third Legislature, First Session, 1993"; and

b. On page 9, line 25, strike the stricken matter and the underscoring.

2. On page 1, line 9, strike "for" and insert ", eliminate,".

3. On page 10, line 2, strike beginning with "holder" through "registration", show the old matter as stricken, and insert "licensee or registrant".

4. On page 11, line 7, strike the comma and show as stricken; and in line 24 strike "had" and show as stricken.

5. On page 16, line 12, strike the second "State".

6. On page 18, line 22, after "No" insert "license as a"; and in line 25 strike "licenses".

7. On page 22, lines 19 and 20 strike "under the act"; and in line 20 after "required" insert "under the act".

8. On page 24, line 15, strike the third comma and show as stricken.

LEGISLATIVE BILL 145A. Placed on Select File.

(Signed) Kurt A. Hohenstein, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Will asked unanimous consent to print the following amendment to LB 563 in the Journal. No objections. So ordered.

AM1189

(Amendments to E & R amendments, AM5428)

1. On page 3, line 21, after "Commission" insert "within a time frame acceptable to the Department of Revenue".

2. On page 8, line 11, after "applicant" insert "individually, or in the case of a business entity".

3. On page 9, line 8; and page 11, line 25, after "or" insert "publicly admitted to or".

4. On page 9, line 9, after "any" insert "illegal act," and after "offense" insert an underscored comma; in line 10 strike ", whether a felony or a misdemeanor,"; and in line 11 before "fraud" and before "theft" insert "felony".

5. On page 9, line 18, after the first "or" insert "publicly admitted to or".

6. On page 9, line 18; and page 12, line 8, after "felony" insert "or misdemeanor".

7. On page 9, lines 20 and 21; and page 12, lines 10 and 11, strike the new matter and insert "subdivision which

the department believes would impair the security, honesty, or integrity of the operation, or conduct of the activities for which the application is made or which a license or contract is held;".

8. On page 10, line 3; and page 12, line 19, after "department" insert "or any local subdivision".

9. On page 11, line 3, after "licensee" insert "individually, or in the case of a business entity"; and strike the new matter in lines 26 and 27 and insert "any illegal act, offense, or crime involving any gambling activity or felony fraud, felony theft".

10. On page 16, line 9, after "shall" insert "be subject to fingerprinting, criminal history record checks, and background investigations and shall, upon request of the department,".

11. On page 20, line 20, after "village" insert ", if required by the county, city, or village,"; and in line 25 before "lottery" insert "and" and strike ", and sales outlet"; and in line 26 strike "location".

12. On page 21, strike lines 10 through 12 and insert "(2) The department shall conduct such investigations concerning the applicant as may be required by the Nebraska County and City Lottery Act or as may be necessary or appropriate to".

13. On page 22, line 12, after the underscored period insert "The cost of all background investigations required to issue a license pursuant to this section shall be borne by the department.".

14. On page 25, strike lines 20 through 23 and insert "or village. An owner or officer of an authorized sales outlet location for such county, city, or village may be prohibited from playing any lottery conducted by such county, city, or village by ordinance or resolution. No".

SELECT FILE

LEGISLATIVE BILL 575. E & R amendment, AM5424, printed separately from the Journal and referred to on page 1134, was adopted.

Mr. Kristensen asked unanimous consent to replace the Warner pending amendment, AM0887, found in the Journal on page 1075, with a substitute amendment. No objections. So ordered.

Mr. Kristensen withdrew the Warner pending amendment, AM0887, found in the Journal on page 1075.

Mr. Kristensen renewed the Warner substitute amendment, AM1019, found in the Journal on page 1150.

The Warner amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mrs. Hudkins asked unanimous consent to replace her pending amendment, AM0911, found in the Journal on page 1121, with a substitute amendment. No objections. So ordered.

Mrs. Hudkins withdrew her pending amendment, AM0911, found in the Journal on page 1121.

Mrs. Hudkins offered the following substitute amendment:
AM1222

(Amendments to E & R amendments, AM5424)

1. Insert the following new section:

"Section 1. That section 28-306, Revised Statutes Supplement, 1992, be amended to read as follows:

28-306. (1) A person who causes the death of another unintentionally while engaged in the operation of a motor vehicle in violation of the law of the State of Nebraska or in violation of any city or village ordinance commits motor vehicle homicide.

(2) Except as provided in subsection (3) of this section, motor vehicle homicide is a Class I misdemeanor.

(3)(a) If the proximate cause of the death of another is the operation of a motor vehicle in violation of section 39-669.01 or 39-669.03, motor vehicle homicide is a Class IV felony.

(b) If the proximate cause of the death of another is the operation of a motor vehicle in violation of section 39-669.07, motor vehicle homicide is a Class IV felony and the court shall, as part of the judgment of conviction, order the person not to drive any motor vehicle for any purpose for a period of at least sixty days and not more than fifteen years from the date ordered by the court and shall order that the operator's license of such person be revoked for the same period. The revocation shall not run concurrently with any jail term imposed.

(c) If the proximate cause of the death of another is the operation of a motor vehicle in violation of section 39-669.07, motor vehicle homicide is a Class III felony if the defendant has a prior conviction under section 39-669.07 or a city or village ordinance enacted pursuant to such section and the court shall, as part of the judgment of conviction, order the person not to drive any motor vehicle for any purpose for a period of at least sixty days and not more than fifteen years from the date ordered by the court and shall order that the operator's license of such person be revoked for the same period. The revocation shall not run concurrently with any jail term imposed.".

2. On page 59, line 26, after "sections" insert "28-306,".

3. Renumber the remaining sections and correct internal references accordingly.

The Hudkins amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Mr. Dierks withdrew his pending amendment, AM1020, found in the Journal on page 1150.

Mrs. Hudkins withdrew her pending amendment, AM1021, found in the Journal on page 1150.

Mr. Hohenstein asked unanimous consent to replace his pending amendment, AM1017, found in the Journal on page 1151, with a substitute amendment. No objections. So ordered.

Mr. Hohenstein withdrew his pending amendment, AM1017, found in the Journal on page 1151.

Messrs. Hohenstein, Chambers, and Horgan offered the following substitute amendment:

AM0932

(Amendments to Standing Committee amendments, AM0531)

1. On page 29, after line 19 insert the following new paragraph:

"If a citation is issued to an owner of a vehicle for a violation of this section, and the owner, within ten days of issuance of the citation, properly registers and licenses the vehicle not in compliance, pays all taxes and fees due, and provides proof of such registration to the prosecuting attorney, no prosecution for the offense cited shall occur."; and after line 25 insert the following new paragraph:

"A person who parks a motor vehicle on any highway, which vehicle has been properly registered in this state but such registration has expired, shall not be in violation of this section or section 60-302 or subject to the penalty provided in section 39-6,188 unless thirty days have passed from the expiration of the prior registration.".

The Hohenstein-Chambers-Horgan amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mrs. Robak asked unanimous consent to replace her pending amendment, AM1028, found in the Journal on page 1195, with a substitute amendment. No objections. So ordered.

Mrs. Robak withdrew her pending amendment, AM1028, found in the Journal on page 1195.

Mrs. Robak offered the following substitute amendment:
AM1312

(Amendments to E & R amendments, AM5424)

1. Insert the following new section:

"Sec. 47. Any person convicted of speeding in a school crossing zone shall be guilty of a traffic infraction and shall be fined:

(1) At least fifty dollars but not more than one hundred dollars for the first offense;

(2) At least seventy-five dollars but not more than two hundred dollars for a second offense within a one-year period; and

(3) At least one hundred dollars but not more than three hundred dollars for a third or subsequent offense within a one-year period.".

2. On page 59, line 21, strike "46" and insert "47" and strike "49" and insert "50".

3. Renumber the remaining sections accordingly.

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

Mr. Kristensen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Robak moved for a call of the house. The motion prevailed with 10 ayes, 5 nays, and 34 not voting.

Mrs. Robak requested a roll call vote on her amendment.

Voting in the affirmative, 9:

Crosby	Hartnett	Landis	Preister	Witek
Dierks	Hillman	Lynch	Robak	

Voting in the negative, 25:

Abboud	Beutler	Cudaback	Horgan	Vrtiska
Ashford	Bromm	Elmer	Hudkins	Wehrbein
Avery	Byars	Fisher	Jones	Wesely
Baack	Chambers	Haberman	Lindsay	Wickersham
Bernard-Stevens	Coordsen	Hohenstein	Schellpeper	Will

Present and not voting, 9:

Bohlke	Kristensen	Pedersen	Robinson	Schmitt
Janssen	McKenzie	Rasmussen	Schimek	

Excused and not voting, 6:

Day	Moore	Pirsch	Warner	Withem
Hall				

The Robak amendment lost with 9 ayes, 25 nays, 9 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. Hartnett and Wehrbein renewed their pending amendment, AM0926, found in the Journal on page 1225.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hartnett-Wehrbein amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Messrs. Avery, Pedersen, Schmitt, and Kristensen renewed their pending amendment, AM1112, found in the Journal on page 1254.

The Avery et al. amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Wesely renewed his pending amendment, AM1040, found in the Journal on page 1261.

The Wesely amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

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

Mr. Kristensen renewed his pending amendment, AM0925, found in the Journal on page 1296.

Mr. Kristensen withdrew his amendment, AM0925.

Mrs. Hillman offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1066.)

The Hillman amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Dierks withdrew his pending amendment, AM0919, found in the Journal on page 1068.

MRS. CROSBY PRESIDING

Mr. Chambers offered the following amendment:
FA65
Amend Wesely Amendment (AM1040)
Line 10, after "class" insert "and metropolitan class"

The Chambers amendment was adopted with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 563. E & R amendment, AM5428, printed separately from the Journal and referred to on page 1135, was adopted.

Mr. Schellpeper asked unanimous consent to pass over LB 563. No objections. So ordered.

LEGISLATIVE BILL 789. Mr. Wesely withdrew his pending motion, found in the Journal on page 1251, to indefinitely postpone.

Messrs. Beutler and Bernard-Stevens offered the following amendment:
AM1253

1. Strike AM1133 and all amendments thereto.
2. Insert the following new sections:

"Sec. 6. That section 46-677, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-677. ~~After~~ (1) Except as provided in section 8 of this act, (a) after August 30, 1981, any person who desires to withdraw ~~a total of three thousand or more acre-feet of~~ ground water~~, per year,~~ from aquifers located within the State of Nebraska for industrial purposes shall, prior to commencing construction of any wells, obtain from the director a permit to authorize the withdrawal and any transfer of such ground water and (b) any person who desires to withdraw ground water from aquifers located in the State of Nebraska for industrial purposes who has, before the effective date of this act, commenced construction of any well for such purposes may file an application for a permit to authorize the withdrawal and any transfer within five years after such date. ~~As used in~~

(2) For purposes of this section, industrial purposes shall include manufacturing, commercial, and power generation uses of water and commercial use shall include, but not be limited to, maintenance of the turf of a golf course.

Sec. 7. That section 46-678, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-678. (1) Applications for permits required by section 46-677 shall be on forms provided by the director and shall contain:

(a) A statement of the amount of ground water which the applicant proposes to use;

(b) A statement of the proposed use and whether the ground water will be transferred for use at a location other than the well site;

(c) A hydrologic evaluation of the impact of the proposed use on the surrounding area and on existing users;

(d) The date when the applicant expects to first use the ground water; and

(e) Such other relevant information as the director may deem necessary or desirable.

(2) Such applications shall be accompanied by an exhibit of maps showing the location, depth, and capacity of the proposed wells.

Sec. 8. Any person who desires to withdraw and transfer a total of less than one hundred fifty acre-feet of ground water per year from aquifers located in the State of Nebraska for industrial purposes to other property within the state which is owned or leased by such person shall provide written notice to the Department of Water Resources and install a water meter or meters that meet the approval of the department. Such notice shall include the amount of the proposed transfer, the point of withdrawal, and the point of delivery and shall be published once each week for three consecutive weeks in a newspaper of general circulation in the county or counties in which the point of withdrawal is located. The withdrawal and transfer may be made without a permit so long as (1) the property which includes the point of withdrawal and the property which includes the point of delivery are owned or leased by the same person, (2) the water is used by such person, and (3) a total of less than one hundred fifty acre-feet of ground water per year is transferred from all sources to the property which includes the point of delivery.

Sec. 9. The Director of Water Resources shall have jurisdiction over any ground water withdrawal and transfer made under section 8 of this act. Any person using ground water at the time a notice to transfer is filed under such section whose wells thereafter suffer an unanticipated decline in ground water levels may petition the director for a hearing. Such petition shall specifically set forth the cause and extent of the ground water decline as well as the nature and extent of any injury resulting from that decline. Such petition shall be made within one calendar year after such notice to transfer is filed. If at such hearing the injured party presents evidence showing that the ground water levels

declined as a result of such transfer and shows the nature and extent of any resulting injury, the director may issue an order terminating or conditioning the transfer to eliminate any further injury. If the injured party prevails and an order is issued pursuant to this section, the order shall provide that the person filing the notice of transfer shall pay the costs of the department and of the injured party, including reasonable attorney's fees. The injured party may maintain a civil action against the person filing the notice of transfer to recover the costs of a hydrologic evaluation. The order of the director may be appealed to the Court of Appeals.

Sec. 10. That section 46-690, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-690. Sections 46-675 to 46-690 and sections 8 and 9 of this act shall be known and may be cited as the Industrial Ground Water Regulatory Act. Any reference in such act to sections 46-675 to 46-690 and sections 8 and 9 of this act shall be construed to include section 46-683.01.

Sec. 12. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

3. On page 11, line 1, strike "and"; and in line 2 after the first comma insert "46-677, 46-678, and 46-690,".

4. Renumber the remaining section accordingly.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Wickersham offered the following amendment to the Beutler-Bernard-Stevens pending amendment:
AM1313

(Amendments to AM1253)

1. On page 3, strike beginning with "Such" in line 18 through the period in line 20.

SPEAKER BAACK PRESIDING

The Wickersham amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Bernard-Stevens offered the following amendment to the Beutler-Bernard-Stevens pending amendment:
AM1314

(Amendments to AM1253)

1. On page 1, line 7, after "withdraw" insert "and transfer"; in line 11 strike "the", show as stricken, and insert "such" and strike "any" and show as stricken; in line 12 strike "desires to withdraw" and insert "prior to the

effective date of this act has withdrawn"; strike beginning with "who" in line 14 through "purposes" in line 15; strike beginning with "withdrawal" in line 16 through "any" in line 17; and in line 17 after "transfer" insert "of such ground water".

The Bernard-Stevens amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

The Beutler-Bernard-Stevens amendment, as amended, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 683. Placed on General File as amended.
Standing Committee amendment to LB 683:
AM1082

1. Strike original sections 7 and 8 and insert the following new section:

"Sec. 8. That section 85-1412, Revised Statutes Supplement, 1992, be amended to read as follows:

85-1412. The commission shall have the additional powers and duties to:

(1) Conduct surveys and studies it finds appropriate for the purposes of the Coordinating Commission for Postsecondary Education Act and request information from governing boards and appropriate administrators of public institutions and other governmental agencies for research projects. All public institutions and governmental agencies receiving state funds shall comply with reasonable requests for information under this subdivision;

(2) Recommend to the Legislature and the Governor legislation it deems necessary or appropriate to improve postsecondary education in Nebraska and any legislation it deems appropriate to change the role and mission provisions in sections 85-121.05 and 85-927 to 85-966;

(3) Establish any advisory committees it finds will assist the commission in facilitating the performance of its duties or in soliciting input from affected parties such as students, faculty, governing boards, administrators of the public institutions, administrators of the private nonprofit institutions of postsecondary education and proprietary institutions in the state, and community and business leaders;

(4) Participate in or designate an employee or employees to participate in any committee which may be created

to prepare a coordinated plan for the delivery of educational programs and services in Nebraska through the telecommunications system;

(5) Seek a close liaison with the State Board of Education and the State Department of Education in recognition of the need for close coordination of activities between elementary and secondary education and postsecondary education;

(6) Administer the Integrated Postsecondary Education Data System or other information system or systems to provide the commission with timely, comprehensive, and meaningful information pertinent to the exercise of its duties. The information system shall be designed to provide comparable data on each public institution. The commission shall also administer the uniform information system prescribed in sections 85-968 to 85-979, known on January 1, 1992, as the Nebraska Educational Data System, if such responsibility is transferred to the commission pursuant to section 85-973. Public institutions shall supply the appropriate data for the information system or systems required by the commission;

(7) Administer the State Scholarship Award Program Act and the Scholarship Assistance Program Act;

(8) Accept and administer loans, grants, and programs from the federal or state government and from other sources, public and private, for carrying out any of its functions. Such loans and grants shall not be expended for any other purposes than those for which the loans and grants were provided. The commission shall determine eligibility for such loans, grants, and programs, and such loans and grants shall not be expended unless approved by the Governor;

(9) Make recommendations to the State Board of Education with regard to granting permits for the operation of correspondence schools, privately owned business or trade schools, or other educational institutions under the Private Postsecondary Career School Act whenever any correspondence school, business school, or vocational school offers any course which is intended to lead to the granting of an associate degree, diploma, or certificate or any course which qualifies for college credit. By January 1, 1994, the commission shall study and report to the chairpersons of the Education Committee and Appropriations Committee of the Legislature its recommendations on transferring to the commission the responsibilities of the State Board of Education under the Private Postsecondary Career School Act and the responsibilities of any other state agency which licenses or regulates postsecondary education courses;

(10) Pursuant to sections 85-1101 to 85-1104, authorize out-of-state institutions of higher or postsecondary

education to offer courses or degree programs in this state;

(11) On or before January 1, 1993, submit to the Legislature and the Governor a report and summary of the goals and plans of the commission and how the initial development of policies, rules, and regulations of the commission is related to and expected to further its goals. On or before October 1, 1994, and on or before October 1 every two years thereafter, the commission shall submit to the Legislature and the Governor a report of its objectives and activities and the implementation of any recommendations of the commission for the preceding two calendar years;

(12) Allocate state incentive funds among the public institutions pursuant to any directives to the commission in the law providing for or authorizing such funds;

(13) Provide staff support for interstate compacts on postsecondary education; and

(14) Request inclusion of the commission in any existing grant review process and information system.".

2. On page 8, line 15, strike "84-1415" and insert "85-1415".

3. On page 10, line 14, strike the new matter and reinstate the stricken matter; in line 15 strike "for"; in line 22 strike "and" and insert "; any"; in line 23 after maintenance insert ", or routine upkeep"; and in line 24 after "occupancy" insert ". The commission shall, after consultation with the Legislative Fiscal Analyst and the Budget Division of the Department of Administrative Services, by January 1, 1994, submit to the Education Committee and to the Appropriations Committee of the Legislature its recommendations for any statutory amendments to the definition of capital construction project which may more appropriately enable it to carry out the intent of Article VII, section 14, of the Constitution of Nebraska. The recommendations shall be consistent with the intent of such section that the commission review proposals for capital projects for which direct construction or maintenance costs will be funded by tax funds designated by the Legislature but not review proposals for capital projects whose direct construction and maintenance costs will not be funded by tax funds designated by the Legislature and for which any related costs involving tax funds designated by the Legislature are not primarily attributed to the construction or maintenance of the building or structure itself".

4. On page 11, line 26, strike "and maintenance" and insert ", any maintenance, or routine upkeep".

5. On page 13, after line 9 insert the following new paragraph:

"After approval of the program by the governing board, the governing board may submit a proposal for a new

program which is not authorized by the role and mission provisions of sections 85-121.05 and 85-917 to 85-966 to the commission for conditional approval. If the commission conditionally approves the program, it shall report to the Legislature its action and its recommendation, along with any supporting rationale, for the change in the role and mission statutes necessary for it to approve the program and for the institution to offer the program. If the Legislature passes the recommended change to role and mission statutes, the change shall be incorporated into the comprehensive plan and the program shall stand approved unless the commission's conditional approval is rescinded prior to the implementation of the program.".

6. On page 18, line 18, strike "or maintenance" and insert ", any maintenance, or routine upkeep".

7. On page 19, strike beginning with "section" in line 17 through "and" in line 18; and in line 19 strike "85-937," and after "85-1402," insert "85-1412,".

8. Renumber the remaining sections accordingly.

(Signed) Ron Withem, Chairperson

Urban Affairs

LEGISLATIVE BILL 695. Placed on General File as amended.
Standing Committee amendment to LB 695:
AM1130

1. Insert the following new section:

"Sec. 2. That section 17-555, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-555. ~~Second-class cities~~ Cities of the second class and villages shall have the power to remove all obstructions from the sidewalks, curbstones, gutters, and crosswalks at the expense of the person placing them there~~,~~ or of the city or village~~,~~ and to require and regulate the planting and protection of shade trees in and along the streets~~,~~ and the trimming and removing of such trees.

Cities of the second class or villages may by ordinance declare it to be a nuisance for a property owner to permit, allow, or maintain any dead or diseased trees within the right-of-way of streets within the corporate limits of the city or village. Notice to abate and remove such nuisance and notice of the right to a hearing and the manner in which it may be requested shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. Within thirty days after the receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing or fails to comply with the order to abate and remove the nuisance, the city or

village may have such work done and may levy and assess all or any portion of the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed.

Cities and villages shall have the power to regulate the building of bulkheads, cellar and basement ways, stairways, railways, ~~window and~~ windows, doorways, awnings, hitching posts and rails, lamp posts, awning posts, ~~and~~ all other structures projecting upon or over and adjoining, and all other excavations through and under the sidewalks in the ~~said~~ city or village.".

2. On page 2, strike beginning with "After" in line 9 through line 12 and insert "Any city of the first class may by ordinance declare it to be a nuisance for a property owner to permit, allow, or maintain any dead or diseased trees within the right-of-way of streets within the corporate limits of the city. Notice to abate and remove such nuisance and notice of the right to a hearing and the manner in which it may be requested shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. Within thirty days after the receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing or fails to comply with the order to abate and remove the nuisance, the city may have such work done and may levy and assess all or any portion of the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed."; and in line 18 strike "section 16-207" and insert "sections 16-207 and 17-555".

3. Renumber the remaining section accordingly.

(Signed) D. Paul Hartnett, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Will asked unanimous consent to print the following amendment to LB 575 in the Journal. No objections. So ordered.

FA66

1. In the Wesely amendment, AM1040, on page 1, line 20, after the period, insert "Revenue lost due to this section by any city bus system in a city of the metropolitan class shall be reimbursed by the State of Nebraska."

Mr. Abboud asked unanimous consent to print the following amendment to LB 627 in the Journal. No objections. So ordered.

AM1131

1. In the Standing Committee amendment, AM0712:

a. On page 3, line 15, strike "ninety" and insert "one hundred eighty"; in line 16 after "unit" insert "followed by one year of intense parole supervision. The court may consider such commitment"; in line 17 strike "is otherwise eligible for probation" and insert "has been found guilty of a nonviolent crime"; and strike beginning with "On" in line 22 through line 27 and insert "Upon successful completion of the term of commitment, the offender shall be placed under the jurisdiction of the Board of Parole for a period of one year. All provisions of Chapter 83, article 1, relating to parole, except eligibility for parole, shall apply to the offender. If the parole of the offender is revoked, the offender shall be returned to the sentencing court for resentencing on the original conviction.

If the offender for any reason fails to complete the program of regimented inmate discipline, the offender shall immediately be returned to the sentencing court for resentencing on the original conviction. Credit shall be given for time actually served in the program.";

b. On page 4, strike beginning with "term" in line 1 through the period in line 2; in line 3 strike "defendant" and insert "offender"; in line 7 strike "sentencing" and insert "resentencing";

c. On page 10, line 9, strike "persons" and insert "offenders"; in line 10 strike "ninety" and insert "one hundred eighty"; in line 11 strike "Persons" and insert "Offenders"; in line 13 after "labor" insert "and physical exercise"; in line 16 strike "a" and insert "an"; in lines 16, 21, 24, and 25 strike "person" and insert "offender"; and in line 20 strike "person's" and insert "offender's"; and

d. On page 11, line 2, strike "person" and insert "offender"; and after line 3 insert the following new paragraph:

"It is the intent of the Legislature that the department develop recommendations for the implementation of regimented inmate discipline units consisting of two components: (a) A community component utilizing existing structures within a community; and (b) a correctional component to be an adjunct to an existing correctional facility. Recommendations, including proposed rules and regulations governing the operation of regimented inmate discipline units, shall be forwarded by the department to the Legislature not later than July 1, 1994.".

Mr. Hartnett asked unanimous consent to print the following amendment to LB 292 in the Journal. No objections. So ordered.

AM1285

1. Insert the following new section:

"Section 1. That section 79-442.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-442.01. ~~The~~ (1) Except as provided in subsection (2) of this section, the governing board of any school district may provide its members with hospitalization, medical, surgical, accident, sickness, or term life insurance coverage or any one or more of such coverages.

(2) A governing body which is not providing one or more of the insurance coverages listed in subsection (1) of this section on February 1, 1993, shall not provide such coverage to any of its members after the operative date of this act. A governing body shall not provide any of its members with any insurance coverage pursuant to subsection (1) of this section beyond such insurance coverage as was provided to the members on February 1, 1993. A governing body which is providing one or more of the insurance coverages listed in subsection (1) of this section shall not continue to provide any such coverage to a member past the date upon which the current term of such member expires or such member leaves office, whichever comes first. A governing body shall not exercise the authority granted by subsection (1) of this section to provide any one or more of the insurance coverages listed to any member who was not a member of the governing body on February 1, 1993, or to any member after January 1, 1997.".

2. In the Standing Committee amendments, AM0879:

a. On page 1, line 6, strike "4" and insert "5";

and

b. On page 9, line 20, after "original" insert "section 79-442.01, Reissue Revised Statutes of Nebraska, 1943, and".

3. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Messrs. Wesely and Landis asked unanimous consent to have their names added as cointroducers to LB 44. No objections. So ordered.

VISITORS

Visitors to the Chamber were 31 fourth grade students and teacher from Axtell Community School; 25 students and teacher from Trenton High School; 32 fourth grade students and teacher from Holy Ghost School, Omaha; FHA members from Chase County; and FHA members from Lincoln.

The Doctor of the Day was Richard Hanish from St. Paul.

ADJOURNMENT

At 3:49 p.m., on a motion by Mr. Byars, the Legislature adjourned until 9:00 a.m., Wednesday, April 7, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-SIXTH DAY - APRIL 7, 1993

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 7, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Avery, Bromm, Haberman, Landis, Lindsay, Lynch, Will, Withem, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fifth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 564. Placed on Select File as amended.
E & R amendment to LB 564:
AM5446

1. On page 2, line 21; page 3, lines 2 and 8; page 5, lines 23 and 27; and page 8, lines 1, 10, and 14, strike "law enforcement" and insert "peace".

2. On page 2, line 24, strike "stopped for or" and insert "has been".

3. On page 3, line 23; page 4, lines 1, 12, and 18; page 5, lines 2, 18, and 20; page 6, line 7; and page 10, line 27, after "arresting" insert "peace".

4. On page 3, line 23; page 9, line 8; and page 10, line 19, strike "director" and insert "Director of Motor Vehicles".

5. On page 5, line 8, after "The" insert "peace".
6. On page 5, line 13; and page 10, line 2, strike "department" and insert "Department of Motor Vehicles".
7. On page 9, line 25, strike "nonresident" and insert "nonresident's" and after "privilege" insert "as defined in section 69, Legislative Bill 370, Ninety-third Legislature, First Session, 1993,".
8. On page 14, line 21, strike "The" and insert "This".

LEGISLATIVE BILL 564A. Placed on Select File.
LEGISLATIVE BILL 597. Placed on Select File.
LEGISLATIVE BILL 597A. Placed on Select File.

(Signed) Kurt A. Hohenstein, Chairperson

UNANIMOUS CONSENT - Member Excused

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

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 299. With Emergency.

A BILL FOR AN ACT relating to stalking; to amend sections 28-311.02 to 28-311.04, 42-903, and 42-924, Revised Statutes Supplement, 1992; to state intent; to change and eliminate definitions; to change provisions relating to the offense of stalking; to provide a penalty; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Abboud	Chambers	Hartnett	McKenzie	Schellpeper
Ashford	Coordsen	Hillman	Moore	Schimek
Baack	Crosby	Hohenstein	Pedersen	Schmitt
Bernard-Stevens	Cudaback	Horgan	Pirsch	Warner
Beutler	Dierks	Hudkins	Preister	Wehrbein
Bohlke	Elmer	Janssen	Rasmussen	Wesely
Byars	Fisher	Jones	Robak	Wickersham
	Hall	Kristensen	Robinson	Witek

Voting in the negative, 0.

Excused and not voting, 10:

Avery	Day	Landis	Lynch	Will
Bromm	Haberman	Lindsay	Vrtiska	Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 346. With Emergency.

A BILL FOR AN ACT relating to fees and taxes; to amend sections 33-114, 70-651.04, 77-202.01, 77-1239.01, 77-1239.02, 77-1706, and 77-2208, Reissue Revised Statutes of Nebraska, 1943, sections 60-344, 77-1238, 77-1239, 77-1240.01, 77-1241.01, 77-1242.01, and 77-1704, Revised Statutes Supplement, 1992, section 60-318, Reissue Revised Statutes of Nebraska, 1943, as amended by section 28, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, and sections 60-106, 60-302, and 77-1240.03, Revised Statutes Supplement, 1992, as amended by sections 6, 16, and 43, respectively, Legislative Bill 112, Ninety-third Legislature, First Session, 1993; to change a collection fee retained by county treasurers; to change and eliminate provisions relating to taxation of motor vehicles; to define and redefine terms; to create a presumption; to change provisions relating to the distribution of in-lieu-of-tax payments and receipts for taxes and other payments; to authorize late application for a property tax exemption and provide for a penalty; to impose a fee on rental of private passenger motor vehicles; to harmonize provisions; to provide operative dates; to repeal the original sections, and also section 77-1240, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud	Byars	Hillman	Moore	Schimek
Ashford	Coordsen	Hohenstein	Pedersen	Schmitt
Avery	Crosby	Horgan	Pirsch	Warner
Baack	Cudaback	Hudkins	Preister	Wehrbein
Bernard-Stevens	Dierks	Janssen	Rasmussen	Wesely
Beutler	Elmer	Jones	Robak	Wickersham
Bohlke	Fisher	Kristensen	Robinson	Will
Bromm	Hall	McKenzie	Schellpeper	Witek
	Hartnett			

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 7:

Day	Landis	Lynch	Vrtiska	Withem
Haberman	Lindsay			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 23.

A BILL FOR AN ACT relating to motor fuel tax; to amend section 66-4,142, Revised Statutes Supplement, 1992; to change provisions relating to adjustments to tax rates; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Byars	Hillman	Moore	Schimek
Ashford	Coordsen	Hohenstein	Pedersen	Schmitt
Avery	Crosby	Horgan	Pirsch	Warner
Baack	Cudaback	Hudkins	Preister	Wehrbein
Bernard-Stevens	Dierks	Janssen	Rasmussen	Wesely
	Elmer	Jones	Robak	Wickersham
Beutler	Fisher	Kristensen	Robinson	Will
Bohlke	Hall	McKenzie	Schellpeper	Witek
Bromm	Hartnett			

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 7:

Day	Landis	Lynch	Vrtiska	Withem
Haberman	Lindsay			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 191.

A BILL FOR AN ACT relating to commercial motor vehicles; to amend sections 60-4,163 to 60-4,168, Revised Statutes Supplement, 1992; to provide for and change provisions relating to chemical tests to determine alcohol concentration as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud	Byars	Hillman	Pedersen	Schmitt
Ashford	Coordsen	Hohenstein	Pirsch	Vrtiska
Avery	Crosby	Horgan	Preister	Warner
Baack	Cudaback	Hudkins	Rasmussen	Wehrbein
Bernard-Stevens	Dierks	Janssen	Robak	Wesely
	Elmer	Jones	Robinson	Wickersham
Beutler	Fisher	Kristensen	Schellpeper	Will
Bohlke	Hall	Landis	Schimek	Witek
Bromm	Hartnett	McKenzie		

Voting in the negative, 0.

Present and not voting, 2:

Chambers Moore

Excused and not voting, 5:

Day	Haberman	Lindsay	Lynch	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 201.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,119, 60-4,120, 60-4,127, 60-4,152, and 60-4,180, Revised Statutes Supplement, 1992; to change provisions relating to photographs on operators' licenses and state identification cards and relating to licenses and cards issued to minors; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Byars	Hillman	Moore	Schmitt
Ashford	Coordsen	Hohenstein	Pedersen	Vrtiska
Avery	Crosby	Horgan	Pirsch	Warner
Baack	Cudaback	Hudkins	Preister	Wehrbein
Bernard-Stevens	Dierks	Janssen	Rasmussen	Wesely
	Elmer	Jones	Robak	Wickersham
Beutler	Fisher	Kristensen	Schellpeper	Will
Bohlke	Hall	Landis	Schimek	Witek
Bromm	Hartnett	McKenzie		

Voting in the negative, 0.

Present and not voting, 2:

Chambers Robinson

Excused and not voting, 5:

Day	Haberman	Lindsay	Lynch	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 305.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-901 to 86-906, 86-1002, 86-1005, 87-302, 87-303.08, and 87-303.11, Revised Statutes Supplement, 1992; to state and restate intent; to provide, change, and eliminate definitions; to regulate activities involving automatic dialing-announcing devices and facsimile and similar machines; to provide for fees; to provide penalties; to provide powers and duties for the Public Service Commission; to eliminate provisions relating to such devices and machines; to name the Telecommunications Relay System Act; to rename a fund; to provide for the transfer of funds; to change provisions relating to a surcharge; to require certain reports regarding 911 service; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections, and also sections 87-307 to 87-312, Revised Statutes Supplement, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Byars	Hillman	McKenzie	Schimek
Ashford	Coordsen	Hohenstein	Moore	Schmitt
Avery	Crosby	Horgan	Pedersen	Vrtiska
Baack	Cudaback	Hudkins	Pirsch	Warner
Bernard-Stevens	Dierks	Janssen	Preister	Wehrbein
Beutler	Elmer	Jones	Rasmussen	Wesely
Bohlke	Fisher	Kristensen	Robak	Wickersham
Bromm	Hall	Landis	Robinson	Will
	Hartnett	Lindsay	Schellpeper	Witek

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Day	Haberman	Lynch	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 305A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 305, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Byars	Hohenstein	Moore	Schmitt
Ashford	Coordsen	Horgan	Pedersen	Vrtiska
Avery	Crosby	Hudkins	Pirsch	Warner
Baack	Cudaback	Janssen	Preister	Wehrbein
Bernard-Stevens	Dierks	Jones	Rasmussen	Wesely
Beutler	Elmer	Kristensen	Robak	Wickersham
Bohlke	Hall	Landis	Robinson	Will
Bromm	Hartnett	Lindsay	Schellpeper	Witek
	Hillman	McKenzie	Schimek	

Voting in the negative, 0.

Present and not voting, 2:

Chambers Fisher

Excused and not voting, 4:

Day Haberman Lynch Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 526.

A BILL FOR AN ACT relating to juvenile emergency shelter care; to authorize municipal corporations to contract for such care for juveniles.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Chambers	Hohenstein	McKenzie	Schimek
Ashford	Coordsen	Horgan	Moore	Schmitt
Avery	Crosby	Hudkins	Pedersen	Vrtiska
Baack	Cudaback	Janssen	Pirsch	Warner
Bernard-Stevens	Dierks	Jones	Preister	Wehrbein
	Elmer	Kristensen	Rasmussen	Wesely
Beutler	Fisher	Landis	Robak	Wickersham
Bohlke	Hall	Lindsay	Robinson	Will
Bromm	Hartnett	Lynch	Schellpeper	Witek
Byars	Hillman			

Voting in the negative, 0.

Excused and not voting, 3:

Day Haberman Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 590.

A BILL FOR AN ACT relating to public records; to amend sections 39-6,104.06, 39-6,104.07, 39-6,104.08, 39-6,104.11, 39-6,104.12, and 84-712.05, Reissue Revised Statutes of Nebraska, 1943; to change the department with which certain reports are filed; to provide for

disclosure of certain information relating to fatal motor vehicle accidents as prescribed; to change provisions relating to withholding of records; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud	Byars	Hillman	Lynch	Schellpeper
Ashford	Coordsen	Hohenstein	McKenzie	Schmitt
Avery	Crosby	Horgan	Moore	Vrtiska
Baack	Cudaback	Hudkins	Pedersen	Wehrbein
Bernard-Stevens	Dierks	Janssen	Pirsch	Wesely
	Elmer	Jones	Preister	Wickersham
Beutler	Fisher	Kristensen	Rasmussen	Will
Bohlke	Hall	Landis	Robak	Witek
Bromm	Hartnett	Lindsay	Robinson	

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Schimek	Warner

Excused and not voting, 3:

Day	Haberman	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 726.

A BILL FOR AN ACT relating to cities and villages; to amend sections 14-101, 15-101, 16-101, 17-101, 17-201, 18-2603, 39-2513, 39-2517, and 77-27,137.01, Reissue Revised Statutes of Nebraska, 1943; to provide calculations relating to changes in population resulting from annexation; to change provisions relating to population of cities and villages and calculation of state aid; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Abboud	Chambers	Hohenstein	McKenzie	Schimek
Ashford	Coordsen	Horgan	Moore	Schmitt
Avery	Crosby	Hudkins	Pedersen	Vrtiska
Baack	Cudaback	Janssen	Pirsch	Warner
Bernard-Stevens	Dierks	Jones	Preister	Wehrbein
Beutler	Elmer	Kristensen	Rasmussen	Wesely
Bohlke	Fisher	Landis	Robak	Wickersham
Bromm	Hall	Lindsay	Robinson	Will
Byars	Hartnett	Lynch	Schellpeper	Witek
	Hillman			

Voting in the negative, 0.

Excused and not voting, 3:

Day	Haberman	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 818.

A BILL FOR AN ACT relating to Nebraska Community Aging Services Act; to amend sections 81-2213 and 81-2224, Revised Statutes Supplement, 1992; to change provisions relating to submission of plans and budgets; to provide an additional source for state reimbursement of area agency on aging costs; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Chambers	Hillman	Lynch	Schellpeper
Ashford	Coordsen	Hohenstein	McKenzie	Schimek
Avery	Crosby	Horgan	Moore	Schmitt
Baack	Cudaback	Hudkins	Pedersen	Vrtiska
Bernard-Stevens	Dierks	Janssen	Pirsch	Wehrbein
Beutler	Elmer	Jones	Preister	Wesely
Bohlke	Fisher	Kristensen	Rasmussen	Wickersham
Bromm	Hall	Landis	Robak	Will
Byars	Hartnett	Lindsay	Robinson	Witek

Voting in the negative, 0.

Present and not voting, 1:

Warner

Excused and not voting, 3:

Day Haberman Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 830.

A BILL FOR AN ACT relating to fish and game; to amend section 37-719, Reissue Revised Statutes of Nebraska, 1943, and sections 37-101, 37-102, and 37-702, Revised Statutes Supplement, 1992; to state intent; to define terms; to create the Nebraska Aquaculture Board; to provide powers and duties for the board; to change provisions relating to acting as a commercial fish culturist; to change penalty provisions relating to releasing certain animals to the wild; to prohibit the importation, exploitation, and exportation of certain animals; to provide exceptions; to provide a penalty; to provide powers and duties for the Game and Parks Commission; to harmonize provisions; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Chambers	Hohenstein	McKenzie	Schimek
Ashford	Coordsen	Horgan	Moore	Schmitt
Avery	Crosby	Hudkins	Pedersen	Vrtiska
Baack	Cudaback	Janssen	Pirsch	Warner
Bernard-Stevens	Dierks	Jones	Preister	Wehrbein
Beutler	Elmer	Kristensen	Rasmussen	Wesely
Bohlke	Haberman	Landis	Robak	Wickersham
Bromm	Hall	Lindsay	Robinson	Will
Byars	Hartnett	Lynch	Schellpeper	Witek
	Hillman			

Voting in the negative, 0.

Present and not voting, 1:

Fisher

Excused and not voting, 2:

Day Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 246 to Select File

Mr. Schellpeper moved to return LB 246 to Select File for the following specific amendment:
AM1128

1. Strike the original sections and insert the following new section:

"Section 1. (1) Howard County shall be added to the Nebraska brand inspection area if, after a vote by eligible voters residing in the county, a majority of votes cast are in favor of the inclusion of Howard County into the Nebraska brand inspection area. Such election shall be held within thirty days after the effective date of this act. Public notice shall be given by the county clerk of Howard County at least fifteen days prior to the date of the election which shall be held in the Howard County extension office. No more than one ballot may be cast by each eligible voter. Ballots may be cast and will be acceptable for a period of no more than five business days after the election commences. All ballots shall be counted by the county clerk of Howard County who shall forward to the Secretary of State pursuant to law the official canvass of the votes cast in his or her county on the question. The state canvassing board shall canvass the results of the election and certify the results to the Nebraska Brand Committee. The costs of the special election shall be paid by Howard County.

(2) For purposes of this section, eligible voter shall mean any resident of Howard County who is an owner or producer of cattle.".

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

Mr. Schellpeper withdrew his motion to return.

Mr. Dierks moved to return LB 246 to Select File for the following specific amendment:
FA67

Strike the enacting clause.

Mr. Dierks withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 246.

A BILL FOR AN ACT relating to brands; to amend section 54-134, Revised Statutes Supplement, 1992; to add Howard County to the brand inspection area; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 31:

Abboud	Byars	Hillman	Lindsay	Warner
Avery	Chambers	Hohenstein	McKenzie	Wehrbein
Baack	Crosby	Horgan	Pedersen	Wesely
Bernard-Stevens	Cudaback	Jones	Pirsch	Wickersham
	Dierks	Kristensen	Robinson	Will
Beutler	Elmer	Landis	Schmitt	Witek
Bromm	Haberman			

Voting in the negative, 12:

Bohlke	Hartnett	Lynch	Rasmussen	Schellpeper
Coordsen	Hudkins	Moore	Robak	Schimek
Fisher	Janssen			

Present and not voting, 4:

Ashford	Hall	Preister	Vrtiska

Excused and not voting, 2:

Day	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules

Messrs. Landis and Warner moved to suspend the rules, Rule 8, Section 5, to permit consideration of LB 240 and LB 240A on Final Reading.

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

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Landis requested a roll call vote on the motion to suspend the rules.

Voting in the affirmative, 29:

Ashford	Coordsen	Hillman	McKenzie	Vrtiska
Beutler	Crosby	Horgan	Preister	Warner
Bohlke	Cudaback	Janssen	Rasmussen	Wesely
Bromm	Dierks	Landis	Robak	Wickersham
Byars	Hall	Lindsay	Schellpeper	Will
Chambers	Hartnett	Lynch	Schimek	

Voting in the negative, 17:

Abboud	Elmer	Hudkins	Pedersen	Wehrbein
Baack	Fisher	Jones	Pirsch	Witek
Bernard-Stevens	Haberman	Kristensen	Schmitt	Withem
	Hohenstein	Moore		

Present and not voting, 1:

Avery

Excused and not voting, 2:

Day Robinson

The Landis-Warner motion to suspend the rules lost with 29 ayes, 17 nays, 1 present and not voting, and 2 excused and not voting.

WITHDRAW - Amendment to LB 240

Mr. Hall withdrew his pending amendment, AM0402, found in the Journal on page 686, to LB 240.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 299, 346, 23, 191, 201, 305, 305A, 526, 590, 726, 818, 830, and 246.

EXPLANATION OF VOTE

Had I been present, I would have voted yes on LB 299e.

(Signed) Curt Bromm

MOTION - Place LB 794 on General File

The Appropriations Committee, Messrs. Moore, Bernard-Stevens, Hohenstein, Avery, Wehrbein, Ashford, Lynch, Mmes. Crosby, and Hillman, moved to place LB 794 on General File notwithstanding the action of the Health and Human Services Committee pursuant to Rule 3, Section 17.

Laid over.

MESSAGE FROM THE GOVERNOR

April 7, 1993

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 588 and 588A were received in my office on April 2, 1993.

These bills were signed by me on April 7, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

RESOLUTION

LEGISLATIVE RESOLUTION 75. Introduced by Schimek, 27; Baack, 47.

WHEREAS, the peaceful use of the world's seas is important to international trade and commerce; and

WHEREAS, for nearly two hundred twenty years the United States Navy has patrolled the seas during times of peace and war protecting American interests both domestic and foreign; and

WHEREAS, the U.S.S. Nebraska (SSBN739) was named in honor of the great State of Nebraska due to the efforts of Nebraska's U.S. Senator J. James Exon; and

WHEREAS, since World War II, the role of submarines in providing for America's national security has grown in importance;

WHEREAS, the power, stealth, and survivability of the United States submarine force provides an effective deterrent against foreign aggression; and

WHEREAS, the United States submarine force is the finest in the world; and

WHEREAS, the U.S.S. Nebraska crews, during their tours of sea duty, are typically submerged in the oceans for seventy consecutive days or longer causing hardship for naval personnel and their families; and

WHEREAS, the Ohio-class of nuclear ballistic missile submarines, known as the Trident submarine, is a mobile, highly accurate leg of our nation's defense triad; and

WHEREAS, the U.S.S. Nebraska was christened on August 15, 1992, by the submarine's sponsor Mrs. Patricia Pros Exon; and

WHEREAS, the U.S.S. Nebraska Commissioning Committee, comprised of Nebraskans, have enthusiastically hosted the two captains of the U.S.S. Nebraska and visiting crew so as to establish a warm relationship between the state and those sailors serving aboard its namesake; and

WHEREAS, the U.S.S. Nebraska is scheduled to be commissioned on Saturday, July 10, 1993, at Groton, Connecticut.

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

1. That the Legislature and citizens of Nebraska recognize and honor the two crews of the U.S.S. Nebraska (SSBN739) on its first sea trial scheduled for Tuesday, April 13, 1993.

2. That copies of this resolution be presented to each of the two captains of the U.S.S. Nebraska.

Laid over.

UNANIMOUS CONSENT - Member Excused

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

GENERAL FILE

LEGISLATIVE BILL 831. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

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

LEGISLATIVE BILL 627. The Witek pending amendment, AM1156, found in the Journal on page 1266, was renewed.

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

Mr. Abboud withdrew his pending amendment, AM1131, found in the Journal on page 1410.

Messrs. Ashford, Hohenstein, and Schellpeper withdrew their pending amendment, AM1296, found in the Journal on page 1395.

Mr. Abboud offered the following amendment:
AM1341

1. Insert the following new section:

"Sec. 2. No later than July 1, 1996, the Director of Correctional Services shall establish a program for the confinement of offenders who are required to serve not more than one hundred eighty days in a regimented inmate discipline unit pursuant to subsection (3) of section 29-2204. Offenders committed to the Department of Correctional Services participating in the program shall be required to engage in strenuous labor and physical exercise as well as educational, chemical dependency, and mental health programs determined by department personnel to be suitable. If the director determines that an offender committed to the department for participation in the program is medically or psychologically unsuitable for the program or is not complying with the rules adopted by the department governing conduct of participants, the director shall end the offender's participation in the program, place the offender in a suitable and convenient facility under the jurisdiction of the department, and make written request for the sentencing court to reassume custody of the offender. If the court does not reassume custody and remove the offender from the custody of the department before the tenth day after the department's mailing of such a written request to the court, the county in which the sentencing judge presides shall pay the per diem cost of maintaining the offender within any suitable and convenient facility designated by the department.

It is the intent of the Legislature that the department develop recommendations for the implementation of regimented inmate discipline units consisting of two components: (1) A community component utilizing existing structures within a community; and (2) a correctional component to be an adjunct to an existing correctional facility. Recommendations shall be forwarded by the department to the Legislature not later than July 1, 1994.

Not later than July 1, 1997, the chairperson of the Judiciary Committee of the Legislature shall request a program evaluation of the regimented inmate discipline units pursuant

to the Legislative Program Evaluation Act, and the Legislative Program Evaluation Committee and the Legislative Program Evaluation Unit shall conduct such program evaluation pursuant to the act.".

2. In the Witek amendment, AM1156:

a. On page 3, line 25, after "(3)" insert

"Commencing July 1, 1996, when the court is of the opinion that imprisonment may be appropriate, but that a brief and intensive period of incarceration may serve the interests of society by promoting the rehabilitation of the offender and by deterring the offender from engaging in further criminal activity, the court may commit an offender to the department for a period not exceeding one hundred eighty days for placement in a regimented inmate discipline unit followed by one year of intense parole supervision. The court may consider such commitment if the offender (a) has been found guilty of a nonviolent crime, (b) is seventeen years of age or older but younger than twenty-five years and has no physical or mental handicap that precludes strenuous physical activity, and (c) has never before been sentenced to a period of incarceration for a felony offense in this or any other state or federal jurisdiction. Upon successful completion of the term of commitment, the offender shall be placed under the jurisdiction of the Board of Parole for a period of one year. All provisions of Chapter 83, article 1, relating to parole, except eligibility for parole, shall apply to the offender. If the parole of the offender is revoked, the offender shall be returned to the sentencing court for resentencing on the original conviction.

If the offender for any reason fails to complete the program of regimented inmate discipline, the offender shall immediately be returned to the sentencing court for resentencing on the original conviction. Credit shall be given for time actually served in the program. All costs incurred during the period the offender is held in a regimented inmate discipline unit shall be the responsibility of the state, and the county shall be liable only for the cost of returning him or her to the appropriate court for resentencing or such other disposition as the court may then deem appropriate.

(4)"; and

b. Renumber the remaining sections accordingly.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Ashford offered the following amendment to the Abboud pending amendment:

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1143.)

The Ashford amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Warner offered the following amendment to the Abboud pending amendment:
FA68
Amend AM1341, on pg 2, strike lines 11 through 17

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

The Warner amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

The Abboud amendment, as amended, was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 31:

Abboud	Coordsen	Hohenstein	Landis	Vrtiska
Ashford	Crosby	Horgan	Lindsay	Warner
Baack	Cudaback	Hudkins	Pedersen	Wehrbein
Beutler	Dierks	Janssen	Pirsch	Wickersham
Bohlke	Elmer	Jones	Preister	Will
Bromm	Hillman	Kristensen	Rasmussen	Witek
Byars				

Voting in the negative, 1:

Chambers

Present and not voting, 12:

Avery	Fisher	Lynch	Schellpeper	Wesely
Bernard-Stevens	Haberman	Robak	Schimek	Withem
	Hall	Robinson		

Excused and not voting, 5:

Day	Hartnett	McKenzie	Moore	Schmitt

Advanced to E & R for review with 31 ayes, 1 nay, 12 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 725. Placed on Select File as amended.
E & R amendment to LB 725:
AM5447

1. In the Standing Committee amendment, AM0856:
a. On page 3, line 2, after "mean" insert "the";
b. On page 7, strike beginning with "Except" in line 9 through "during" in line 10 and insert "During";
c. On page 18, line 16, strike "shall receive" and insert "receives";
d. On page 20, line 15, strike "the"; and in line 26 strike the second "the"; and
e. On page 24, line 6, strike the comma; in line 14 after the first "the" insert "enterprise zone economic"; in lines 17 and 23 after "enterprise" insert "zone"; in line 23 strike "it" and insert "the report"; and in line 26 strike "recommendation" and insert "recommendations".
2. On page 1, line 1, strike "section 77-27,188" and insert "sections 77-27,188, 77-27,188.01, 77-27,195"; and strike lines 5 and 6 and insert "to change provisions relating to application for and designation and management of enterprise zones; to provide tax credits; to require reports; to".

LEGISLATIVE BILL 725A. Placed on Select File.

LEGISLATIVE BILL 253. Placed on Select File as amended.
E & R amendment to LB 253:
AM5448

1. On page 2, line 3, after the first comma insert "the" and after "or" insert "any"; in line 7 after "Recovery" insert a comma and strike the last comma; and in line 9 strike "officer or director" and insert "director or officer".

(Signed) Kurt A. Hohenstein, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 7, 1993, at 11:20 a.m., were the following bills: 299, 346, 23, 191, 201, 305, 305A, 526, 590, 726, 818, 830, and 246.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 421 in the Journal. No objections. So ordered.

AM1332

1. Strike original section 19.

2. On page 4, line 26, after "law" insert "and operators of other underground facilities"; and strike beginning with the comma in line 27 through the first "center" in line 28.

3. On page 6, line 3, strike "which" through "center".

4. On page 7, strike beginning with "and" in line 2 through "made" in line 4; strike beginning with the comma in line 7 through the comma in line 8; strike beginning with "The" in line 9 through the period in line 10; and strike beginning with "and" in line 10 through "center" in line 11.

5. On page 8, line 5, strike "23" and insert "22"; in line 12 after the period insert "If in the opinion of the operator the precise location of a facility cannot be determined and marked as required, the operator shall provide all pertinent information and field locating assistance to the excavator."; and strike beginning with "If" in line 16 through line 21.

6. On page 9, line 7, strike "23" and insert "22"; in line 14 strike "25" and insert "24"; and in line 16 after "Act" insert "other than section 28 of this act".

7. On page 10, strike beginning with "operator" in line 8 through "center" in line 9 and insert "center within seventy-two hours"; in line 15 strike "23 and 25" and insert "22 and 24"; in line 19 strike "23" and insert "22"; and in lines 23 and 24 strike "26 and 27" and insert "25 and 26".

8. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 385. Placed on General File as amended.
Standing Committee amendment to LB 385:
AM1297

1. Strike original section 3.

2. On page 2, line 4, strike "6" and insert "5"; and in line 12 strike "4" and insert "3".

3. On page 3, line 16, strike "Killing" and insert "Carelessly or purposely causing or starting any prairie fire or forest fire while hunting, fishing, or fur harvesting or carelessly or purposely killing"; strike beginning with "in" in line 17 through "act" in line 18; and strike line 20 and insert "possession a number of game animals, game fish, or game birds, except waterfowl, equal".

4. On page 4, line 18, strike "and"; and in line 20 after "37-510" insert "; and

(e) Killing, catching, taking, or having in his or her possession a number of waterfowl equal to or exceeding twice the limit fixed by the commission in violation of section 37-303".

5. On page 5, after line 16, insert the following new paragraph:

"Any person whose privilege, license, or permit to hunt, fish, or harvest fur in another state has been suspended or revoked shall not be eligible to obtain a privilege, license, or permit to hunt, fish, or harvest fur in Nebraska."; in line 20 after "who" insert "negligently"; and in lines 21 and 22 and 26 and 27 strike beginning with "in" through "commission".

6. On page 6, line 2, strike beginning with "sections" through "37-207" and insert "section 37-102"; and in line 3 before "are" insert "and also section 37-207, Revised Statutes Supplement, 1992,".

7. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 289. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

Revenue

LEGISLATIVE BILL 33. Indefinitely postponed.
LEGISLATIVE BILL 34. Indefinitely postponed.
LEGISLATIVE BILL 88. Indefinitely postponed.
LEGISLATIVE BILL 576. Indefinitely postponed.
LEGISLATIVE BILL 712. Indefinitely postponed.
LEGISLATIVE BILL 713. Indefinitely postponed.
LEGISLATIVE BILL 774. Indefinitely postponed.
LEGISLATIVE BILL 824. Indefinitely postponed.
LEGISLATIVE BILL 829. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

VISITORS

Visitors to the Chamber were 40 seniors and teachers from Fort Calhoun High School; Dick Dunn from Beatrice; 88 fourth grade students and teachers from Aurora Elementary; and Marge Dietz, Sharon O'Brien, and Tiffany Weyh from Madison, Wisconsin.

RECESS

At 11:55 a.m., on a motion by Speaker Baack, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Beutler, Fisher, Kristensen, Robinson, Will, and Mrs. Hudkins who were excused until they arrive.

MOTION - Place LB 814 on General File

Mr. Wesely moved to place LB 814 on General File notwithstanding the action of the Revenue Committee pursuant to Rule 3, Section 17.

Laid over.

MOTION - Place LB 806 on General File

Mr. Wesely moved to place LB 806 on General File notwithstanding the action of the Revenue Committee, pursuant to Rule 3, Section 17.

Laid over.

MOTION - Place LB 824 on General File

Mr. Wesely moved to place LB 824 on General File pursuant to Rule 3, Section 19(b).

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Coordsen asked unanimous consent to print the following amendment to LB 420 in the Journal. No objections. So ordered.

AM1324

1. Insert the following new section:

"Sec. 2. That section 60-465, Revised Statutes Supplement, 1992, be amended to read as follows:

60-465. (1) Commercial motor vehicle shall mean a motor vehicle used or designed to transport passengers or property (a) if the motor vehicle has a gross vehicle weight rating of more than twenty-six thousand pounds, (b) if the motor vehicle is designed to transport sixteen or more passengers, including the driver, or (c) if the motor vehicle

is transporting hazardous materials and is required to be placarded pursuant to section 75-364.

(2) Commercial motor vehicle shall not include (a) a farm truck as defined in section 60-301 ~~other than a combination of truck-tractors and semitrailers~~ when such farm truck is operated within one hundred fifty miles of the registered owner's farm or ranch, (b) any self-propelled mobile home or motor vehicle drawing a cabin trailer as such terms are defined in section 60-301, (c) any emergency vehicle operated by a public or volunteer fire department, or (d) any motor vehicle owned or operated by the United States Department of Defense or Nebraska National Guard when such motor vehicle is driven by uniformed, military operators performing duty in the active service of the United States or this state.".

2. On page 2, lines 3, 8, and 23; and page 3, line 7, strike "6" and insert "7".

3. On page 6, line 6, after the first comma insert "60-465,".

4. Renumber the remaining sections accordingly.

MOTION - Place LB 76 on General File

Mr. Withem renewed his pending motion, found in the Journal on page 966, to place LB 76 on General File, pursuant to Rule 3, section 19 (b).

Mr. Withem withdrew his motion to place LB 76 on General File.

Mrs. Hillman and Mr. Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 110. The Lindsay-Landis-Rasmussen-Bohlke pending amendment, AM1309, found in the Journal on page 1388, to the Standing Committee amendment, was renewed.

Messrs. Horgan, Schmitt, Dierks, and Mrs. Hudkins asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers requested a record vote on the Lindsay et al. amendment.

Voting in the affirmative, 15:

Abboud	Byars	Elmer	Lindsay	Rasmussen
Beutler	Crosby	Hall	Pirsch	Wehrbein
Bohlke	Day	Landis	Preister	Wickersham

Voting in the negative, 1:

Chambers

Present and not voting, 24:

Ashford	Bromm	Hohenstein	Pedersen	Vrtiska
Avery	Coordsen	Jones	Robak	Warner
Baack	Cudaback	Lynch	Robinson	Wesely
Bernard-Stevens	Haberman	McKenzie	Schellpeper	Witek
	Hartnett	Moore	Schimek	Withem

Excused and not voting, 9:

Dierks	Hillman	Hudkins	Kristensen	Will
Fisher	Horgan	Janssen	Schmitt	

The Lindsay et al. amendment was adopted with 15 ayes, 1 nay, 24 present and not voting, and 9 excused and not voting.

Mr. Cudaback and Mrs. Pirsch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA69
Amend Committee Amendment (AM1309)
Page 8, strike lines 7-8.

Messrs. Abboud and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Abboud	Bohlke	Haberman	Rasmussen	Wesely
Ashford	Chambers	Landis	Schimek	Wickersham
Baack	Day	Lynch	Warner	Will
Bernard-Stevens				

Voting in the negative, 20:

Avery	Bromm	Crosby	Dierks	Elmer

Fisher	Hohenstein	Lindsay	Pedersen	Vrtiska
Hall	Jones	McKenzie	Preister	Wehrbein
Hartnett	Kristensen	Moore	Robinson	Witek

Present and not voting, 5:

Beutler	Byars	Coordsen	Janssen	Withem

Absent and not voting, 1:

Robak

Excused and not voting, 7:

Cudaback	Horgan	Pirsch	Schellpeper	Schmitt
Hillman	Hudkins			

The Chambers amendment lost with 16 ayes, 20 nays, 5 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Messrs. Jones, Pedersen, Robinson, Dierks, and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA70
Amend (AM1309) (which amended the Committee Amendments.)
P. 2, line 22 and P. 8, lines 17-18
Strike "and irreversible"

Messrs. Abboud, Haberman, and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Janssen asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Ashford	Bernard-Stevens	Bohlke	Day	Hohenstein
Baack	Beutler	Chambers	Hall	Landis
		Cudaback	Hillman	Moore

Rasmussen	Warner	Wickersham	Will	Withem
Schimek	Wesely			

Voting in the negative, 18:

Avery	Crosby	Hartnett	McKenzie	Schmitt
Bromm	Dierks	Horgan	Pedersen	Vrtiska
Byars	Elmer	Jones	Preister	Witek
Coordsen	Fisher	Lindsay		

Present and not voting, 2:

Hudkins	Wehrbein

Absent and not voting, 2:

Robak	Robinson

Excused and not voting, 7:

Abboud	Janssen	Lynch	Pirsch	Schellpeper
Haberman	Kristensen			

The Chambers amendment was adopted with 20 ayes, 18 nays, 2 present and not voting, 2 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

Messrs. Vrtiska and Will asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA71
Amend AM1309, P. 5, strike lines 1-5

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

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Mr. Lindsay requested the roll call vote be taken in reverse order.

Voting in the affirmative, 15:

Ashford	Beutler	Hall	Rasmussen	Wesely
Baack	Bohlke	Hillman	Schimek	Wickersham
Bernard-Stevens	Day	Landis	Warner	Will

Voting in the negative, 26:

Avery	Dierks	Horgan	Moore	Schmitt
Bromm	Elmer	Hudkins	Pedersen	Vrtiska
Byars	Fisher	Jones	Preister	Wehrbein
Coordsen	Hartnett	Lindsay	Robak	Witek
Crosby	Hohenstein	McKenzie	Schellpeper	Withem
Cudaback				

Present and not voting, 1:

Chambers

Excused and not voting, 7:

Abboud	Janssen	Lynch	Pirsch	Robinson
Haberman	Kristensen			

The Chambers amendment lost with 15 ayes, 26 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Chambers moved to reconsider the Chambers amendment, FA71, to AM1309. (Amendment to Committee Amendment.)

Pending.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 831. Placed on Select File.

(Signed) Kurt A. Hohenstein, Chairperson

MOTION - Reconsider Action on LB 240 and LB 240A

Ms. Day moved to reconsider the Landis-Warner motion to suspend the rules to permit consideration of LB 240 and 240A on Final Reading.

Laid over.

MOTION - Introduce New Bills

Mr. Abboud moved for the introduction of new bills by the Business and Labor Committee, requisitions 1268 and 1269.

Laid over.

MESSAGE FROM THE GOVERNOR

April 7, 1993

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 593, 58, 128, 626, 42, 340, 477, 604, 465, 767, 455, and 106 were received in my office on April 5, 1993.

These bills were signed by me on April 7, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

BILL ON FIRST READING

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

LEGISLATIVE BILL 94A. Introduced by Withem, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 94, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

VISITORS

Visitors to the Chamber were 14 fourth grade students and sponsors from Goehner Elementary; Gary Williams from Dallas, Texas; 54 fourth grade students and teachers from Bloomfield Elementary; Marcie and Crystal Yaw, Cherie and Jessica Burke, and Brooke Sutherland from Imperial; Jim Warren and Norm Conley from Gretna; Senator Pirsch's daughter, son-in-law, and granddaughters, Pamela, Kevin, Allison, and Natalie; Mayor Keith Richardson from North Platte; Mr. and Mrs. Jim Swenson from Oakland, Mr. Jim Swenson and daughter, Samantha, from Mahoney State Park; Senator Bohlke's mother, Naomi

Gidley, from Omaha; 15 high school students and sponsor from Lafern Williams Recreation Center, Omaha; nine students and teacher from McCook Senior High; and Betty L. Torghele from Hastings.

ADJOURNMENT

At 4:25 p.m., on a motion by Mr. Bromm, the Legislature adjourned until 9:00 a.m., Thursday, April 8, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-SEVENTH DAY - APRIL 8, 1993

LEGISLATIVE JOURNAL

FIFTY-SEVENTH DAY - APRIL 8, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 8, 1993

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Father Don Hock, St. Mary's Eastern Orthodox Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Bohlke, Messrs. Pedersen, and Robinson who were excused; and Messrs. Ashford, Kristensen, Lindsay, Moore, Wesely, Mmes. Rasmussen, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-sixth day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 7, 1993. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Mihovk, Donal J. - Lincoln	Nebraska Chamber of Commerce & Industry
Erickson & Sederstrom, P.C. Thone, Charles - Lincoln	Nebraska Press Association (Withdrawn 03/31/93)
White, Mary - Lincoln	Nebraska Hospital Association
Wylie, William M. - Elgin	Edsel Grove & Don Bergmeyer (Withdrawn 04/07/93)

REPORT

Received annual report from the Nebraska Energy Office for fiscal year 1991-1992 in accordance with provisions of Section 81-1607, Nebraska Revised Statutes (1988 Supplement).

RESOLUTION

LEGISLATIVE RESOLUTION 75. Read. Considered.

LR 75 was adopted with 26 ayes, 0 nays, and 23 not voting.

MOTION - Introduce New Bills

Mr. Abboud renewed his pending motion, found in the Journal on page 1442, for the introduction of new bills by the Business and Labor Committee, requisitions 1268 and 1269.

The Abboud motion prevailed with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 835. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Bromm, 23; Chambers, 11; Dierks, 40; Preister, 5; Schimek, 27; Vrtiska, 1.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to approve certain claims; to provide for payment of the claims; to authorize certain write-offs as prescribed; and to declare an emergency.

LEGISLATIVE BILL 836. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Bromm, 23; Chambers, 11; Dierks, 40; Preister, 5; Schimek, 27; Vrtiska, 1.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

GENERAL FILE

LEGISLATIVE BILL 406. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 478. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 547. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 652. Title read. Considered.

Mr. Chambers offered the following amendment:
FA72

"That section 29-3004, Revised Statutes Supplement, 1992 be amended to read as follows:

29-3004. The district court may appoint not to exceed two attorneys to represent the prisoners in all proceedings under sections 29-3001 to 29-3004. The district court, upon hearing the application, shall fix reasonable expenses and fees, and the county board shall allow payment to the attorney or attorneys in the full amount determined by the court. The attorney or attorneys appointed shall be competent and shall provide effective counsel.

That original section 29-3004, Revised Statutes Supplement 1992, is repealed."

1. Insert the following new section:

"Section 1. That section 29-3002, Revised Statutes Supplement, 1992, be amended to read as follows:

29-3002. An order sustaining or overruling a motion filed under ~~section 29-3001~~ sections 29-3001 to 29-3004 shall be deemed to be a final judgment, and an appeal may be taken from the district court as provided for in appeals in civil cases. A prisoner may, in the discretion of the appellate court and upon application to the appellate court, be released on such recognizance as the appellate court fixes pending the determination of the appeal.".

2. On page 2, line 10, strike "section" and insert "sections 29-3002 and"; and in line 11 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

The Chambers amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 555. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 734. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

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

LEGISLATIVE BILL 117. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 529. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 582. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 781. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 280. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 823. Title read. Considered.

Pending.

LEGISLATIVE BILL 539. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 315. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 625. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

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

LEGISLATIVE BILL 74. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 545. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 250. Title read. Considered.

MR. HALL PRESIDING

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 458. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

NOTICE OF COMMITTEE HEARING
Natural Resources

Governor Appointments Thursday, April 15, 1993 1:00 p.m.
Environmental Trust Board
John Ellsworth
Bradley Hansen
Charles Jura
Vincent Kramper
Richard Mercer
Lynn Roper

Susan Seacrest
David Wilken
Gail Yanney

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 237 in the Journal. No objections. So ordered.

AM1079

1. Insert the following new section:

"Sec. 5. That section 81-15,124, Revised Statutes Supplement, 1992, be amended to read as follows:

81-15,124. Any reported or suspected release of a regulated substance from any tank shall be investigated by the State Fire Marshal and the Department of Environmental ~~Control~~ Quality. In the event that the State Fire Marshal or the Department of Environmental ~~Control~~ Quality finds an adverse effect caused by a release of a regulated substance from a tank:

(1) The State Fire Marshal shall (a) determine the immediate danger presented by the release, (b) take all steps necessary to assure immediate public safety, and (c) assist the Department of Environmental ~~Control~~ Quality in determining the source of the release and taking all steps necessary to ensure that the release is halted;

(2) By order of the Department of Environmental ~~Control~~ Quality, the owner or operator of the tank causing the release shall, after securing the source of the release, develop a plan for remedial action to be approved by the ~~Department of Environmental Control~~ department. The department shall inform the owner or operator of its approval or disapproval of a plan for remedial action within one hundred twenty days after receipt of a remedial action plan which contains all required information. If, after one hundred twenty days, the department fails to either deny, approve, or amend the remedial action plan submitted, the proposed plan shall be deemed approved; and

(3) The approved remedial action plan shall then be carried out by the owner or operator of the tank causing the release. All expenses incurred during the remedial action shall be paid by the owner or operator subject to reimbursement pursuant to the Petroleum Release Remedial Action Act.

If it is determined that the source of the release is unknown or that the owner or operator of the facility causing the release is unknown or unavailable, a remedial

action plan shall be developed by or under the direction of the ~~Department of Environmental Control~~ department. Such remedial action plan shall be developed and carried out by the department with money from the Petroleum Products and Hazardous Substances Storage and Handling Fund if funds are available. If at a later date the owner or operator of the facility which caused the release is determined, he or she shall be responsible for remedial action costs incurred on his or her behalf subject to reimbursement pursuant to the Petroleum Release Remedial Action Act. Any money received from such person shall be deposited in the Petroleum Products and Hazardous Substances Storage and Handling Fund.".

2. In the Standing Committee amendment, AM0827, on page 3, line 25, strike "and" and after "66-1529.02" insert ", and 81-15,124".

3. Renumber the remaining sections accordingly.

Messrs. Abboud and Lindsay asked unanimous consent to print the following amendment to LB 430 in the Journal. No objections. So ordered.

AM1123

1. Insert the following new section:

"Sec. 4. That section 29-2264, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2264. (1) Whenever any person is placed on probation by a court and satisfactorily completes the conditions of his or her probation for the entire period thereof or who is discharged from probation prior to the termination of the period thereof, the sentencing court shall issue an order releasing the offender from probation and such order shall in all felony cases restore the offender's civil rights the same as though a pardon had been issued.

(2) Whenever any person is convicted of a crime and is placed on probation by the court or is sentenced to a fine only, he or she may, after satisfactory fulfillment of the conditions of ~~his~~ probation for the entire period thereof~~,~~ or after discharge from probation prior to the termination of the period thereof and after payment of any fine, petition the sentencing court to set aside the conviction.

(3) In determining whether to set aside the conviction, the court shall consider:

(a) The behavior of the offender ~~while on probation~~ after sentencing;

(b) The likelihood that the offender will not engage in further criminal activity; and

(c) Any other information the court considers relevant.

(4) The court may grant the offender's petition and

issue an order setting aside the conviction when in the opinion of the court the order will be in the best interest of the offender and consistent with the public welfare. Such order shall:

(a) Nullify the conviction; and

(b) Remove all civil disabilities and disqualifications imposed as a result of the conviction the same as though a pardon had been issued.

(5) The setting aside of a conviction in accordance with the provisions of sections 29-2246 to 29-2268 shall not:

(a) Require the reinstatement of any office, employment, or position which was previously held and lost or forfeited as a result of the conviction;

(b) Preclude proof of a plea of guilty whenever such plea is relevant to the determination of an issue involving the rights or liabilities of someone other than the offender;

(c) Preclude proof of the conviction as evidence of the commission of a crime, whenever the fact of its commission is relevant for the purpose of impeaching the offender as a witness, except that the order setting aside the conviction may be introduced in evidence;

(d) Preclude use of the conviction for the purpose of determining sentence on any subsequent conviction of a criminal offense;

(e) Preclude the proof of the conviction as evidence of the commission of a crime in the event an offender is charged with a subsequent offense and the penalty provided by law is increased if the prior conviction is proved; or

(f) Preclude the proof of the conviction to determine whether an offender is eligible to have a subsequent conviction set aside in accordance with the provisions of sections 29-2246 to 29-2268.

(6) This section shall be retroactive in application and shall apply to all persons, otherwise eligible in accordance with the provisions of this section, whether convicted prior to, on, or subsequent to ~~August 27, 1971~~ the effective date of this act.".

2. On page 3, line 2, strike "and 28-707" and insert ", 28-707, and 29-2264".

3. Renumber remaining sections accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 423 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1323.)

Mr. Moore asked unanimous consent to print the following amendment to LB 757 in the Journal. No objections. So ordered.

AM1362

1. On page 51, line 9, after "Labor" insert "unless the employer and employees agree that the committee should have a greater number of employees".

MESSAGES FROM THE GOVERNOR

April 6, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Child Abuse Prevention Fund Board, requiring legislative approval.

APPOINTEE: Patricia Q. Lanphier, 4546 Shirley Street, Omaha, NE 68106

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 6, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Child Abuse Prevention Fund Board, requiring legislative approval.

APPOINTEE: Elaine Lashkajani, 12811 Ogden Street, Omaha, NE 68164

This appointment is respectfully submitted for your consideration.

Sincerely,

(Signed) E. Benjamin Nelson
Governor

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 835 and 836.

LB	Committee
835	Business and Labor
836	Business and Labor

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 431. Placed on Select File as amended.
E & R amendment to LB 431:
AM5449

1. On page 1, line 3 strike the first "and"; and in line 4 after "duties" insert "; to provide access to certain information; and to provide for confidentiality of certain records".
2. On page 2, line 4, strike "should".
3. On page 4, line 13, strike "shall".
4. On page 6, lines 10 and 11, after the comma insert "the"; and in line 12 strike "identify".
5. On page 7, line 3, strike "purpose" and insert "purposes".

(Signed) Kurt A. Hohenstein, Chairperson

GENERAL FILE

LEGISLATIVE BILL 460. Title read. Considered.

Mr. Horgan withdrew his pending amendment, AM0884, found in the Journal on page 1068.

SPEAKER BAACK PRESIDING

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 126. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 170. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 682. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Messrs. Schmitt, Jones, Abboud, and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 779. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 570. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 260. Title read. Considered.

Pending.

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 506. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 78. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 750. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 448. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 468. Title read. Considered.

Mr. Hohenstein offered the following amendment:
AM0903

1. On page 2, line 4, strike beginning with "county" through "1986", show as stricken, and insert "qualified person"; in lines 5 and 6 strike the new matter; in line 6 strike "a", show as stricken, and insert "if elected as"; in line 9 strike "A" and insert "If there is no county attorney elected pursuant to section 32-308, the"; and in lines 9 and 10 reinstate the stricken "of such county".

The Hohenstein amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 690. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 617. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 719. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 544. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 471.

Enrollment and Review Change to LB 471

The following changes, required to be reported for publication in the Journal, have been made:
ER7239

1. In the Schellpeper-Will amendment, AM0804:

a. On page 8, line 26, "that racetrack's" has been struck and "the receiving track's" inserted;

b. On page 10, lines 6 and 9, the comma has been struck; and in line 12 "subdivision" has been struck and "subsection" inserted; and

c. On page 11, line 7, "and" has been inserted after the semicolon; in line 9 "; and" has been struck and an underscored period inserted; in line 10 "(g)" has been struck; and in line 12 "subsection (5) of this section" has been struck and "this subsection" inserted.

2. On page 1, the matter beginning with "sections" in line 1 through line 7 and all amendments thereto have been struck and "sections 2-1227 to 2-1229, Reissue Revised Statutes of Nebraska, 1943, and section 2-1207, Revised Statutes Supplement, 1992; to eliminate an exemption from a required deduction from wagers; to change requirements for simulcasting; to state intent; to define a term; to provide rights for horseracing industry participants; to require rules and regulations; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Kurt Hohenstein, Chairperson

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 665. Placed on General File.

LEGISLATIVE BILL 832. Placed on General File as amended.
Standing Committee amendment to LB 832:
AM1347

1. On page 2, line 9, strike "four" and insert "three"; and in line 17 after the period insert "Such automation fee shall be taxed as costs from July 1, 1993, to June 30, 1996.".

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 348 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1292.)

Mr. Withem asked unanimous consent to print the following amendment to LB 348 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1294.)

Mr. Withem asked unanimous consent to print the following amendment to LB 264 in the Journal. No objections. So ordered.

AM1290

(Amendments to Standing Committee amendments, AM1103)

1. On page 1, strike beginning with "The" in line 18 through line 20.

Mr. Withem asked unanimous consent to print the following amendment to LB 563 in the Journal. No objections. So ordered.

AM1289

(Amendments to AM5428)

1. Insert the following new section:

"Sec. 18. That section 9-812, Revised Statutes Supplement, 1992, as amended by section 28, Legislative Bill 138, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

9-812. (1) All money received from the operation of lottery games conducted pursuant to the State Lottery Act in Nebraska shall be deposited in the State Lottery Operation Trust Fund, which fund is hereby created. All payments of expenses of the operation of the lottery games shall be made from the State Lottery Operation Trust Fund, except that in accordance with legislative appropriations, money for payments for internal operating expenses of the division shall be transferred from the State Lottery Operation Trust Fund to the State Lottery Operation Revolving Fund, which fund is hereby created. All money necessary for the payment of lottery prizes shall be transferred from the State Lottery Operation Trust Fund to the State Lottery Prize Trust Fund, which fund is hereby created. The amount used for the payment of lottery prizes shall not be less than forty percent of the dollar amount of the lottery tickets which have been sold. Of the money remaining after the payment of prizes and operating expenses, the State Treasurer shall transfer from the State Lottery Operation Trust Fund to the General Fund an amount

equal to the initial appropriation to the State Lottery Operation Trust Fund with interest at the rate specified in section 5, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, as such rate may from time to time be adjusted. After the General Fund is repaid, at least twenty-five percent of the dollar amount of the lottery tickets which have been sold on an annualized basis shall be transferred to the Education Innovation Fund, the Solid Waste Landfill Closure Assistance Fund, the Nebraska Environmental Trust Fund, and the Compulsive Gamblers Assistance Fund. Forty-nine and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Education Innovation Fund. Beginning on July 15, 1993, and continuing through July 1, 1997, twenty-four and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Solid Waste Landfill Closure Assistance Fund and twenty-five percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act. After July 1, 1997, forty-nine and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act. One percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund to be used as provided in subsection (4) of this section.

(2) The Education Innovation Fund is hereby created. Each fiscal year beginning with fiscal year 1994-95, at least seventy-five percent of the lottery proceeds allocated to the Education Innovation Fund shall be available for disbursement. The Education Innovation Fund shall be allocated by the Governor through incentive grants to encourage the development of strategic school improvement plans by school districts for accomplishing high performance learning and to encourage schools to establish innovations in programs or practices that result in restructuring of school organization, school management, and instructional programs which bring about improvement in the quality of education. Such grants are intended to provide selected school districts, teachers or groups of teachers, nonprofit educational ~~foundations~~ organizations, educational service units, or cooperatives funding for the allowable costs of implementing pilot projects and model programs.

Minigrants shall be available to school districts to support the development of ~~local~~ strategic school improvement plans which shall include statements of purposes and goals for

the districts. The plans shall also include the specific statements of improvement or strategic initiatives designed to improve quality learning for every student.

Major competitive grants shall be available to support innovative programs which are directly related to the ~~local~~ strategic school improvement plans. The development of a ~~local~~ strategic school improvement plan by a school district shall be required before a grant is awarded. Annual reports shall be made by program recipients documenting the effectiveness of the program in improving the quality of education as designed in the ~~local~~ strategic school improvement plans. Special consideration shall be given to plans which contain public or private matching funds and cooperative agreements, including agreements for in-kind services. Purposes for which incentives would be offered shall include:

(a) Professional staff development programs to provide funds for teacher and administrator training and continuing education to upgrade teaching and administrative skills;

(b) The development of ~~local~~ strategic school improvement plans by school districts;

(c) Educational technology assistance to public schools for the purchase and operation of computers, telecommunications equipment and services, and other forms of technological innovation which may enhance classroom teaching, instructional management, and districtwide administration;

(d) An educational accountability program to develop an educational indicators system to measure the performance and outcomes of public schools and to ensure efficiency in operations;

(e) Alternative programs for students, including underrepresented groups, at-risk students, and dropouts;

(f) Programs that demonstrate improvement of student performance against valid national and international achievement standards;

(g) Early childhood education and parent education which emphasize child development;

(h) Programs using decisionmaking models that increase involvement of parents, teachers, and students in school management;

(i) Increased involvement of the community in order to achieve increased confidence in and satisfaction with its schools;

(j) Development of magnet or model programs designed to facilitate desegregation;

(k) Programs that address family and social issues impairing the learning productivity of students;

(l) Programs enhancing critical and higher-order

thinking capabilities;

(m) Programs which produce the quality of education necessary to guarantee a competitive work force; and

(n) Programs designed to increase productivity of staff and students through innovative use of time.

The Governor shall establish the Excellence in Education Council. The Governor shall appoint eleven members to the council including representatives of educational organizations, postsecondary educational institutions, the business community, and the general public, members of school boards and parent education associations, school administrators, and at least four teachers who are engaged in classroom teaching. The State Department of Education shall provide staff support for the council. The council shall have the following powers and duties:

(i) ~~Develop~~ In consultation with the State Department of Education, develop and publish criteria for the awarding of grants for programs pursuant to this subsection;

(ii) Provide recommendations to the Governor regarding the selection of projects to be funded and the distribution and duration of project funding;

(iii) Establish standards, formats, procedures, and timelines for the successful implementation of approved programs funded by the Education Innovation Fund;

(iv) Assist school districts in determining the effectiveness of the innovations in programs and practices and measure the subsequent degree of improvement in the quality of education;

(v) Consider the reasonable distribution of funds across the state and all classes of school districts; and

(vi) Provide annual reports to the Governor concerning programs funded by the fund. Each report shall include the number of applicants and approved applicants, an overview of the various programs, objectives, and anticipated outcomes, and detailed reports of the cost of each program.

(3) Recipients of grants from the Education Innovation Fund shall be required to provide, upon request, such data relating to the funded programs and initiatives as the Governor deems necessary.

(4) The Compulsive Gamblers Assistance Fund is hereby created. The fund shall be administered by the Director of the Division on Compulsive Gambling to carry out the purposes of sections 29 to 33 of this act.

(5) Any money in the State Lottery Operation Trust Fund, the State Lottery Operation Revolving Fund, the State Lottery Prize Trust Fund, the Education Innovation Fund, or the Compulsive Gamblers Assistance Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

(6) Unclaimed prize money on a winning lottery ticket shall be retained for a period of time prescribed by rules and regulations. If no claim is made within such period, the prize money shall be used at the discretion of the Tax Commissioner for any of the purposes prescribed in this section.".

2. On page 31, line 5, strike "and 9-810" and insert "9-810, and 9-812"; and in line 7 strike "and 26" and insert "26, and 28".

3. Renumber the remaining section accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 239 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1295.)

Mr. Withem asked unanimous consent to print the following amendment to LB 94 in the Journal. No objections. So ordered.

AM1259

(Amendments to Standing Committee amendments, AM0981)

1. Insert the following new sections:

"Sec. 9. That section 79-3808, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3808. (1) District formula resources shall include local effort rate yield which shall be computed as prescribed in this section.

(2) The local effort rate shall be determined by the department. The local effort rate shall be the rate which, when multiplied by the total adjusted valuation of all taxable property in districts receiving equalization aid pursuant to the Tax Equity and Educational Opportunities Support Act, will produce the amount needed to support the total formula need of such districts when added to state aid appropriated by the Legislature for the ensuing school year and other actual receipts of districts described in section 79-3811. The local effort rate for Class I districts, Class VI districts, and county nonresident high school tuition funds shall be based on the following schedule.

District	Grades for which legally responsible	Percentage of local
Class I	kindergarten through six	44.8276
Class I	kindergarten through eight	61.3793
Class VI	seven through twelve	55.1724
Class VI	nine through twelve	38.6207
County non-resident high school		

tuition funds nine through twelve 38.6207
(3) For Class I, II, III, IV, V, and VI districts and, except as provided in subsection (5) of this section, for the nonresident high school tuition fund of each county, the local effort rate yield shall be determined by multiplying each district's total adjusted valuation ~~from the most recently available complete data year~~ by the local effort rate.

(4)(a) For the calculation of state aid to be paid in school years 1992-93, 1993-94, and 1994-95, in addition to the local effort rate yield calculated pursuant to subsection (3) of this section, district formula resources for each Class II, III, IV, V, and VI district shall include 38.6207 percent of the local effort rate multiplied by the sum of: ~~(a) The~~ (i) the assessed valuation from the current school year of Class I districts or portions thereof that in the current school year are not part of a Class VI district and are not affiliated but will be affiliated or merged with the Class II, III, IV, V, or VI district for the school year in which the calculated state aid is to be paid; and ~~(b)~~ (ii) the assessed valuation from the most recently available complete data year of Class I districts or portions thereof that in the most recently available complete data year were not part of a Class VI district and were not affiliated but were affiliated or merged with the Class II, III, IV, V, or VI district for the current school year.

(b) For the calculation of state aid to be paid in school year 1993-94 and each school year thereafter, in addition to the local effort rate yield calculated pursuant to subsection (3) of this section, district formula resources for each Class II, III, IV, and V district shall include 38.6207 percent of the local effort rate multiplied by the assessed valuation from the then-current school year of Class I districts or portions thereof that are affiliated with such district for the then-current school year.

(5) For the calculation of state aid to be paid in school year 1993-94 and each school year thereafter, local effort rate yield for the nonresident high school tuition fund of each county shall be determined by multiplying 38.6207 percent of the local effort rate by the assessed valuation from Class I districts or portions thereof in such county which have not affiliated with any high school district and which are not part of a Class VI district for the school year in which the aid is to be paid.

Sec. 12. That section 79-3824, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3824. (1) ~~State~~ Except as otherwise provided in the Tax Equity and Educational Opportunities Support Act, state aid payable pursuant to the ~~Tax Equity and Educational~~

~~Opportunities Support Act~~ act for each school year shall be based upon data found in applicable reports for the most recently available complete data year. The annual financial reports of all school districts shall be submitted to the Commissioner of Education pursuant to the date prescribed in subdivision (3) of section 79-451. If a school district fails to timely submit its report, the commissioner, after notice to the district and an opportunity to be heard, shall direct that any state aid granted pursuant to the Tax Equity and Educational Opportunities Support Act be withheld until such time as the report is received by the department. In addition, the commissioner shall notify the county superintendent to direct the county treasurer to withhold all school money belonging to the school district until such time as the commissioner notifies the county superintendent of receipt of such report. The county treasurer shall withhold such money.

(2) A district which receives federal funds in excess of twenty-five percent of its general fund budget of expenditures may apply for early payment of state aid paid pursuant to the ~~Tax Equity and Educational Opportunities Support Act~~ act when such federal funds are not received in a timely manner. Such application may be made at any time by a district suffering such financial hardship and may be for any amount up to fifty percent of the remaining amount to which the district is entitled during the current fiscal year. The state board may grant the entire amount applied for or any portion of such amount if, after a hearing, the state board finds that a financial hardship exists in the district. The state board shall notify the Director of Administrative Services of the amount of funds to be paid in lump sum and the reduced amount of the monthly payments. The Director of Administrative Services shall, at the time of the next state aid payment made pursuant to section 79-3813, draw a warrant for the lump-sum amount from appropriated funds and forward such warrant to the district. For purposes of this subsection, financial hardship shall mean a situation in which income to a district is exceeded by liabilities to such a degree that if early payment is not received it will be necessary for the district to discontinue vital services or functions.".

2. On page 1, lines 5 and 12, strike "(16)" and insert "(17)"; and in line 18 strike "9" and insert "10".

3. On page 2, line 4, strike "9" and insert "10"; and in line 8 strike ", except that for", show as stricken, and insert ". For the calculation of state aid to be paid in school year 1993-94, adjusted valuation shall mean the average of the adjusted valuation from the most recently available complete data year and from the current year, and for

calculation of state aid to be paid in 1994-95 and each school year thereafter, adjusted valuation shall mean the adjusted valuation from the current year. For".

4. On page 3, line 21, after "(13)" insert "Fall membership shall mean the total membership in grades kindergarten through twelve as reported on the fall school district membership report pursuant to subsection (4) of section 79-451;

(14)"; in line 23 strike "(14)" and insert "(15)" and after "mean" insert "(a) for purposes of state aid paid in school year 1992-93,"; in line 24 after "students" insert "from the most recently available complete data year and (b) for purposes of the calculation of state aid for school year 1993-94 and each school year thereafter (i) for purposes of determination of the amount of state aid certified pursuant to section 79-3813, the sum of fall membership and tuitioned resident students from school year immediately preceding the school year in which the aid is to be paid and (ii) for purposes of final calculation of state aid in accordance with section 79-1369, the sum of average daily membership and tuitioned resident students from the school year immediately preceding the school year in which the aid was paid" and in line 25 strike "(15)" and insert "(16)".

5. On page 4, line 1, strike "(16)" and insert "(17)"; in line 9 strike "(17)" and insert "(18)"; in line 11 strike "(18)" and insert "(19)"; in line 18 strike "(19)" and insert "(20)"; in line 22 strike "(20)" and insert "(21)"; and in line 26 strike "(21)" and insert "(22)".

6. On page 5, line 5, strike "(22)" and insert "(23)"; in line 8 strike "(23)" and insert "(24)"; in line 11 strike "(24)" and insert "(25)"; in line 14 strike "(25)" and insert "(26)"; in line 16 strike "(26)" and insert "(27)"; in line 19 strike "(27)" and insert "(28)"; and in line 22 strike "(28)" and insert "(29)".

7. On page 6, line 1, strike "(29)" and insert "(30)"; in line 4 strike "(30)" and insert "(31)"; and in line 7 strike "(31)" and insert "(32)".

8. On page 16, line 12; page 19, line 11; and page 22, line 26, strike "9" and insert "10".

9. On page 18, lines 9 and 10, strike "most recently available complete", show as stricken, and insert "current".

10. On page 19, line 14, after "1992-93" insert an underscored comma and strike "and each school year thereafter," and show as stricken; and in lines 19 and 20 strike the new matter and reinstate the stricken matter.

11. On page 24, line 2, strike "12, and 14" and insert "14, and 16"; and in line 8 strike "and 79-3817" and insert "79-3808, 79-3817, and 79-3824".

12. Renumber the remaining sections accordingly.

Messrs. Will and Cudaback asked unanimous consent to print the following amendment to LB 193 in the Journal. No objections. So ordered.

AM1333

1. Strike original section 16 and insert the following new section:

"Sec. 16. That section 3, Legislative Bill 215, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

Sec. 3. (1) In order to renew a license issued under the State Electrical Act, the licensee shall be required to complete ~~six~~ twelve contact hours of continuing education by January 1, 1995, for renewal on such date and twelve contact hours by January 1 of each odd-numbered year thereafter. The continuing education courses shall be approved by the board and may consist of training programs, courses, and seminars by the State Electrical Division or public or private schools, organizations, or associations. The contact hours shall include a minimum of six contact hours studying the National Electrical Code described in section 81-2104, and the remaining contact hours may include study of electrical circuit theory, blueprint reading, transformer and motor theory, electrical circuits and devices, control systems, programmable controllers, and microcomputers or any other study of electrical-related material that is approved by the board. Any additional hours studying the National Electrical Code shall be acceptable. For purposes of this section, a contact hour shall mean fifty minutes of classroom attendance at an approved course under a qualified instructor approved by the board.

(2) An application for approval of the instructor and course offering shall be submitted annually on a form provided by the board at least ninety days in advance of the course offering. The approval by the board of the application shall be valid for one calendar year from the date of approval and shall include the following information:

(a) Name of the sponsoring organization or school, if any, the address of such organization or school, and the name of the contact person;

(b) The instructor's name, address, and telephone number;

(c) The title of the course offering;

(d) A description of all materials to be distributed to the participants;

(e) The date and exact location of each presentation of the course offering;

(f) The duration and time of the offering;

(g) A detailed outline of the subject matter together with the time sequence of each segment, faculty for each segment, and teaching technique used in each segment;

(h) The procedure for measuring attendance; and

(i) A description of the faculty, including name, background, and practical or teaching experience. A complete resume may be furnished.

Any application for approval of the instructor and course offering that is rejected shall be returned to the applicant with specific reasons for such rejection and stating what is needed for approval.

(3) If a continuing education course is approved, the licensee shall retain the attendance certificate and attach it to the application for renewal of his or her license at the time of renewal. The licensee shall have the responsibility for record keeping and providing proof of attendance at continuing education courses.

(4) The instructor of each course shall provide an individual certificate of attendance to each licensee who attends ninety percent or more of the classroom hours. A certificate of attendance shall not be issued to a licensee who is absent for more than ten percent of the classroom hours. The certificate shall contain the licensee's name and license number, the course title, the date and location of the course, the number of credit hours, and the signature of the instructor.".

2. On page 10, line 8, after the comma insert "or"; and strike beginning with "fails" in line 9 through "(e)" in line 10.

3. On page 33, line 5, strike the second "and"; and in line 6 after the last comma insert "and section 3, Legislative Bill 215, Ninety-third Legislature, First Session, 1993,".

4. In the Standing Committee amendments, AM0546, on page 2, line 7, strike the second comma and insert "and"; and strike beginning with the comma in line 8 through the quotation marks in line 10.

Mr. Hall asked unanimous consent to print the following amendment to LB 757 in the Journal. No objections. So ordered.

AM1250

(Amendments to Standing Committee amendments, AM1004)

1. Insert the following new amendments:

"2. On page 26, line 18, strike 'Whenever', show as stricken, and insert 'If both the employer and the injured employee or his or her dependents are represented by legal counsel, all of the settlement or agreement approval

requirements of this section shall be optional except when one or more parties request such approval or the settlement or agreement involves permanent total disability. If'; and in line 23 after 'submitted' insert ', or may be submitted if the parties are both represented by legal counsel,'.

3. On page 28, line 5, after 'court' insert 'or, if both parties are represented by legal counsel, every lump-sum settlement or agreement recorded by or filed of record by joint stipulation of the legal counsel representing the parties'; in line 9 after 'court' insert 'or agreed to by joint stipulation if both parties are represented by legal counsel'; and in line 16 after 'order' insert 'or joint stipulation'.".

2. Renumber the remaining amendments accordingly.

Mr. Hall asked unanimous consent to print the following amendment to LB 757 in the Journal. No objections. So ordered.

AM1272

1. Insert the following new section:

"Sec. 2. That section 48-115, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-115. The terms employee and worker are used interchangeably and have the same meaning throughout the Nebraska Workers' Compensation Act. Such terms include the plural and all ages and both sexes and shall be construed to mean:

(1) Every person in the service of the state or of any governmental agency created by it, including the Nebraska National Guard and members of the military forces of the State of Nebraska, under any appointment or contract of hire, expressed or implied, oral or written. For the purposes of the Nebraska Workers' Compensation Act, (a) volunteer firefighters of any fire department of any rural or suburban fire protection district, city, or village, which fire department is regularly organized under the laws of the State of Nebraska, shall be deemed employees of such rural or suburban fire protection district, city, or village while in the performance of their duties as members of such department and shall be considered as having entered and as acting in the regular course of their employment when traveling from any place from which they have been called to active duty to a fire station or other place where firefighting equipment that their company or unit is to use is located or to any emergency that the volunteer firefighters may be officially called to participate in, (b) members of such volunteer fire department, before they are entitled to benefits under the Nebraska Workers' Compensation Act, shall be recommended by the chief of the fire department for membership therein to the board of

directors, the mayor and city commission, the mayor and council, or the chairperson and board of trustees, as the case may be, and upon confirmation shall be deemed employees of the rural or suburban fire protection district, city, or village, (c) members of such fire department after confirmation to membership may be removed by a majority vote of such board of directors, commission, council, or board and thereafter shall not be considered employees of such rural or suburban fire protection district, city, or village, (d) firefighters of any fire department of any rural or suburban fire protection district, city, or village shall be considered as acting in the performance and within the scope of their duties in fighting fire or saving property or life outside of the corporate limits of their respective districts, cities, or villages, but only if directed to do so by the chief of the fire department or some person authorized to act for such chief, (e) any members of the state Civil Defense Agency, any local organization for civil defense, or any civil defense mobile support unit, which state Civil Defense Agency, local organization for civil defense, or civil defense mobile support unit is regularly organized under the laws of the State of Nebraska, shall be deemed employees of such state Civil Defense Agency, local organization for civil defense, or civil defense mobile support unit while in the performance of their duties as members of such state Civil Defense Agency, local organization, or mobile support unit, (f) any person fulfilling conditions of probation, or community service as defined in section 29-2277, pursuant to any order of any court of this state who shall be working for a governmental body, or agency as defined in section 29-2277, pursuant to any condition of probation, or community service as defined in section 29-2277, shall be deemed an employee of the governmental body or agency for the purposes of the Nebraska Workers' Compensation Act, (g) volunteer ambulance drivers and attendants who provide ambulance service for any county, city, or village or any combination of such county, city, or village under the authority of section 13-303 shall be deemed employees of the county, city, or village or combination thereof while in the performance of their duties as such ambulance drivers or attendants and shall be considered as having entered into and as acting in the regular course of their employment when traveling from any place from which they have been called to active duty to a hospital or other place where the ambulance they are to use is located or to any emergency in which the volunteer drivers or attendants may be officially called to participate, but such volunteer ambulance drivers or attendants shall be considered as acting in the performance and within the scope of their duties outside of the corporate limits of their respective county, city, or

village only if officially directed to do so, (h) before such volunteer ambulance drivers or attendants shall be entitled to benefits under the Nebraska Workers' Compensation Act, they shall be confirmed to perform such duties by the county board or the governing body of the city or village or combination thereof, as the case may be, and upon such confirmation shall be deemed employees of the county, city, or village or combination thereof and may be removed by majority vote of such county board or governing body of the city or village, (i) members of a law enforcement reserve force appointed in accordance with section 81-1438 shall be deemed employees of the county or city for which they were appointed, and (j) any inmate working for the Department of Correctional Services pursuant to section 81-1827 shall be deemed an employee of the Department of Correctional Services solely for purposes of the Nebraska Workers' Compensation Act; and

(2) Every person in the service of an employer who is engaged in any trade, occupation, business, or profession as described in section 48-106 under any contract of hire, expressed or implied, oral or written, including aliens and also including minors, who for the purpose of making election of remedies under the Nebraska Workers' Compensation Act shall have the same power of contracting and electing as adult employees.

As used in subdivisions (1) and (2) of this section, the terms employee and worker shall not be construed to include any person whose employment is not in the usual course of the trade, business, profession, or occupation of his or her employer.

If an employee subject to the Nebraska Workers' Compensation Act suffers an injury on account of which he or she or, in the event of his or her death, his or her dependents would otherwise have been entitled to the benefits provided by such act, the employee or, in the event of his or her death, his or her dependents shall be entitled to the benefits provided under such act, if the injury or injury resulting in death occurred within this state, or if at the time of such injury (a) the employment was principally localized within this state, (b) the employer was performing work within this state, or (c) the contract of hire was made within this state.

(3) Every executive officer of a corporation elected or appointed under the provisions or authority of the charter, articles of incorporation, or bylaws of such corporation shall be an employee of such corporation under the Nebraska Workers' Compensation Act, except that an executive officer of a Nebraska corporation who owns twenty-five percent or more of the common stock of such corporation may waive his or her right to coverage. Such waiver shall be in writing and filed

with the secretary of the corporation and the Nebraska Workers' Compensation Court. Such waiver, as prescribed by the compensation court, shall include a statement in substantially the following form: Notice. I am aware that health and accident insurance policies frequently exclude coverage for personal injuries caused by accident or occupational disease arising out of and in the course of employment. Before waiving my rights to coverage under the Nebraska Workers' Compensation Act, I certify that I have carefully examined the terms of my health and accident coverage. Such waiver shall become effective from the date of receipt by the compensation court and shall remain in effect until the waiver is terminated by the officer in writing and filed with the secretary of the corporation and the compensation court. The termination of the corporate executive officer's waiver shall be effective upon receipt of the termination by the compensation court. It shall not be permissible to terminate a waiver prior to one year after the waiver has become effective.

(4) Each individual employer, partner, or self-employed person who is actually engaged in the individual employer's, partnership's, or self-employed person's business on a substantially full-time basis may elect to bring himself or herself within the provisions of the Nebraska Workers' Compensation Act, if he or she (a) files with his or her current workers' compensation insurer written notice of election to have the same rights as an employee only for purposes of workers' compensation insurance coverage acquired by and for such individual employer, partner, or self-employed person or (b) gives notice of such election and such insurer collects a premium for such coverage acquired by and for such individual employer, partner, or self-employed person. This election shall be effective from the date of receipt by the insurer for the current policy and subsequent policies issued by such insurer until such time as such employer, partner, or self-employed person files a written statement withdrawing such election with the current workers' compensation insurer or until such coverage by such insurer is terminated, whichever occurs first. When so included, the individual employer, partner, or self-employed person shall have the same rights as an employee only with respect to the benefits provided under the Nebraska Workers' Compensation Act. If any individual employer, partner, or self-employed person who is actually engaged in the individual employer's, partnership's, or self-employed person's business on a substantially full-time basis has not elected to bring himself or herself within the provisions of the Nebraska Workers' Compensation Act pursuant to this subdivision and any health, accident, or other insurance policy issued to or renewed by such person

after July 10, 1984, contains an exclusion of coverage, if the insured is otherwise entitled to workers' compensation coverage, such exclusion shall be null and void as to such person.

(5) Every person who delivers or distributes newspapers for any person who owns or operates a newspaper business shall be deemed an employee for purposes of the Nebraska Workers' Compensation Act.".

2. On page 5, line 28, strike "3" and insert "4".

3. On page 10, line 10, strike "3" and insert "4".

4. On page 19, line 17, strike "6" and insert "7".

5. On page 30, line 12, strike "30" and insert "31".

6. On page 44, line 10, strike "17" and insert "18"; in line 11 strike "18" and insert "19"; in line 20 strike "3" and insert "4"; and in line 23 strike "17 and 18" and insert "18 and 19".

7. On page 45, line 17, strike "17 and 18" and insert "18 and 19".

8. On page 49, lines 7 and 8, strike "3, 6, and 17 to 21" and insert "4, 7, and 18 to 22".

9. On page 51, line 23, strike "29" and insert "30".

10. On page 58, line 11, strike "29 to 31 and 37" and insert "30 to 32 and 38"; and in line 14 after "sections" insert "48-115,".

11. Renumber the remaining sections accordingly.

Mr. Hall asked unanimous consent to print the following amendment to LB 757 in the Journal. No objections. So ordered.

AM1246

(Amendments to Standing Committee amendments, AM1004)

1. Insert the following new amendment:

"2. On page 49, line 8, strike 'and' and after '21' insert ', and 37'.".

2. On page 1, line 1, strike "section" and insert "sections"; in line 2 after "37." insert "All activities by the Nebraska Workers' Compensation Court which result in making administrative rules or regulations shall be subject to the Administrative Procedure Act.

Sec. 38. That section 84-901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-901. As used in the Administrative Procedure Act:

(1) Agency shall mean each board, commission, department, officer, division, or other administrative office or unit of the state government authorized by law to make rules and regulations, except (a) the Adjutant General's

office as provided in Chapter 55, (b) the courts ~~including~~ excluding the Nebraska Workers' Compensation Court, (c) the Commission of Industrial Relations, (d) the Legislature, and (e) the Secretary of State with respect to the duties imposed by the Administrative Procedure Act;

(2) Rule or regulation shall mean any rule, regulation, or standard issued by an agency, including the amendment or repeal thereof whether with or without prior hearing and designed to implement, interpret, or make specific the law enforced or administered by it or governing its organization or procedure, but not including rules and regulations concerning the internal management of the agency not affecting private rights, private interests, or procedures available to the public and not including permits, certificates of public convenience and necessity, franchises, rate orders, and rate tariffs, and any rules of interpretation thereof, and for the purpose of the Administrative Procedure Act, every rule and regulation which shall prescribe a penalty shall be presumed to have general applicability or to affect private rights and interests; and

(3) Contested case shall mean a proceeding before an agency in which the legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined after an agency hearing.

Sec. 39."; and in line 20 strike "38" and insert "39" and before the period insert "; and in line 16 strike 'and 77-912' and insert '77-912, and 84-901' ".

3. Renumber the remaining amendments accordingly.

NOTICE OF COMMITTEE HEARING
Business and Labor

LB 835	Thursday, April 22, 1993	12:00 p.m.
LB 836	Thursday, April 22, 1993	12:00 p.m.

(Signed) Chris Abboud, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mr. Landis asked unanimous consent to have his name added as cointroducer to LB 652. No objections. So ordered.

VISITORS

Visitors to the Chamber were John Ellis and Gery Reichlinger from York; 35 fifth and sixth grade students and sponsor from Palmer Elementary; 66 fourth grade students and teachers from Hillside Elementary, Omaha; 4-H members and leaders from Douglas County; and Senator Horgan's family.

ADJOURNMENT

At 12:49 p.m., on a motion by Mr. Vrtiska, the Legislature adjourned until 9:00 a.m., Tuesday, April 13, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-EIGHTH DAY - APRIL 13, 1993

LEGISLATIVE JOURNAL

FIFTY-EIGHTH DAY - APRIL 13, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 13, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Cantor Michael Weisser, South Street Temple, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Wickersham who was excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Coordsen, Hall, Landis, Lindsay, Moore, Robinson, Warner, and Wehrbein who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-seventh day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 27, 187, 187A, 236, 306, and 443.

Enrollment and Review Change to LB 187

The following changes, required to be reported for publication in the Journal, have been made:
ER7247
1. On page 1, line 16, ", penalties," has been struck.

2. On page 5, line 4, "sections" has been struck, shown as stricken, and "act" inserted.

3. On page 34, line 20, "section" has been struck and "sections" inserted and "or" has been struck and "and" inserted.

Enrollment and Review Change to LB 306

The following changes, required to be reported for publication in the Journal, have been made:
ER7240

1. In the E & R amendments, AM5397, on page 4, line 22, "is" has been struck and "are" inserted; in line 24 "section" has been struck and "sections 24-301.02 and" inserted; in line 25 "district court judicial districts and" has been inserted after the second "to"; and in line 26 "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 443

The following changes, required to be reported for publication in the Journal, have been made:
ER7238

1. In the Standing Committee amendments, AM0154, on page 2, line 11, an underscored colon has been inserted after "shall" and the new matter has been struck.

(Signed) Kurt Hohenstein, Chairperson

MESSAGE FROM THE GOVERNOR

April 8, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

APPOINTEE: Marilyn L. Michel, 25108 Adams Street, Elmwood, NE 68349

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson

Governor

REPORT

Received a statement of deposits from the Department of Roads to the Highway Cash fund and Roads Operation Cash fund for March 1993 in compliance with section 66-4,144, R.S. Supp. 1991.

COMMUNICATION

Received a copy of Joint Memorial No. 102 from the Senate of Idaho regarding an amendment to the Constitution of the United States permitting protection of the Flag of the United States.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 268.

A BILL FOR AN ACT relating to the Nebraska Manufacturing Milk Act; to amend sections 2-3914, 2-3915, 2-3917, 2-3917.01, 2-3919 to 2-3925, 2-3927 to 2-3931, 2-3934, 2-3935, 2-3937, 2-3938 to 2-3942, and 2-3945, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change provisions relating to classification of raw milk, dairy plants, and testing of milk; to change dates of certain standards; to change provisions relating to milking facility requirements, storage of drugs, farm bulk tanks, milkhouses, dairy plant buildings, and plant employees; to change license requirements to permit requirements; to change provisions relating to vat method of pasteurization, labeling, and director's powers and duties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Avery	Crosby	Hillman	Lynch	Schimek
Baack	Cudaback	Hohenstein	McKenzie	Schmitt
Beutler	Day	Horgan	Pedersen	Vrtiska
Bohlke	Dierks	Hudkins	Pirsch	Wesely
Bromm	Elmer	Janssen	Preister	Will
Byars	Fisher	Jones	Rasmussen	Witek
Chambers	Haberman	Kristensen	Robak	Withem
Coordsen	Hartnett	Landis	Schellpeper	

Voting in the negative, 0.

Excused and not voting, 10:

Abboud	Bernard-Stevens	Hall	Moore	Warner
Ashford		Lindsay	Robinson	Wehrbein
				Wickersham

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 623.

A BILL FOR AN ACT relating to the environment; to amend sections 71-1631, 81-1505, and 81-1506, Revised Statutes Supplement, 1992, and section 14-102, Revised Statutes Supplement, 1992, as amended by section 61, Legislative Bill 138, Ninety-third Legislature, First Session, 1993; to authorize and require air pollution control programs as prescribed; to change provisions under the Environmental Protection Act relating to powers of the Environmental Quality Council and relating to unlawful acts; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud	Crosby	Hillman	Lynch	Schimek
Avery	Cudaback	Hohenstein	McKenzie	Schmitt
Baack	Day	Horgan	Pedersen	Vrtiska
Beutler	Dierks	Hudkins	Pirsch	Wehrbein
Bohlke	Elmer	Janssen	Preister	Wesely
Bromm	Fisher	Jones	Rasmussen	Will
Byars	Haberman	Kristensen	Robak	Witek
Chambers	Hartnett	Landis	Schellpeper	Withem
Coordsen				

Voting in the negative, 0.

Present and not voting, 1:

Robinson

Excused and not voting, 7:

Ashford	Bernard-Stevens	Hall	Moore	Wickersham
		Lindsay	Warner	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 387.

A BILL FOR AN ACT relating to hospitals; to state intent; to define terms; to require a diagnosis code on hospital uniform billing forms; to provide for the submission and classification of data; and to provide powers and duties for the Department of Health.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Cudaback	Hohenstein	McKenzie	Schimek
Avery	Day	Horgan	Pedersen	Schmitt
Baack	Dierks	Hudkins	Pirsch	Vrtiska
Bohlke	Elmer	Janssen	Preister	Wehrbein
Bromm	Fisher	Jones	Rasmussen	Wesely
Byars	Haberman	Kristensen	Robak	Will
Chambers	Hartnett	Landis	Robinson	Witek
Coordsen	Hillman	Lynch	Schellpeper	Withem
Crosby				

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 7:

Ashford	Bernard-Stevens	Hall	Moore	Wickersham
		Lindsay	Warner	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 435.

A BILL FOR AN ACT relating to child support enforcement; to amend sections 42-369, 43-2,113, and 43-512.07, Revised Statutes Supplement, 1992; to change provisions relating to assignments of support to the Department of Social Services; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Crosby	Hohenstein	McKenzie	Schimek
Avery	Cudaback	Horgan	Pedersen	Schmitt
Baack	Day	Hudkins	Pirsch	Vrtiska
Beutler	Dierks	Janssen	Preister	Wehrbein
Bohlke	Elmer	Jones	Rasmussen	Wesely
Bromm	Fisher	Kristensen	Robak	Will
Byars	Haberman	Landis	Robinson	Witek
Chambers	Hartnett	Lynch	Schellpeper	Withem
Coordsen	Hillman			

Voting in the negative, 0.

Excused and not voting, 7:

Ashford	Bernard-Stevens	Hall	Moore	Wickersham
		Lindsay	Warner	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 472. With Emergency.

A BILL FOR AN ACT relating to aeronautics; to amend section 3-407, Reissue Revised Statutes of Nebraska, 1943; to change height requirements for marking and lighting structures as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud	Cudaback	Horgan	Moore	Schimek
Avery	Day	Hudkins	Pedersen	Schmitt
Baack	Dierks	Janssen	Pirsch	Vrtiska
Bohlke	Elmer	Jones	Preister	Wehrbein
Bromm	Fisher	Kristensen	Rasmussen	Wesely
Byars	Haberman	Landis	Robak	Will
Chambers	Hartnett	Lynch	Robinson	Witek
Coordsen	Hillman	McKenzie	Schellpeper	Withem
Crosby	Hohenstein			

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 6:

Ashford	Bernard-Stevens	Hall	Lindsay	Warner Wickersham

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 268, 623, 387, 435, and 472.

SELECT FILE

LEGISLATIVE BILL 831. Considered.

Advanced to E & R for engrossment.

MESSAGE FROM THE GOVERNOR

April 12, 1993

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 299e, 23, 191, 201, 305, 305A, 526, 590, 726, and 818 were received in my office on April 7, 1993.

These bills were signed by me on April 12, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

GENERAL FILE

LEGISLATIVE BILL 110. The Chambers pending motion, found in the Journal on page 1441, to reconsider his amendment, FA71, found in the Journal on page 1440, to the Standing Committee amendment, was renewed.

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

Mr. Chambers requested a record vote on his motion to reconsider.

Voting in the affirmative, 9:

Beutler	Chambers	Hillman	Rasmussen	Warner
Bohlke	Day	Landis	Schimek	

Voting in the negative, 20:

Avery	Fisher	Hudkins	Pedersen	Vrtiska
Coordsen	Hartnett	Jones	Pirsch	Wehrbein
Crosby	Hohenstein	Lindsay	Robinson	Witek
Dierks	Horgan	McKenzie	Schmitt	Withem

Present and not voting, 15:

Abboud	Byars	Haberman	Lynch	Schellpeper
Baack	Cudaback	Janssen	Preister	Wesely
Bromm	Elmer	Kristensen	Robak	Will

Excused and not voting, 5:

Ashford	Bernard-Stevens	Hall	Moore	Wickersham

The Chambers motion to reconsider lost with 9 ayes, 20 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Lindsay offered the following amendment to the Standing Committee amendment:
AM1346

(Amendments to AM1309)

1. Strike section 2 and all amendments thereto and insert the following new section:

"Sec. 2. That section 28-327, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-327. No abortion shall be performed except with the voluntary and informed consent of the woman upon whom the abortion is to be performed. Except in the case of an emergency situation, consent to an abortion is voluntary and informed only if:

(1) The woman is told the following by the physician who is to perform the abortion, by the referring physician, or by an agent of either, at least twenty-four hours before the abortion:

(a) The particular medical risks associated with the particular abortion procedure to be employed including, when medically accurate, the risks of infection, hemorrhage, and danger to subsequent pregnancies and infertility;

(b) The probable gestational age of the unborn child at the time the abortion is to be performed; and

(c) The medical risks associated with carrying her child to term.

The physician or the physician's agent may provide this information by telephone without conducting a physical examination or tests of the patient, in which case the information required to be supplied may be based on facts supplied by the patient and whatever other relevant information is reasonably available to the physician or the physician's agent;

(2) The woman is informed by telephone or in person, by the physician who is to perform the abortion, by the referring physician, or by an agent of either, at least twenty-four hours before the abortion:

(a) The name of the physician who will perform the abortion;

(b) That medical assistance benefits may be available for prenatal care, childbirth, and neonatal care;

(c) That the father is liable to assist in the support of her child, even in instances in which the father has offered to pay for the abortion; and

(d) That she has the right to review the printed materials described in section 3 of this act. The physician or his or her agent shall orally inform the woman the materials have been provided by the Department of Health and that they describe the unborn child and list agencies which offer alternatives to abortion. If the woman chooses to review the materials, they shall either be given to her at least twenty-four hours before the abortion or mailed to her at least seventy-two hours before the abortion by certified mail, restricted delivery to addressee, which means the postal employee can only deliver the mail to the addressee. The physician and his or her agent may disassociate themselves from the materials and may comment or refrain from commenting on them as they choose;

(3) The woman certifies in writing, prior to the abortion, that the information described in subdivisions (1) and (2)(a), (b), and (c) of this section has been furnished her and that she has been informed of her right to review the information referred to in subdivision (2)(d) of this section;

and

(4) Prior to the performance of the abortion, the physician who is to perform the abortion or his or her agent receives a copy of the written certification prescribed by subdivision (3) of this section. ~~on any woman in the absence of an informed consent, except that an abortion may be performed if, in the sound medical judgment of the physician, an emergency endangers the life or health of the woman and the woman is unable to give informed consent.~~".

2. On page 8, line 25; and page 9, line 2, strike "(1)(g)" and insert "(2)(d)".

3. On page 8, line 26, strike "subsection" and insert "subdivision".

4. On page 10, line 1, strike the comma; and strike beginning with the last comma in line 9 through "28-328" in line 11 and insert "given standing under section 6 of this act who brings a civil action under such section".

SPEAKER BAACK PRESIDING

Messrs. Schellpeper, Bromm, and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

The Lindsay amendment was adopted with 19 ayes, 1 nay, 21 present and not voting, and 8 excused and not voting.

Mr. Chambers offered the following amendment to the Standing Committee amendment:

FA73

Amend Lindsay Amendment (1346)

P. 2, strike lines 12-16

Messrs. Withem and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Baack	Day	Hillman	Rasmussen	Warner
Bohlke	Haberman	Landis	Schimek	Will
Chambers				

Voting in the negative, 25:

Abboud	Avery	Byars	Coordsen	Crosby

Dierks	Hohenstein	Jones	Pirsch	Schmitt
Elmer	Horgan	Kristensen	Preister	Vrtiska
Fisher	Hudkins	Lindsay	Robak	Wehrbein
Hartnett	Janssen	Pedersen	Robinson	Witek

Present and not voting, 4:

Ashford	Beutler	Lynch	Wesely

Excused and not voting, 9:

Bernard-Stevens	Bromm	Hall	Moore	Wickersham
	Cudaback	McKenzie	Schellpeper	Withem

The Chambers amendment lost with 11 ayes, 25 nays, 4 present and not voting, and 9 excused and not voting.

Pending.

NOTICE OF COMMITTEE HEARING
Business and Labor

Governor Appointments Thursday, April 22, 1993 12:00 p.m.
Boiler Safety Code Advisory Board
Raymond O. Farris
Robert W. Allen
Raymond F. Otter
Cindy Kromm

(Signed) Chris Abboud, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 13, 1993, at 10:10 a.m., were the following bills: 268, 623, 387, 435, and 472.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 310. Placed on General File as amended.
Standing Committee amendment to LB 310:
AM1345

1. Strike the original sections and insert the following new sections:

"Section 1. That section 13-501, Revised Statutes Supplement, 1992, be amended to read as follows:

13-501. Sections 2-958, 3-504, 12-914, 13-501 to 13-513, 16-702, 16-706, 16-718, 17-702, 17-703, 17-708, 17-711, 17-715, 17-718, 18-1006, 19-1302, 23-132, 23-904, 23-920, 23-3519, 23-3552, 31-513, 35-509, 39-1621, 39-1634, 46-543, 46-544, 51-316, 71-1611, 79-435, 79-1007.02, and 79-2210 and section 2 of this act shall be known and may be cited as the Nebraska Budget Act.

Sec. 2. The Nebraska Budget Act shall not apply to any public power district or public power and irrigation district organized pursuant to Chapter 70, article 6, to any rural power district organized pursuant to Chapter 70, article 8, or to any agency created pursuant to sections 18-2426 to 18-2434.

Sec. 3. That section 18-2451, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-2451. The books and records of an agency created pursuant to sections 18-2426 to 18-2434 shall be public records and shall be kept at the principal place of business of such agency. The agency books and records shall be open to public inspection at reasonable times and upon reasonable notice. The agency shall annually cause to be filed with the Auditor of Public Accounts an audit of the books, records, and financial affairs of the agency. Such audit shall be made by a certified public accountant or firm of such accountants selected by the agency and shall be ~~in a form prescribed by the Auditor of Public Accounts~~ conducted in the manner prescribed in section 84-304.01. When the audit has been ~~examined and approved by the Auditor of Public Accounts~~ completed, written copies ~~thereof~~ of the audit shall be placed and kept on file at the principal place of business of the agency~~,~~ and shall be filed with the Auditor of Public Accounts and the Nebraska Power Review Board within one hundred twenty days after December 31 of each year.

Sec. 4. That section 70-623, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-623. The fiscal year of the district shall coincide with the calendar year. The board of directors, at the close of each year's business, shall cause an audit of the books, records, and financial affairs of the district to be made by a certified public accountant or firm of such accountants, who shall be selected by the district. The audit shall be conducted in the manner prescribed in section 84-304.01. ~~, subject to the approval of the Auditor of Public Accounts. The audit shall be in a form prescribed by the auditor.~~ When the audit has been ~~examined and approved by the auditor~~ completed, written copies of the audit ~~thereof~~ shall be placed and kept on file at the principal place of business of the district~~;~~ and shall be filed with the Auditor of Public Accounts and the Nebraska Power Review Board within one

hundred and twenty days after December 31 of each year. ~~The Auditor of Public Accounts shall charge the expense of such audit to such district, and each district shall pay to the Auditor of Public Accounts the reasonable cost thereof.~~

Sec. 5. That section 70-623.02, Revised Statutes Supplement, 1992, be amended to read as follows:

70-623.02. The audit required by section 70-623 shall be made at the close of the fiscal year. The person making the audit shall have access to all books, records, vouchers, papers, contracts, or other data containing information on the subject (1) in the office of the public power or public power and irrigation district, (2) in the office of the chief executive officer of the district provided for in section 70-620.01, or (3) in the possession or under the control of any of the officers, agents, or servants of the district. All officers, agents, and servants of the public power or public power and irrigation district shall furnish to the ~~Auditor of Public Accounts~~ person making the audit and his or her agents, servants, and employees such information regarding the auditing of the public power or public power and irrigation districts as may be demanded.

Sec. 6. That section 70-623.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-623.03. ~~In lieu of the audit provided for in sections 70-623 to 70-623.02, any public power district, that is subject to an examination and audit of its affairs by the United States Rural Electrification Administration, may file with the Auditor of Public Accounts, within one hundred twenty days after the close of the fiscal year of such district, a written copy of the audit made by or under the authority of such Rural Electrification Administration if such audit contains and shows the items set forth in section 70-623.01. In case any such~~ If any public power district~~, that is subject to audit by the United States Rural Electrification Administration, shall fail~~ fails to file a copy of ~~such~~ an audit within the time ~~above~~ prescribed in section 70-623, then its books, records, and financial affairs shall, within one hundred eighty days after the close of the fiscal year of ~~such~~ the district, be audited ~~in the same manner and under the same conditions as are provided in said sections 70-623 to 70-623.02~~ by a certified public accountant or firm of accountants selected by the Auditor of Public Accounts. The cost of the audit shall be paid by the district. A copy of such audit~~, whether made by or under the authority of the Rural Electrification Administration or by a certified public accountant or firm of accountants selected by the Auditor of Public Accounts,~~ shall be placed and kept on file at the principal place of business of the district.

Sec. 7. The audit of any rural power district

organized pursuant to Chapter 70, article 8, shall be conducted in the manner prescribed in section 84-304.01.

Sec. 8. A public power district or public power and irrigation district organized pursuant to Chapter 70, article 6, a rural power district organized pursuant to Chapter 70, article 8, or any agency created pursuant to sections 18-2426 to 18-2434 shall prepare in writing each year, on forms prescribed and furnished by the Nebraska Power Review Board, a proposed budget which shall be available for inspection by the general public at each district's or agency's principal headquarters at least seven days prior to the meeting of the board of directors at which such budget is to be adopted.

Notice of the place and time of such meeting of the board of directors shall be published at least seven days prior to the date set for such meeting in a newspaper of general circulation within the district or agency. The notice shall include a statement that the proposed budget is available for public inspection and the location where it is available. Any changes to the proposed budget made between the date the proposed budget is made available for public inspection and the date of the board meeting shall be added to the proposed budget at the principal headquarters of the district or agency prior to the board meeting. At such meeting, the proposed budget shall be adopted, and a written record shall be kept of such meeting. If the adopted budget reflects a change from that shown in the proposed budget a summary of such changes shall be available for inspection at the principal headquarters of such district or agency.

Sec. 9. That section 84-304.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-304.01. It shall be the duty of the Auditor of Public Accounts to establish, by rule and regulation, minimum standards applicable to all audit, financial, or accounting reports or copies of such reports required to be filed with the Auditor of Public Accounts by any political subdivision of the State of Nebraska. Such minimum standards shall be in accordance with sound accounting principles and designed to bring about uniformity in the content and form of such reports within the same type of political subdivision. Audit, financial, or accounting reports of any public power district or public power and irrigation district organized pursuant to Chapter 70, article 6, any rural power district organized pursuant to Chapter 70, article 8, or any agency created pursuant to sections 18-2426 to 18-2434 shall be conducted in accordance with generally accepted government auditing standards. In connection with his or her duties, but at his or her discretion, the Auditor of Public Accounts may conduct performance audits of all political subdivisions receiving more than twenty-five thousand dollars in the audit year in

tax funds from the state including all public utilities and all counties, townships, municipalities, cities, villages, districts, authorities, and other public corporations and entities.

Sec. 10. That section 84-304.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-304.02. The Auditor of Public Accounts, or a person designated by him or her, shall prepare a written review of all audit, accounting, or financial reports required to be filed by a political subdivision of the state with the Auditor of Public Accounts and cause one copy of such written review to be mailed to the political subdivision involved and one copy to the accountant who prepared the report. Such written review shall specifically set forth wherein the audit, accounting, or financial report fails to comply with the applicable minimum standards ~~adopted pursuant to section 84-304.01~~ and the necessary action to be taken to bring the report into compliance with such standards. The Auditor of Public Accounts may, upon continued failure to comply with such standards, refuse to accept for filing an audit, accounting, or financial report or any future report submitted for filing by any political subdivision.

Sec. 11. That original sections 18-2451, 70-623, 70-623.03, 84-304.01, and 84-304.02, Reissue Revised Statutes of Nebraska, 1943, and sections 13-501 and 70-623.02, Revised Statutes Supplement, 1992, are repealed.".

LEGISLATIVE BILL 674. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

MESSAGE FROM THE GOVERNOR

April 13, 1993

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 346 and 830 were received in my office on April 7, 1993.

These bills were signed by me on April 13, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson

Governor

VISITORS

Visitors to the Chamber were 47 fourth grade students and teachers from Sandoz Elementary, Omaha; 65 fourth grade students and teacher from Willowdale Elementary, Omaha; 40 fourth grade students and teachers from Conestoga Elementary, Nehawka; and a group of seniors and teacher from Beaver Valley, Lebanon.

RECESS

At 12:02 p.m., on a motion by Mr. Byars, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Mr. Wickersham who was excused; and Messrs. Bromm, Haberman, Hall, Robinson, Warner, and Mrs. Pirsch who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 145A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 629. E & R amendment, AM5423, found in the Journal on page 1055, was adopted.

Mr. Ashford withdrew his pending amendment, AM1124, found in the Journal on page 1270.

Mr. Ashford offered the following amendment:
AM1409

1. Strike original section 20 and insert the following new sections:

"Sec. 19. The Parenting Act shall not apply in any action filed by a county attorney or authorized attorney pursuant to his or her duties under sections 42-358, 43-512 to 43-512.18, and 43-1401 to 43-1418, the Income Withholding for Child Support Act, and the Revised Uniform Reciprocal Enforcement of Support Act for purposes of the establishment of paternity and the establishment and enforcement of child and medical support. A county attorney or authorized attorney shall not participate in the development of or court review of a parenting plan under the Parenting Act.

Sec. 20. That section 42-120, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

42-120. When the validity of any marriage ~~shall be~~ is denied or doubted by either of the parties, the other party may file a bill or petition, in the manner ~~aforesaid~~ provided in section 42-119, for affirming the marriage, and upon due proof of the validity thereof it shall be declared valid by a decree or sentence of the court. Such ~~, and such~~ decree, unless reversed on appeal, shall be conclusive upon all persons concerned. A parenting plan developed pursuant to the Parenting Act may be incorporated into such decree if appropriate.".

2. On page 2, line 1, strike "18" and insert "19"; in line 22 after the period insert "It is the policy of this state to assure the right of children, when it is in their best interests, to frequent and continuing contact with parents who have shown the ability to act in the best interests of the children and to encourage parents to share in the rights and responsibilities of raising their children after divorce or separation."; and in line 25 strike "eighteen" and insert "nineteen".

3. On page 3, line 23, after "action" insert "(a)", and strike "declaration" and insert "(b)"; in line 24 after the first comma insert "or (c) for"; and strike beginning with the second comma in line 24 through "paternity" in line 25.

4. On page 4, line 6, after "from" insert "the clerk of"; strike beginning with line 23 through the period in line 25 and all amendments thereto and insert "court-based conciliation court counselor, a court-based mediator, a state mediation center mediator as established by the Office of Dispute Resolution, or a mediator in private practice.".

5. On page 5, line 24, after the second period insert "(1)"; in line 25 strike "mediation and" and insert "court-based mediation, at no cost to the parties, and may"; and after line 28 insert the following new subsection:

"(2) In counties having a separate juvenile court, the district court may, if it determines it is in the best interest of a minor child, transfer a case to the separate juvenile court to determine the issues of care, support, custody, or control of the minor child. The separate juvenile court pursuant to section 43-2,113 shall have jurisdiction with the district court in all matters arising under Chapter 42, article 3, and Chapter 43, article 12, when the care, support, custody, or control of minor children is involved.".

6. On page 7, line 18, after the period insert "If a court refers a case to court-based mediation, there shall be no fee.".

7. On page 9, line 21, after "decree" insert "if such plan is requested by one or both of the parties".

8. On page 10, line 2, strike "42-364" and insert "42-120, 42-364,"; strike beginning with "If" in line 6 through line 7; in line 14 after the period insert "(1)"; and in line 21 strike "subdivision (5) of" and show as stricken.

9. On page 11, line 1, strike "(1)", show as stricken, and insert "(2)"; in line 14 strike "(2)", show as stricken, and insert "(3)"; and in line 20 strike "(3)", show as stricken, and insert:

"(4) Regardless of the custody determination of the court, (a) each parent shall continue to have full and equal access to the education and medical records of his or her child unless the court orders to the contrary and (b) either parent may make emergency decisions affecting the health or safety of his or her child while the child is in the physical custody of such parent pursuant to a visitation order entered by the court.

(5)".

10. On page 12, line 1, strike "(4)", show as stricken, and insert "(6)"; and in line 20 strike "(5)", show as stricken, and insert "(7)".

11. On page 13, line 24, before "Whenever" insert "(8)".

12. On page 15, line 21, strike "43-1412" and insert "42-120".

13. Renumber the remaining sections accordingly.

14. In the Standing Committee amendment, AM0578, on page 1, line 9, before "mediation" insert "such".

MRS. CROSBY PRESIDING

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

SPEAKER BAACK PRESIDING

The Ashford amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Chambers offered the following amendment:
FA74

P. 9, In line 19 beginning with "If", strike all language through line 21.

The Chambers amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Ms. Schimek offered the following amendment:
FA75

That on page 4 line 15, delete "in" and insert "to recognize in its place. Place a period after "violence." and delete "and" on line 15 through "mediation" on line 16. On line 19, after the word "determined" insert "to involve child abuse, spouse abuse or both, it shall be determined" Place a period after "mediation" on line 19 and delete lines 20 and 21.

Ms. Schimek withdrew her amendment.

Mr. Chambers offered the following amendment:
FA76
Page 7, strike lines 1-3.

The Chambers amendment was adopted with 25 ayes, 2 nays, 17 present and not voting, and 5 excused and not voting.

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

Ms. Schimek offered the following amendment:
FA77
On page 4, line 15, delete "in" and insert "to recognize" and after the word violence, insert a period. Delete "and" and line 16 through "mediation". On line 19, after the word determination insert "not to involve child abuse, spouse abuse, or both, and delete the words "appropriate for mediation".

The Schimek amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Chambers offered the following amendment:
FA78
Page 6, in line 11, after "attorney", add "Any disclosure of abuse made during the mediation process shall be confidential."
In line 17 beginning with "Nothing", strike all language through line 19.

Pending.

Mr. Ashford asked unanimous consent to bracket LB 629 to April 22. No objections. So ordered.

LEGISLATIVE BILL 523. E & R amendment, AM5443, found in the Journal on page 1365, was adopted.

Messrs. Kristensen and Byars offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1406.)

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

MRS. CROSBY PRESIDING

The Kristensen-Byars amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Beutler offered the following amendment:
AM1404

1. Insert the following new section:

"Section 1. That section 42-371, Revised Statutes Supplement, 1992, be amended to read as follows:

42-371. Under sections 42-347 to 42-379, 43-290, 43-512 to 43-512.10, and 43-1401 to 43-1418:

(1) All judgments and orders for payment of money shall be liens, as in other actions, upon real property and any personal property registered with any county office and may be enforced or collected by execution and the means authorized for collection of money judgments. The judgment creditor may execute a partial or total release of the judgment, generally or on specific real or personal property. Release of judgments for child support or spousal support must be approved by the court which rendered the judgment unless all such payments are current, in which case a release executed by the judgment creditor shall be sufficient to remove the lien. A properly executed, notarized release explicitly reciting that all child support payments or spousal support payments are current shall be prima facie evidence that such payments are in fact current. The judgment debtor may petition the court which rendered the original judgment for an order releasing the lien as to specific real or personal property. The court shall grant such order upon a showing by the judgment debtor that sufficient real or personal property or property interests shall remain subject to the lien to cover all support due and which may become due;

(2) Child support and spousal support judgments shall cease to be liens on real or registered personal property ten years from the date (a) the youngest child becomes of age or dies or (b) the most recent execution was issued to collect the judgment, whichever is later, and such lien shall not be reinstated;

(3) Alimony and property settlement award judgments, if not covered by subdivision (2) of this section, shall cease to be a lien on real or registered personal property ten years from the date (a) the judgment was entered, (b) the most recent payment was made, or (c) the most recent execution was issued to collect the judgment, whichever is latest, and such lien shall not be reinstated;

(4) Whenever a judgment creditor refuses to execute a release of the judgment as provided in this section, the person desiring such release may file an application for the relief desired. A copy of the application and a notice of hearing shall be served on the judgment creditor either personally or by registered or certified mail no less than ten days before the date of hearing. If the court finds that the release is not requested for the purpose of avoiding payment and that the release will not unduly reduce the security, the court may release real or personal property from the judgment lien. As a condition for such release, the court may require the posting of a bond with the clerk in an amount fixed by the court, guaranteeing payment of the judgment;

(5) The court may in any case, upon application or its own motion, after notice and hearing, order a person required to make payments to post sufficient security, bond, or other guarantee with the clerk to insure payment of both current and any delinquent amounts. Upon failure to comply with the order, the court may also appoint a receiver to take charge of the debtor's property to insure payment. Any bond, security, or other guarantee paid in cash may, when the court deems it appropriate, be applied either to current payments or to reduce any accumulated arrearage; ~~and~~

(6) The lien of a mortgage or deed of trust which secures a loan, the proceeds of which are used to purchase real property, shall attach prior to any lien authorized by this section. Any mortgage or deed of trust which secures the refinancing, renewal, or extension of a real property purchase money mortgage or deed of trust shall have the same lien priority with respect to any lien authorized by this section as the original real property purchase money mortgage or deed of trust to the extent that the amount of the loan refinanced, renewed, or extended does not exceed the amount used to pay the principal and interest on the existing real property purchase money mortgage or deed of trust, plus the costs of the refinancing, renewal, or extension; and

(7) Any lien authorized by this section against personal property registered with any county consisting of a motor vehicle or mobile home shall attach upon notation of the lien against the motor vehicle or mobile home certificate of title and shall have its priority established pursuant to the terms of section 60-110.".

2. On page 11, line 8, after "sections" insert "42-371,".

3. Renumber the remaining sections accordingly.

The Beutler amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Messrs. Lindsay and Landis offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1383.)

The Lindsay-Landis amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

Mr. Elmer asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 193. E & R amendment, AM5445, found in the Journal on page 1396, was adopted.

Messrs. Will and Cudaback withdrew their pending amendment, AM1333, found in the Journal on page 1465.

Mr. Cudaback offered the following amendment:
AM1400

1. Strike original section 16 and insert the following new section:

"Sec. 16. That section 3, Legislative Bill 215, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

Sec. 3. (1) In order to renew a license issued under the State Electrical Act, the licensee shall be required to complete ~~six~~ twelve contact hours of continuing education by January 1, 1995, for renewal on such date and twelve contact hours by January 1 of each odd-numbered year thereafter. The continuing education courses shall be approved by the board and may consist of training programs, courses, and seminars by the State Electrical Division or public or private schools, organizations, or associations. The contact hours shall include a minimum of six contact hours studying the National Electrical Code described in section 81-2104, and the remaining contact hours may include study of electrical circuit theory, blueprint reading, transformer and motor theory, electrical circuits and devices, control systems, programmable controllers, and microcomputers or any other study of electrical-related material that is approved by the board. Any additional hours studying the National Electrical Code shall be acceptable. For purposes of this section, a contact hour shall mean fifty minutes of classroom attendance at an approved course under a qualified instructor approved by the board.

(2) An application for approval of the instructor and course offering shall be submitted annually on a form provided by the board. ~~at least ninety days in advance of the course offering.~~ The approval by the board of the application

shall be valid for one calendar year from the date of approval and shall include the following information:

(a) Name of the sponsoring organization or school, if any, the address of such organization or school, and the name of the contact person;

(b) The instructor's name, address, and telephone number;

(c) The title of the course offering;

(d) A description of all materials to be distributed to the participants;

(e) The date and exact location of each presentation of the course offering;

(f) The duration and time of the offering;

(g) A detailed outline of the subject matter together with the time sequence of each segment, faculty for each segment, and teaching technique used in each segment;

(h) The procedure for measuring attendance; and

(i) A description of the faculty, including name, background, and practical or teaching experience. A complete resume may be furnished.

Any application for approval of the instructor and course offering that is rejected shall be returned to the applicant with specific reasons for such rejection and stating what is needed for approval.

(3) If a continuing education course is approved, the licensee shall retain the attendance certificate and attach it to the application for renewal of his or her license at the time of renewal. The licensee shall have the responsibility for record keeping and providing proof of attendance at continuing education courses.

(4) The instructor of each course shall provide an individual certificate of attendance to each licensee who attends ninety percent or more of the classroom hours. A certificate of attendance shall not be issued to a licensee who is absent for more than ten percent of the classroom hours. The certificate shall contain the licensee's name and license number, the course title, the date and location of the course, the number of credit hours, and the signature of the instructor.".

2. On page 10, line 8, after the comma insert "or"; and strike beginning with "fails" in line 9 through "(e)" in line 10.

3. On page 33, line 5, strike the second "and"; and in line 6 after the last comma insert "and section 3, Legislative Bill 215, Ninety-third Legislature, First Session, 1993,".

4. In the Standing Committee amendments, AM0546, on page 2, line 7, strike the second comma and insert "and"; and strike beginning with the comma in line 8 through the

2 quotation marks in line 10.

The Cudaback amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Beutler offered the following amendment:
FA79

To restore the stricken language in lines 9 through 12 of page 23 and to renumber succeeding sections accordingly

Messrs. Landis, Horgan, Pedersen, and Kristensen asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BAACK PRESIDING

Mr. Beutler moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Ashford	Byars	Fisher	Landis	Preister
Avery	Chambers	Hillman	Lindsay	Vrtiska
Bernard-Stevens	Coordsen	Hohenstein	McKenzie	Warner
Beutler	Day	Jones	Pirsch	Wehrbein

Voting in the negative, 11:

Baack	Haberman	Moore	Robinson	Schmitt
Crosby	Hartnett	Rasmussen	Schellpeper	Will
Cudaback				

Present and not voting, 7:

Bohlke	Hudkins	Lynch	Robak	Schimek
Bromm	Janssen			

Absent and not voting, 2:

Dierks	Wesely

Excused and not voting, 9:

Abboud	Hall	Kristensen	Wickersham	Withem
Elmer	Horgan	Pedersen	Witek	

The Beutler amendment lost with 20 ayes, 11 nays, 7 present and not voting, 2 absent and not voting, and 9 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 389. Placed on Select File.

LEGISLATIVE BILL 292. Placed on Select File as amended.
E & R amendment to LB 292:
AM5450

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 79-1501.01, Revised Statutes Supplement, 1992, be amended to read as follows:

79-1501.01. Sections 79-1501 to 79-1566 and sections 3 and 6 of this act shall be known and may be cited as the School Employees Retirement Act.

Sec. 2. That section 79-1522.01, Revised Statutes Supplement, 1992, be amended to read as follows:

79-1522.01. In lieu of the school retirement allowance provided by section 79-1522, any member who is not an employee of a Class V school district and who becomes eligible to make application for and receive a school retirement allowance under section 79-1520 may receive a formula annuity retirement allowance if it is greater than the school retirement allowance provided by section 79-1522.

Subject to the other provisions of this section, the monthly formula annuity in the normal form shall be determined by multiplying the number of years of service for which such member would otherwise receive the service annuity provided by section 79-1522 (1) by one and one-quarter percent of his or her final average compensation, (2) by one and one-half percent of his or her final average compensation, ~~or~~ (3) by one and sixty-five hundredths percent of his or her final average compensation, or (4) by one and eighty-hundredths percent of his or her final average compensation. If the annuity begins prior to the sixty-fifth birthday of the member and the member has completed ~~thirty-five~~ thirty or more years of creditable service and is at least sixty years of age, the annuity shall not be reduced. If the annuity begins on or after the sixtieth birthday of the member and the member has completed five or more but less than thirty years of creditable service, the annuity shall be reduced by three percent for each year by which the member's age is less than the age at which the member's age plus years of service would have totaled ninety or three percent for each year after the

member's sixtieth birthday and prior to his or her sixty-fifty birthday, whichever provides the greater annuity. ~~If the annuity begins prior to the sixty-fifth birthday of the member and the member has completed five or more but less than thirty years of creditable service, the annuity at the date it begins shall be reduced by three percent for each year after the member's sixtieth birthday and prior to his or her sixty-fifth birthday. If the annuity begins on or after the sixtieth birthday of the member and the member has completed at least thirty but less than thirty-five years of creditable service, the annuity at the date it begins shall be reduced by three percent for each year by which the member's years of creditable service is less than thirty-five years or for each year by which the member is less than sixty-five years of age, whichever provides the greater annuity.~~ A member shall have acquired the equivalent of one-half year of service or more as a public school employee under the retirement system following August 24, 1975, to be eligible for computation of his or her formula annuity using one and one-quarter percent of his or her final average compensation as one of the factors, shall have acquired the equivalent of one-half year of service or more as a public school employee under the retirement system following July 17, 1982, to be eligible for computation of his or her formula annuity using one and one-half percent of his or her final average compensation as one of the factors, or shall have acquired the equivalent of one-half year of service or more as a public school employee under the retirement system following July 1, 1984, to be eligible for computation of his or her formula annuity using one and sixty-five hundredths percent of his or her final average compensation as one of the factors. A member shall be actively employed as a public school employee under the retirement system on the operative date of this act to be eligible for computation of his or her formula annuity using one and eighty-hundredths percent of his or her final average compensation as one of the factors.

The normal form of the formula annuity shall be an annuity payable monthly during the remainder of the member's life with the provision that in the event of his or her death before sixty monthly payments have been made the monthly payments will be continued to his or her estate or to the beneficiary he or she has designated until sixty monthly payments have been made. A member may elect to receive in lieu of the normal form of annuity an actuarially equivalent annuity in any optional form provided by section 79-1530.

Final average compensation for full-time employees shall be determined by dividing the member's total compensation subject to required deposits for the three fiscal years in which such compensation was the highest by

thirty-six. Final average compensation for part-time employees shall be determined by dividing total adjusted compensation subject to required deposits for the three fiscal years in which such adjusted compensation was the highest by thirty-six. If a member has such compensation for less than three such fiscal years, his or her final average compensation shall be determined by dividing his or her total compensation in all such years by twelve times the total number of years of his or her service therefor. Adjusted compensation for any year shall be equal to actual pay times the ratio of one to the actual credited service for such year. ~~A member shall have acquired the equivalent of one-half year of service or more as a public school employee under the retirement system following August 24, 1975, to be eligible for computation of his or her formula annuity using only five fiscal years in the determination of his or her final average compensation.~~

All formula annuities shall be paid from the Annuity Reserve Account. Upon the granting of a formula annuity, there shall be transferred to the Annuity Reserve Account: (a) From the Service Annuity Account, the value of the service annuity which would otherwise be payable; (b) from the School Employees Savings Account, the accumulated contributions of the member; and (c) from the School Employers Deposit Account, the value of the formula annuity in excess of the amounts transferred from the Service Annuity Account and the School Employees Savings Account. The amounts transferred from the Service Annuity Account at any time after such member attains sixty years of age and prior to his or her sixty-fifth birthday or thirty-five years of creditable service shall be on an actuarially reduced basis.

A person receiving a retirement benefit may accept employment in a postsecondary school under the control and management of the Board of Trustees of the Nebraska State Colleges, the Board of Regents of the University of Nebraska, or any other state agency without having to waive retirement payments, without having to notify the retirement board, and without being subject to any withholding of future retirement payments.

Sec. 3. (1) There is hereby created the School Employees Retirement System Reserve Fund. Required deposits from the compensation of members and employers shall be accumulated in the fund to provide a cost-of-living benefit adjustment for each person who is retired or each surviving beneficiary who is receiving a retirement annuity from the School Retirement System of the State of Nebraska. The purpose of the cost-of-living benefit adjustment shall be to reflect changes in the cost-of-living and wage levels that have occurred subsequent to the date of retirement.

(2) Member contributions into the fund shall equal

three-tenths of one percent of compensation. Employer contributions into the fund shall be one hundred one percent of member contributions to the fund.

(3) Upon verification by the actuary, when amounts accumulated in the fund are sufficient to provide a three percent cost-of-living benefit adjustment for all qualified persons, the retirement board shall determine the amount of the cost-of-living benefit adjustment as provided by this section for each member and beneficiary. The retirement board shall make transfers to and from the School Employees Retirement System Reserve Fund and any other fund of the School Retirement System of the State of Nebraska administered by the retirement board in order to comply with this section.

(4) It is the intent of the Legislature that a cost-of-living benefit adjustment provided in this section shall be granted automatically in future years whenever funds are sufficient for such a benefit and the increase in the cost-of-living or wage levels justifies the adjustment as provided by this section. The cost-of-living benefit adjustment shall be the equivalent of three percent of benefits provided pursuant to the School Employees Retirement Act. The cost-of-living benefit adjustment shall be paid to a retired person or surviving beneficiary during his or her life.

(5) For members who retired prior to the operative date of this act, the cost-of-living benefit adjustment shall be calculated based on the amount of benefit the member is receiving on the operative date of this act. For members who retire after the operative date of this act, the cost-of-living benefit adjustment shall be calculated based on the amount of benefit the member receives on the date of retirement. Any subsequent cost-of-living benefit adjustment shall be calculated based on three percent of the amount of benefit the member is receiving on the operative date of this act or three percent of the amount of benefit the member will receive on the date of retirement if he or she retires subsequent to the operative date of this act.

Sec. 4. That section 79-1545, Revised Statutes Supplement, 1992, be amended to read as follows:

79-1545. All assets of the retirement system shall be credited, according to the purpose for which they are held, to the Expense Fund, to the School Employees Retirement System Reserve Fund, or to one of five accounts in the School Retirement Fund, namely, the School Employees Savings Account, the School Employers Deposit Account, the Service Annuity Account, the Annuity Reserve Account, and the Contingent Account. Any money in these accounts or funds available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to ~~72-1269~~ 72-1276.

Sec. 5. That section 79-1549, Revised Statutes Supplement, 1992, be amended to read as follows:

79-1549. A Contingent Account is hereby created (1) to facilitate the crediting of regular interest on the amounts in the various other accounts, with the exception of the Expense Fund, (2) to fund the adjusted supplemental retirement benefit provided by section 79-1566, and (3) to provide an account to cover any special requirements of the Annuity Reserve Account or the Expense Fund, insofar as the state is responsible for such accounts or fund. All income, interest, and dividends derived from the deposits and investments authorized by the School Employees Retirement Act shall be paid into the Contingent Account. The retirement board may accept gifts, devises, and bequests. Any funds which may come into the possession of the retirement system in this manner or which may be transferred from the School Employees Savings Account by reason of the lack of a claimant or because of a surplus in any fund or account described in section 79-1545 other than the School Employees Retirement System Reserve Fund, or any other money the disposition of which is not otherwise provided for in the act, shall be credited to the Contingent Account. The interest allowed by the retirement board to each of the funds or accounts shall be paid to such funds or accounts from the Contingent Account or shall be used to fund the adjusted supplemental retirement benefit provided by section 79-1566. Any deficit occurring in the Annuity Reserve Account or in the Expense Fund, insofar as the state is responsible for such account or fund, shall be met by payments to the fund or account in question from the Contingent Account. Annually the retirement board shall estimate the amount of money deemed necessary to pay the obligation levied against the Contingent Account, including regular interest. If such amount exceeds the revenue estimated to accrue to the fund or account for that year, such excess shall be certified to the State Treasurer and shall, on warrant of the Director of Administrative Services, be transferred from funds appropriated by the state for such purpose to the Contingent Account.

Sec. 6. Any expenditure made by a school district pursuant to sections 79-1522.01, 79-1545, and 79-1549 as changed by this legislative bill and section 3 of this act shall be considered a general fund expenditure of the district and shall not be exempt from the growth limitations placed on district spending by the Tax Equity and Educational Opportunities Support Act.

Sec. 7. This act shall become operative on July 1, 1993.

Sec. 8. That original sections 79-1501.01, 79-1522.01, 79-1545, and 79-1549, Revised Statutes Supplement,

1992, are repealed.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, line 2, strike "and" and after the last comma insert "79-1545, and 79-1549,"; in line 3 strike "date and"; in line 5 strike "powers" and insert "duties"; and in line 6 after the first semicolon insert "to state intent; to provide that certain expenditures are subject to budget limitations as prescribed;".

Correctly Reengrossed

The following bill was correctly reengrossed: 677.

Correctly Engrossed

The following bills were correctly engrossed: 44, 44A, 53, 90, 267, 301, 301A, 365, 505, 505A, 520A, 561, 631, 677A, and 789.

Enrollment and Review Change to LB 44

The following changes, required to be reported for publication in the Journal, have been made:
ER7243

1. In the Landis amendment, AM1209:

a. On page 2, line 16, the comma has been struck and "or" inserted;

b. On page 8, line 16, "4 or" has been inserted after "section";

c. On page 11, line 6; and page 13, line 25, the comma has been struck and shown as stricken; and

d. On page 13, lines 2, 4, 6, and 8, "(1)" has been inserted after "subdivisions".

2. On page 1, the matter beginning with "the" in line 1 through line 6 has been struck and "state personnel; to amend sections 81-8,245, 81-1348, and 81-1350, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1307 and 81-1318.01, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 15 and 19, respectively, Legislative Bill 14, Ninety-second Legislature, Third Special Session, 1992; to adopt the State Government Effectiveness Act; to provide for an employee recognition program; to create a fund; to change the membership of the Suggestion Award Board and provide for expenses; to change the authorized amount of suggestion awards; to require a report; to harmonize provisions; and to repeal the original sections." inserted.

Enrollment and Review Change to LB 267

The following changes, required to be reported for publication in the Journal, have been made:

ER7244

1. In the Coordsen amendments, AM1267:

a. On page 10, line 27, "a" has been inserted before "disinfectant" and after "(b)";

b. On page 12, line 9, "pestcide" has been struck and "pesticide" inserted; and

c. On page 17, line 14, the second comma has been struck.

2. On page 1, line 3, "and" has been struck; in line 7 ", and sections 3, 8, and 14, Legislative Bill 588, Ninety-third Legislature, First Session, 1993" has been inserted after "1992"; in line 12 "to change provisions relating to the registration and distribution of pesticides;" has been inserted after the semicolon; and in line 13 "to provide operative dates;" has been inserted after the semicolon.

3. On page 23, line 18; and page 24, lines 3, 9 and 10, and 16, "effective date of this act" has been struck and "operative date of this section" inserted.

Enrollment and Review Change to LB 301

The following changes, required to be reported for publication in the Journal, have been made:

ER7245

1. In the Beutler amendment, AM1283, amendment 2 has been struck.

2. In the E & R amendments, AM5441, on page 2, line 3, "to provide severability;" has been inserted after the semicolon.

Enrollment and Review Change to LB 505

The following changes, required to be reported for publication in the Journal, have been made:

ER7242

1. In the Withem amendment, AM1230:

a. On page 2, line 17, "that" has been struck;

b. On page 7, line 27, an underscored comma has been inserted after "Act"; and

c. On page 9, line 18, the stricken "the" has been reinstated.

2. On page 1, the matter beginning with "rural" in line 1 through line 2 and all amendments thereto have been struck and "universities and colleges; to amend sections 85-985, 85-987, 85-991, and 85-993, Reissue Revised Statutes of Nebraska, 1943, and sections 85-980.01, 85-982, 85-993.01, 85-994, 85-995, 85-999, 85-9,101, 85-9,117, 85-9,119, 85-9,121, 85-9,123, 85-9,130, 85-9,131, 85-9,140, 85-9,142, 85-9,143, 85-9,146, 85-9,148, 85-9,149, 85-9,151 to 85-9,153, 85-9,158, and 85-9,160, Revised Statutes Supplement, 1992; to adopt the Rural Health Opportunities Loan Act; to state intent; to require a plan regarding medical services for certain areas; to define, redefine, and eliminate terms; to change provisions of the State Scholarship Award Program Act, the Scholarship Assistance Program Act, and the

Postsecondary Education Award Program Act to reconcile such acts with federal law; to provide, change, and eliminate powers and duties of the Coordinating Commission for Postsecondary Education; to harmonize provisions; to repeal the original sections, and also sections 85-998, 85-9,125, and 85-9,156, Revised Statutes Supplement, 1992; and to declare an emergency." inserted.

Enrollment and Review Change to LB 789

The following changes, required to be reported for publication in the Journal, have been made:
ER7246

1. In the Beutler-Bernard-Stevens amendment, AM1253:

a. On page 3, line 10, "Director of Water Resources" has been struck and "director" inserted; and

b. On page 4, line 1, "department" has been struck and "Department of Water Resources" inserted.

2. On page 1, line 1, "irrigation" has been struck and "water" inserted; in line 2, "and" has been struck and "46-677, 46-678, and 46-690," has been inserted after the second comma; in line 8 "to provide for and change provisions relating to applications for ground water for industrial purposes;" has been inserted after the first semicolon and "and" has been struck; and in line 9 "; and to declare an emergency" has been inserted after "sections".

3. On page 2, line 18; and page 3, lines 10 and 17, the stricken "waters" has been reinstated and "water" has been struck.

4. On page 9, line 11, "but" has been struck and the stricken matter reinstated.

(Signed) Kurt Hohenstein, Chairperson

MESSAGE FROM THE GOVERNOR

April 13, 1993

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

Dear Madam President and Senators:

Engrossed Legislative Bill LB 246 was received in my office on April 7, 1993. The bill was signed by me on April 13, 1993, and delivered to the Secretary of State.

LB 246 adds Howard County to the Brand Inspection Area. This bill is one that invokes many opinions from cattle producers on both sides of the issue. I have signed the bill to protect each and every cattle producer in the state to the best of our ability. It is that

protection against theft that I consider paramount to both feedlot owners and stock owners.

I recognize concerns of some producers in the state that this may create unnecessary additional burdens. Although I do not anticipate such problems, I am prepared to consider changes in the process that the Brand Committee undertakes to protect cattle and address such problems. I have a real concern that this activity not become onerous to this important industry in our state.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

RESOLUTION

LEGISLATIVE RESOLUTION 76. Introduced by McKenzie, 34.

WHEREAS, the Sandy Creek High School speech team won the Nebraska State High School Class C Speech Contest held in Lincoln on March 26, 1993; and

WHEREAS, Jan Fredricks, Stephanie Oswald, Doug Bauman, Bryan Buescher, Larry Taylor, Amy Horst, Tera Steele, Tera Lang, Lynette Soucie, Angie Buescher, and Connie Rewerts composed the team that won the competition; and

WHEREAS, preparing for such competition took much diligent work by the team and their coach Enid Hansen.

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

1. That the members of the Sandy Creek High School speech team be congratulated for their performance during the competition.

2. That a copy of this resolution be sent to Sandy Creek High School and the speech team coach Enid Hansen.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mrs. McKenzie asked unanimous consent to print the following amendment to LB 536 in the Journal. No objections. So ordered.

AM1393

1. In the E & R amendment, AM5415:

a. On page 2, strike line 27 and insert "19, 20, and 21 as sections 21, 22, 23, 24, 25, 26, 27, and 20,".

b. On page 3, strike line 25 and insert "57, and 58 as sections 66, 67, 61, 62, 63, 64, and 65,".

c. On page 4, line 1, strike "62" and insert "67"; in line 2 strike "58 to 60" and insert "63 to 65"; and in line

4 strike "58 and 59" and insert "63 and 64".

2. Insert the following new sections:

"Sec. 14. Sections 14 to 18 of this act shall be known and may be cited as the Childhood Lead Poisoning Prevention Act.

Sec. 15. The Legislature hereby finds and declares that:

(1) Childhood environmental lead poisoning constitutes a serious threat to the public health of the children of this state and the identification, treatment, and prevention of childhood environmental lead poisoning is a goal of the people;

(2) The effectiveness of distinguishing and abating lead hazards in the environment and thereby providing a safer environment to prevent childhood lead poisoning has been well documented;

(3) Childhood environmental lead poisoning prevention programs have had a tremendous impact on reducing the occurrence of lead poisoning in the United States;

(4) The United States Department of Health and Human Services, Public Health Service, has as its Healthy People 2000 objective the identification, treatment, and reduction of childhood environmental lead poisoning; and

(5) There is a national effort to institute environmental lead hazard awareness action plan programs and to provide funds to implement the Healthy People 2000 objective.

Sec. 16. It is the intent of the Legislature that the citizens of Nebraska benefit by participation in national efforts to take innovative action to provide lead analysis of our children and the environment in which they are cared for, live, and learn.

Sec. 17. The Department of Health may participate in national efforts and may develop a statewide environmental lead hazard awareness action plan which is comprehensive in scope and reflects contributions from a broad base of providers and consumers. In order to implement the statewide environmental lead hazard awareness action plan, the department may:

(1) Actively seek the participation and commitment of the public, health care professionals and facilities, the educational community, and community organizations in a comprehensive program to ensure that the state's children are appropriately protected from environmental lead hazards;

(2) Apply for and receive public and private awards to develop and administer a statewide comprehensive environmental lead hazard awareness action plan program;

(3) Provide environmental lead hazard information and education to the public, parents, health care providers,

and educators to establish and maintain a high level of awareness;

(4) Assist parents, health care providers, and communities in developing systems, including demonstration and pilot projects, which emphasize the protection of children from environmental lead poisoning and the use of private practitioners; and

(5) Evaluate the effectiveness of these statewide efforts, identify children at special risk for environmental lead hazard exposure, and report on the activities of the statewide program annually to the Legislature and the citizens of Nebraska.

Sec. 18. The Childhood Lead Poisoning Prevention Act is not intended to create an entitlement to any activities described in the act, and the Department of Health may perform the activities described in the act to the extent funds are available.".

MOTION - Adjournment

Mr. Beutler moved to adjourn until 9:00 a.m., Wednesday, April 14, 1993. The motion lost with 18 ayes, 18 nays, 4 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 193. Mr. Beutler offered the following amendment:
FA80
Strike subsections (7) & (8) on page 10

Pending.

Mr. Cudaback asked unanimous consent to bracket LB 193 until April 14, 1993. No objections. So ordered.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Hall asked unanimous consent to have his name added as cointroducer to LR 74. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Fisher's granddaughter, Jocelyn Limback, from Crawford; 50 sixth and seventh grade students, teachers, and sponsors from St. Teresa's School, Lincoln; 44 fourth grade students and teacher from Ackerman Elementary, Omaha; 50 first through eighth grade students and sponsor from Springdale Christian School; and Patrick Kimball and friends from Bellevue.

The Doctor of the Day was Rick Gustafson from Lincoln.

ADJOURNMENT

At 5:35 p.m., on a motion by Mr. Will, the Legislature adjourned until 9:00 a.m., Wednesday, April 14, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-NINTH DAY - APRIL 14, 1993

LEGISLATIVE JOURNAL

FIFTY-NINTH DAY - APRIL 14, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 14, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Jon Palmquist, Church of Christ, Wymore, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Dierks who was excused; and Messrs. Abboud, Avery, Chambers, Hartnett, Horgan, Landis, Lindsay, Lynch, Moore, Will, Mmes. Rasmussen, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-eighth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 627. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5453.)

LEGISLATIVE BILL 406. Placed on Select File as amended.
E & R amendment to LB 406:
AM5451

1. On page 3, line 19, strike ". The term also includes" and insert "and shall also include".
2. On page 4, line 12, strike the underscored comma.
3. On page 6, lines 10 and 13, strike "to", show as

stricken, and insert "through".

4. On page 7, line 8, strike "act" and insert "Plant Protection and Plant Pest Act"; and in line 13 strike "except" and insert "but".

5. On page 8, lines 7 and 9, before "and" insert an underscored comma.

6. On page 10, line 27, after "inspection" insert "pursuant to section 2-1094".

7. On page 16, line 10, strike "or", show as stricken, and insert "and".

8. On page 17, line 28, strike "permit" and insert "license".

9. On page 20, line 10, strike "deposit in" and insert "credit to"; and in line 11 strike "act" and insert "Plant Protection and Plant Pest Act".

10. On page 21, lines 9 and 10, strike the underscored comma.

11. On page 26, line 27, strike the second comma.

12. On page 27, lines 2 and 14, strike the last comma; and in line 13 strike the last comma and show as stricken.

13. On page 29, lines 9 and 10, strike "Plant Protection and Plant Pest Act", show as stricken, and insert "act".

LEGISLATIVE BILL 478. Placed on Select File as amended.
E & R amendment to LB 478:
AM5456

1. On page 1, line 4, after the semicolon insert "to provide for enforceability of contracts;".

2. On page 2, lines 22 and 23 strike "Condominium Property Act" and insert "act".

3. On page 8, line 20, strike the second comma and show as stricken; and in line 21 strike the comma and show as stricken.

4. On page 12, line 17, strike both occurrences of "or" and show as stricken.

5. On page 13, line 25, strike "section" and insert "sections 14 and".

LEGISLATIVE BILL 547. Placed on Select File.

LEGISLATIVE BILL 652. Placed on Select File as amended.
E & R amendment to LB 652:
AM5455

1. In lieu of the Chambers amendment, FA72:

a. Insert the following new sections:

"Sec. 2. That section 29-3002, Revised Statutes Supplement, 1992, be amended to read as follows:

29-3002. An order sustaining or overruling a motion filed under ~~section 29-3001~~ sections 29-3001 to 29-3004 shall be deemed to be a final judgment, and an appeal may be taken from the district court as provided for in appeals in civil cases. A prisoner may, in the discretion of the appellate court and upon application to the appellate court, be released on such recognizance as the appellate court fixes pending the determination of the appeal.

Sec. 3. That section 29-3004, Revised Statutes Supplement, 1992, be amended to read as follows:

29-3004. The district court may appoint not to exceed two attorneys to represent the prisoners in all proceedings under sections 29-3001 to 29-3004. The district court, upon hearing the application, shall fix reasonable expenses and fees, and the county board shall allow payment to the attorney or attorneys in the full amount determined by the court. The attorney or attorneys shall be competent and shall provide effective counsel.

Sec. 4. That original sections 29-3002 and 29-3004, Revised Statutes Supplement, 1992, are repealed."; and

b. Underscore section 1.

2. On page 1, line 1, after the semicolon insert "to amend sections 29-3002 and 29-3004, Revised Statutes Supplement, 1992;"; and in line 2 after "prescribed" insert "; to change provisions relating to postconviction relief; and to repeal the original sections".

LEGISLATIVE BILL 555. Placed on Select File.

Correctly Engrossed

The following bill was correctly engrossed: 831.

(Signed) Kurt A. Hohenstein, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 517.

A BILL FOR AN ACT relating to the Hospital Consumer Information Act; to amend sections 71-2067 and 71-2073, Reissue Revised Statutes of Nebraska, 1943; to change a reference to a form number; to eliminate obsolete language; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 33:

Ashford	Byars	Hall	Pedersen	Warner
Baack	Coordsen	Hillman	Preister	Wehrbein
Bernard-Stevens	Crosby	Hohenstein	Robinson	Wesely
Beutler	Cudaback	Hudkins	Schellpeper	Wickersham
Bohlke	Day	Janssen	Schimek	Witek
Bromm	Elmer	Jones	Schmitt	Withem
	Haberman	McKenzie	Vrtiska	

Voting in the negative, 0.

Present and not voting, 3:

Fisher	Kristensen	Pirsch

Excused and not voting, 13:

Abboud	Dierks	Landis	Moore	Robak
Avery	Hartnett	Lindsay	Rasmussen	Will
Chambers	Horgan	Lynch		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 720.

A BILL FOR AN ACT relating to the Petroleum Products and Hazardous Substances Storage and Handling Act; to amend section 81-15,123, Revised Statutes Supplement, 1992; to provide a duty for the State Fire Marshal; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Ashford	Crosby	Hillman	McKenzie	Vrtiska
Baack	Cudaback	Hohenstein	Pedersen	Warner
Beutler	Day	Hudkins	Preister	Wehrbein
Bohlke	Elmer	Janssen	Robinson	Wesely
Bromm	Fisher	Jones	Schellpeper	Wickersham
Byars	Haberman	Kristensen	Schimek	Witek
Chambers	Hall	Landis	Schmitt	Withem
Coordsen				

Voting in the negative, 0.

Present and not voting, 2:

Bernard-Stevens	Pirsch

Excused and not voting, 11:

Abboud	Hartnett	Lindsay	Moore	Robak
Avery	Horgan	Lynch	Rasmussen	Will
Dierks				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 444.

A BILL FOR AN ACT relating to waste reduction and recycling; to amend sections 81-15,160 and 81-15,161, Revised Statutes Supplement, 1992; to change provisions relating to priority and eligibility for grants; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Ashford	Coordsen	Hillman	McKenzie	Warner
Avery	Crosby	Hohenstein	Pedersen	Wehrbein
Baack	Cudaback	Horgan	Preister	Wesely
Beutler	Day	Hudkins	Robinson	Wickersham
Bohlke	Elmer	Janssen	Schellpeper	Will
Bromm	Fisher	Jones	Schimek	Witek
Byars	Haberman	Kristensen	Schmitt	Withem
Chambers	Hall	Landis	Vrtiska	

Voting in the negative, 0.

Present and not voting, 2:

Bernard-Stevens	Pirsch

Excused and not voting, 8:

Abboud	Hartnett	Lynch	Rasmussen	Robak
Dierks	Lindsay	Moore		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 635.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1411, Reissue Revised Statutes of Nebraska, 1943, and section 84-1409, Revised Statutes Supplement, 1992; to define a term; to authorize meetings to be held and certain appearances to be made by means of video or telecommunications equipment; to state intent; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Byars	Hall	Landis	Vrtiska
Ashford	Chambers	Hillman	McKenzie	Warner
Avery	Coordsen	Hohenstein	Pedersen	Wehrbein
Baack	Crosby	Horgan	Preister	Wesely
Bernard-Stevens	Cudaback	Hudkins	Robinson	Wickersham
	Day	Janssen	Schellpeper	Will
Beutler	Elmer	Jones	Schimek	Witek
Bohlke	Fisher	Kristensen	Schmitt	Withem
Bromm	Haberman			

Voting in the negative, 0.

Present and not voting, 1:

Pirsch

Excused and not voting, 7:

Dierks	Lindsay	Moore	Rasmussen	Robak
Hartnett	Lynch			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 364 to Select File

Mr. Bernard-Stevens moved to return LB 364 to Select File for the following specific amendment:
FA81
Strike the enacting clause.

Mr. Bernard-Stevens withdrew his motion to return.

Mr. Bernard-Stevens moved to return LB 364 to Select File for the following specific amendment:
AM1433

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 19. The board may approve and execute a previously approved equity investment contract.".

2. On page 3, line 3, strike "18" and insert "19".

3. On page 7, line 7, strike "and"; and in line 12 after "funds" insert "; and

(j) Execution of a one-time equity investment in a previously approved equity investment contract as authorized in section 19 of this act".

4. On page 13, line 12, after "Fund" insert "except that the funds approved for a previously approved equity investment contract shall be transferred to the Agricultural Alcohol Fuel Tax Fund"; and in line 22 after the period insert "If the equity investment in a previously approved equity investment contract is not executed by September 1, 1993, the funds transferred to the Agricultural Alcohol Fuel Tax Fund shall be transferred by the State Treasurer from the Agricultural Alcohol Fuel Tax Fund to the Ethanol Production Incentive Cash Fund.".

5. Renumber the remaining sections accordingly.

Mr. Bernard-Stevens requested a roll call vote on his motion to return.

Voting in the affirmative, 27:

Abboud	Beutler	Hillman	Moore	Schimek
Ashford	Byars	Hohenstein	Pirsch	Warner
Avery	Coordsen	Horgan	Preister	Wickersham
Baack	Elmer	Janssen	Rasmussen	Witek
Bernard-Stevens	Fisher	Kristensen	Schellpeper	Withem
	Hartnett	Landis		

Voting in the negative, 15:

Bohlke	Cudaback	Hudkins	Pedersen	Wehrbein
Bromm	Day	Jones	Robak	Wesely
Crosby	Hall	McKenzie	Vrtiska	Will

Present and not voting, 5:

Chambers	Haberman	Lynch	Robinson	Schmitt

Excused and not voting, 2:

Dierks Lindsay

The Bernard-Stevens motion to return prevailed with 27 ayes, 15 nays, 5 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 364. The Bernard-Stevens specific amendment, AM1433, found in this day's Journal, was considered.

Pending.

Mr. Withem moved to bracket LB 364 until April 15, 1993.

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Withem motion to bracket prevailed with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Member Excused

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

MOTION - Reconsider Action on LB 240 and LB 240A

Ms. Day renewed her pending motion, found in the Journal on page 1441, to reconsider the Landis-Warner motion to suspend the rules to permit consideration of LB 240 and 240A on Final Reading.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Day motion to reconsider action prevailed with 31 ayes, 7 nays, 9 present and not voting, and 2 excused and not voting.

MOTION - Suspend Rules

Messrs. Landis and Warner reoffered their motion to suspend the rules, Rule 8, Section 5, to permit consideration of LB 240 and LB 240A on Final Reading.

Mr. Moore requested a record vote on the motion to suspend the rules.

Voting in the affirmative, 31:

Ashford	Crosby	Janssen	Preister	Schmitt
Beutler	Day	Landis	Rasmussen	Vrtiska
Bohlke	Hall	Lindsay	Robak	Warner
Bromm	Hartnett	Lynch	Robinson	Wesely
Byars	Hillman	McKenzie	Schellpeper	Wickersham
Chambers	Horgan	Pedersen	Schimek	Will
Coordsen				

Voting in the negative, 7:

Bernard-Stevens	Fisher	Hudkins	Wehrbein	Witek
	Hohenstein	Moore		

Present and not voting, 10:

Abboud	Baack	Elmer	Jones	Pirsch
Avery	Cudaback	Haberman	Kristensen	Withem

Excused and not voting, 1:

Dierks

The motion to suspend the rules prevailed with 31 ayes, 7 nays, 10 present and not voting, and 1 excused and not voting.

MOTION - Return LB 240 to Select File

Mr. Moore moved to return LB 240 to Select File for the following specific amendment:
FA82
Strike the enacting clause.

Mr. Moore withdrew his motion to return.

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

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 240.

A BILL FOR AN ACT relating to income taxation; to amend sections 77-2715, 77-2715.02, and 77-2715.07, Reissue Revised Statutes of Nebraska, 1943, section 77-2716.01, Revised Statutes Supplement, 1992, and section 77-2701, Revised Statutes Supplement, 1992, as amended by section 22, Legislative Bill 1, Ninety-second Legislature,

Fourth Special Session, 1992, and section 69, Legislative Bill 138, Ninety-third Legislature, First Session, 1993; to change provisions relating to credits, tax schedules, tax calculations, exemptions, and deductions; to define terms; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Bernard-Stevens	Crosby	Janssen	Robak	Warner
Beutler	Cudaback	Landis	Robinson	Wehrbein
Bohlke	Day	Lynch	Schellpeper	Wesely
Bromm	Fisher	McKenzie	Schimek	Wickersham
Byars	Hall	Preister	Schmitt	Will
Coordsen	Hartnett	Rasmussen	Vrtiska	Withem
	Hillman			

Voting in the negative, 13:

Abboud	Baack	Hohenstein	Jones	Moore
Ashford	Elmer	Horgan	Lindsay	Witek
Avery	Haberman	Hudkins		

Present and not voting, 3:

Chambers	Kristensen	Pirsch

Excused and not voting, 2:

Dierks	Pedersen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 240A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 240, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Ashford	Byars	Hillman	Robak	Warner
Baack	Coordsen	Janssen	Robinson	Wehrbein
Bernard-Stevens	Crosby	Landis	Schellpeper	Wesely
	Day	Lynch	Schimek	Wickersham
Beutler	Fisher	McKenzie	Schmitt	Will
Bohlke	Hall	Preister	Vrtiska	Withem
Bromm	Hartnett	Rasmussen		

Voting in the negative, 11:

Abboud	Haberman	Horgan	Jones	Moore
Avery	Hohenstein	Hudkins	Lindsay	Witek
Elmer				

Present and not voting, 4:

Chambers	Cudaback	Kristensen	Pirsch

Excused and not voting, 2:

Dierks	Pedersen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 110. The Standing Committee amendment, as amended, was adopted with 28 ayes, 4 nays, 15 present and not voting, and 2 excused and not voting.

Messrs. Robinson and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

MR. HALL PRESIDING

Mr. Chambers offered the following amendment:
FA83
Amend Amendments (1309):
Page 8, line 18, after "of" insert "a"

The Chambers amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Chambers offered the following amendment:
FA84
Amend Amendments (1309)
Page 7, lines 24-27, strike:

"The materials shall be objective, nonjudgmental, and designed to convey only accurate scientific information about the unborn child at various gestational ages.

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

EXPLANATION OF VOTE

Had I been present, I would have voted yes on LBs 517, 720, 444, and 635.

(Signed) Jennie Robak

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 517, 720, 444, 635, 240, and 240A.

UNANIMOUS CONSENT - Print in Journal

Mr. Ashford asked unanimous consent to print the following amendment to LB 231 in the Journal. No objections. So ordered.

AM1127

1. Insert the following new section:

"Sec. 2. Class III gambling shall be limited to the specific forms of, and methods of play for, Class III gambling expressly authorized by the laws of this state, including, but not limited to, periods of operation, limitations on wagers, pot sizes, and losses.".

2. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 38 sophomores and teachers from Northwest High School, Omaha; 54 fourth grade students and sponsors from Sandoz Elementary, Omaha; three students and teachers from Nebraska School for Visually Handicapped, Nebraska City; Linda Mai from Scottsbluff; 50 fourth grade students and sponsors from Lyons-Decatur; 45 sixth grade students and sponsors from Saratoga Elementary, Lincoln; 51 fourth grade students and sponsor from St. Gerold's, Ralston; and Keeko Omari from Tokyo, Japan and Virginia Dorwart.

RECESS

At 11:58 a.m., on a motion by Mr. Vrtiska, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Mr. Dierks who was excused; and Mr. Moore and Mrs. Robak who were excused until they arrive.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 14, 1993, at 12:10 p.m., were the following bills: 517, 720, 444, 635, 240, and 240A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Member Excused

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

SELECT FILE

LEGISLATIVE BILL 193. Mr. Beutler withdrew his pending amendment, FA80, found in the Journal on page 1508.

Mr. Beutler offered the following amendment:
AM1441

1. On page 22, line 14, strike "or"; and in line 15 after "companies" insert ", or commercial or industrial companies".

The Beutler amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

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

LEGISLATIVE BILL 597. Mr. Hartnett offered the following amendment:
AM1357

1. Insert the following new sections:

"Section 1. That section 79-3301, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3301. Sections 79-3301 to 79-3365 and section 3 of this act shall be known and may be cited as the Special Education Act.

Sec. 3. (1) The Legislature shall appropriate sufficient funds to the State Department of Education for FY1993-94 to fully fund the amount of the allowable state reimbursement for minor building modifications pursuant to section 79-3333 to school districts for those projects or portions thereof completed prior to August 31, 1992, and paid for by the school district on or before December 31, 1992.

(2) The Legislature may appropriate funds to the State Department of Education for FY1993-94 or any future fiscal year to fund all or any portion of the amount of the allowable state reimbursement for minor building modifications pursuant to section 79-3333 to school districts for those projects under contract by a school district and approved by the department for reimbursement prior to August 31, 1992. The department shall, based on the amount of any appropriation for that purpose, reimburse school districts entitled to reimbursements for those projects under contract and approved for reimbursement prior to August 31, 1992, for all or any pro rata proportion of the eligible reimbursement or for all or any pro rata proportion of the balance of any unpaid eligible reimbursement.".

2. On page 2, lines 23 through 28, strike the new matter and insert "except for (a) those projects or portions thereof completed prior to August 31, 1992, and paid for by the school district on or before December 31, 1992, and (b) those projects under contract by the school district and approved by the State Department of Education for reimbursement prior to August 31, 1992. Documentation of projects or portions thereof completed or under contract prior to August 31, 1992, shall be provided to the department".

3. On page 3, line 7, after "original" insert "section 79-3301, Revised Statutes Supplement, 1992, and"; and in line 9 strike "is" and insert "are".

4. Renumber the remaining section accordingly.

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

The Hartnett amendment lost with 7 ayes, 18 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 597A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 253. E & R amendment, AM5448, found in the Journal on page 1433, was adopted.

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

Mr. Kristensen renewed his pending amendment, AM1257, found in the Journal on page 1387.

The Kristensen amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Beutler offered the following amendment:
FA85
On page 2, line 8 strike the word "gross"

Mr. Fisher moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Beutler requested a record vote on his amendment.

Voting in the affirmative, 7:

Abboud	Lynch	Preister	Wesely	Will
Beutler	Pirsch			

Voting in the negative, 24:

Baack	Byars	Hohenstein	Landis	Vrtiska
Bernard-Stevens	Coordsen	Hudkins	Pedersen	Warner
	Day	Janssen	Rasmussen	Wehrbein
Bohlke	Fisher	Jones	Schellpeper	Wickersham
Bromm	Hall	Kristensen	Schimek	Witek

Present and not voting, 13:

Ashford	Crosby	Hartnett	McKenzie	Schmitt
Avery	Cudaback	Hillman	Moore	Withem
Chambers	Elmer	Lindsay		

Excused and not voting, 5:

Dierks	Haberman	Horgan	Robak	Robinson

The Beutler amendment lost with 7 ayes, 24 nays, 13 present and not voting, and 5 excused and not voting.

Mr. Wesely requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 29 ayes, 4 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 431. E & R amendment, AM5449, found in the Journal on page 1453, was adopted.

Advanced to E & R for engrossment.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

The Committee on Government, Military and Veterans Affairs desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Phyllis Anstine - Crime Victim's Reparations Committee

Vote: Aye: Senators Cudaback, Haberman, Janssen, Pirsch, Robinson, Schimek, and Schmitt. Pass: none. Absent: Senator Witek.

(Signed) DiAnna R. Schimek, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Will asked unanimous consent to print the following amendment to LB 563 in the Journal. No objections. So ordered.

AM1415

(Amendments to E & R amendments, AM5428)

1. On page 8, line 11, after "applicant" insert "individually, or in the case of a business entity".

2. On page 11, line 3, after "licensee" insert "individually, or in the case of a business entity".

3. On page 20, line 20 after "village" insert ", if required by the county, city or village," and in line 26 after "location" insert "or locations".

4. On page 22, line 10, after "location" insert "or locations"; in line 11 strike "which employs such person"; and in line 12 after the underscored period insert "The cost of all background investigations required to issue a license pursuant to this section shall be borne by the department.".

5. On page 25, strike lines 20 through 23 and insert "or village. An owner or officer of an authorized sales outlet location for such county, city, or village may be prohibited from playing any lottery conducted by such county,

city, or village by ordinance or resolution. No".

Mr. Abboud asked unanimous consent to print the following amendment to LB 627 in the Journal. No objections. So ordered.

AM1375

(Amendments to E & R amendments, AM5453)

1. Insert the following new section:

"Sec. 4. The Judiciary Committee of the Legislature shall annually, beginning July 1, 1997, review the operation of the regimented inmate discipline units established under section 3 of this act. Such review shall be comprehensive and shall include, but not be limited to, the number of offenders assigned to the units in the previous twelve months, the ages and offenses of such offenders, activities and programs required of or provided for such offenders, staffing of the units, the number of requests under section 3 of this act in the previous twelve months for a sentencing court to reassume custody, the reasons therefor, and the outcomes of such requests, the costs of the units, and any other material the committee deems relevant. The committee shall report the results of such annual review to the Legislative Council.".

2. On page 7, line 13, strike "13" and insert "14".

3. On page 9, line 5, strike "4 to 21" and insert "5 to 22".

4. On page 11, line 9; and page 20, line 9, strike "14" and insert "15".

5. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Member Excused

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 583. Title read. Considered.

Standing Committee amendment, AM0292, found in the Journal on page 587, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

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

Mr. Landis renewed his pending amendment, AM0564, found in the Journal on page 842.

The Landis amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 583A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 348. Title read. Considered.

Standing Committee amendment, AM0098, found in the Journal on page 796, was considered.

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

Mr. Withem renewed his pending amendment, AM1292, printed separately from the Journal and referred to on page 1457, to the Standing Committee amendment.

The Withem amendment was adopted with 17 ayes, 0 nays, 25 present and not voting, and 7 excused and not voting.

Mr. Withem renewed his pending amendment, AM1294, printed separately from the Journal and referred to on page 1457, to the Standing Committee amendment.

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

Mr. Pedersen asked unanimous consent to be excused. No objections. So ordered.

The Withem amendment was adopted with 16 ayes, 0 nays, 24 present and not voting, and 9 excused and not voting.

Mr. Withem offered the following amendment to the Standing Committee amendment:
AM1427

(Amendments to Standing Committee amendments, AM0098)

1. Insert the following new section:

"Sec. 6. That section 79-402.11, Revised Statutes Supplement, 1992, be amended to read as follows:

79-402.11. (1) Bonded indebtedness ~~incurred~~ approved by voters prior to any change in school district boundary lines pursuant to sections 79-402 and 79-402.03 to

79-402.10 shall remain the obligation of the school district voting such bonds unless otherwise specified in the petitions. When a district is dissolved by petitions and the area is attached to two or more districts, the petitions shall specify the disposition of assets and unbonded obligations of the original district.

(2) Bonded indebtedness ~~incurred~~ approved by voters for high school facilities prior to the establishment of an affiliation shall remain the obligation of the high school district unless otherwise specified in the petitions.".

2. On page 1, line 3, strike "20 to 24 and 30" and insert "21 to 25 and 31".

3. On page 3, line 12, after the comma insert "line 1, after the first comma insert '79-402.11,'; and".

4. Renumber the remaining sections accordingly.

The Withem amendment was adopted with 15 ayes, 0 nays, 25 present and not voting, and 9 excused and not voting.

Mr. Bernard-Stevens renewed his pending amendment, AM0670, found in the Journal on page 908, to the Standing Committee amendment.

The Bernard-Stevens amendment was adopted with 18 ayes, 0 nays, 22 present and not voting, and 9 excused and not voting.

Mr. Bernard-Stevens offered the following amendment to the Standing Committee amendment:

AM1446

(Amendments to Standing Committee amendments, AM0098)

1. On page 2, line 23, after "strike" insert "the second"; and in line 27 strike "line 18," and insert "after line 14 insert the following new subsection:

'(7) An option student who subsequently chooses to attend a private or parochial school shall not be required to submit an attendance application and shall be automatically accepted to return to either the resident or option school district upon the completion of the grade levels offered at the private or parochial school.'; in line 18".

The Bernard-Stevens amendment was adopted with 17 ayes, 0 nays, 23 present and not voting, and 9 excused and not voting.

Mr. Hall offered the following amendment to the Standing Committee amendment:

AM1444

(Amendments to Standing Committee amendments, AM0098)

1. On page 2, line 3, after the semicolon insert "in line 24 strike 'public' and show as stricken;".

The Hall amendment was adopted with 18 ayes, 0 nays, 22 present and not voting, and 9 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Withem renewed the Robinson pending amendment, AM0805, found in the Journal on page 1223.

The Robinson amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 800. Placed on General File as amended.
Standing Committee amendment to LB 800:
AM1416

1. Strike the original sections and insert the following new sections:

"Section 1. (1) A provision in a trust created after the effective date of this act purporting to make assets or income unavailable to a beneficiary if the beneficiary applies for or is determined eligible for any public assistance program administered by the Department of Social Services, including the medical assistance program, shall be void and unenforceable, except that a court of competent jurisdiction may order, for good cause shown, that trust assets or income be set aside for specific goods and services not covered by such public assistance program. Specific goods and services not covered by such public assistance program may include such goods and services as are necessary for rehabilitation of the beneficiary or for any special needs of the beneficiary. Notice of such a proceeding before a court of competent jurisdiction shall be given to the department which shall have standing to appear at such proceeding as an interested party. This subsection shall not apply to trusts created for beneficiaries from assets of an individual not legally responsible for the care and maintenance of the beneficiary.

(2) An irrevocable trust established by or on behalf of an individual from the individual's own assets if such individual is a beneficiary or any irrevocable trust established on behalf of an individual from the proceeds of litigation or settlement of claims against parties brought by

or on behalf of such individual shall by operation of law become revocable upon the filing of an application by such individual for any public assistance administered by the department, including the medical assistance program. Such revocability shall remain in effect for only such time as the application for public assistance is pending or benefits are being paid.

Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 801. Placed on General File as amended.
Standing Committee amendment to LB 801:
AM1367

1. Strike the original sections and insert the following new sections:

"Section 1. It is the intent of the Legislature that the Department of Social Services shall amend its current medicaid waiver to provide any federal funding which may be available for the purpose of a pilot project for preadmission screening and that the Department of Social Services shall contract with the Department on Aging to develop and implement such a pilot preadmission screening program.

Sec. 2. The Department on Aging, through its care management units, shall coordinate with the Department of Social Services and any other appropriate state agencies to establish a pilot project to prevent premature institutionalization of nursing facility applicants sixty-five years of age and older through preadmission screening. The Department of Aging shall examine the preadmission screening process utilized by the Department of Public Institutions and shall utilize such process as is appropriate. The agencies shall determine an urban and a rural area for demonstration of the project. The pilot project shall be targeted toward areas of Nebraska with high nursing facility utilization. The Department of Social Services shall use the preadmission screening services of the project in the demonstration areas.

Sec. 3. The Department on Aging shall evaluate the project for the effectiveness of using medicaid funds, any savings of those funds realized which can be used to serve the ever-growing number of frail and vulnerable older individuals in Nebraska, and the effectiveness of preadmission screening and care management to divert individuals from nursing home admission who do not need that level of care.

Sec. 4. Services identified by care plans for those eligible for medical assistance whose care needs are appropriate for nursing facilities but whose needs can be met outside a nursing facility may be purchased with medicaid waiver funds available through the home and community-based

waiver for the aged and disabled administered by the Department of Social Services.

Sec. 5. Services identified by care plans for those not eligible for services provided through the home and community-based waiver for the aged and disabled may be purchased with funds appropriated through sections 1 to 6 of this act, based on a sliding-fee scale. The Department on Aging shall adopt and promulgate rules and regulations to establish procedures and standards to implement this section of the pilot project for preadmission screening.

Sec. 6. The Department of Social Services, in consultation and coordination with the Department on Aging, shall adopt and promulgate rules and regulations to establish procedures and standards for the Department of Public Institutions, Department of Social Services, and Department on Aging to implement the intent of sections 1 to 6 of this act.".

LEGISLATIVE BILL 805. Placed on General File as amended.
Standing Committee amendment to LB 805:
AM1173

1. On page 4, strike all new matter and reinstate the stricken matter; and in line 6 before the semicolon insert ". For the biennial renewal of a licensure to practice medicine and surgery or osteopathic medicine there shall be a surcharge of three hundred dollars. The surcharge shall terminate on October 1, 1996. Funds raised by the surcharge shall be used to increase fees paid by the medical assistance program to primary care physicians for services for recipients of the medical assistance program".

LEGISLATIVE BILL 808. Placed on General File as amended.
Standing Committee amendment to LB 808:
AM1372

1. On page 2, line 24, after the period insert "The system of copayments and deductibles in the schedule shall discourage abuse of high-cost services and encourage the utilization of cost-effective services. Prior to the adoption of the schedule of copayments and deductibles, the director shall provide a report to the Governor and the Legislature outlining proposed copayments and deductibles for the next fiscal year. The report shall also provide information as to other cost-containment mechanisms which have been implemented or proposed by the Department of Social Services for the fiscal year. The report shall be provided to the Governor and the Legislature by December 1 of each year. No schedule of copayments and deductibles shall be put into effect until July 1 following the report. A health care provider shall be responsible for collecting any applicable copayment or

deductible from the recipient.".

2. On page 3, line 8, after "services" insert "if the requirements of subsection (4) of section 68-1019 are met".

LEGISLATIVE BILL 816. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1366.)

LEGISLATIVE BILL 803. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 77. Introduced by Pedersen, 39; Day, 19.

WHEREAS, primary immune deficiency is a congenital defect in the immune system such that the body cannot adequately defend itself from infection; and

WHEREAS, primary immune deficiency is most often diagnosed in children and affects more children than leukemia and lymphoma combined; and

WHEREAS, primary immune deficiency is believed to affect five hundred thousand Americans and possibly more because people are undiagnosed and misdiagnosed; and

WHEREAS, many forms of primary immune deficiency are inherited; and

WHEREAS, there are currently considered to be seventy forms of primary immune deficiency ranging from SCVID, which is fatal if left untreated, to chronic recurring infections and allergies that cannot be managed with prophylactic antibiotics; and

WHEREAS, the earliest symptoms of primary immune deficiency are easily confused with a number of common illnesses or infections so that physicians often fail to diagnose and treat the underlying problem; and

WHEREAS, education is essential to make the general public, health care professionals, employers, and insurers more knowledgeable about primary immune deficiency.

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

1. That the week beginning April 18, 1993, be designated "Primary Immune Deficiency Awareness Week" and that the Governor be authorized and requested to issue a proclamation calling upon the people of the State of Nebraska to observe such a week with appropriate programs, ceremonies, and activities.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mmes. Crosby and Robak asked unanimous consent to print the following amendment to LB 570 in the Journal. No objections. So ordered.

AM1420

1. Insert the following new section:

"Sec. 3. Any person convicted of speeding in a school crossing zone as designated by the State of Nebraska or any political subdivision shall be guilty of a traffic infraction and shall be fined as provided by section 185, Legislative Bill 370, Ninety-third Legislature, First Session, 1993, except that the minimum fine for such violation shall be fifty dollars.".

2. On page 35, line 27; page 36, line 10; and page 39, line 28, strike "9 to 11" and insert "10 to 12".

3. On page 39, line 22, strike "9" and insert "10".

4. Renumber the remaining sections accordingly.

Mrs. Robak asked unanimous consent to print the following amendment to LB 357 in the Journal. No objections. So ordered.

AM1421

1. On page 2, line 1, after "employee" insert "or employee of any political subdivision that receives state funds".

Mr. Hartnett asked unanimous consent to print the following amendment to LB 632 in the Journal. No objections. So ordered.

AM1418

1. Insert the following new sections:

"Sec. 9. Any person applying for a permit pursuant to section 18-1738 or 18-1738.01 shall apply for such permit to the city clerk, village clerk, county clerk, or designated county official pursuant to section 1, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, of the city, village, or county within which the applying individual resides. If such person does not reside within a city or village and the county clerk or designated county official does not issue permits, he or she shall make application to the city clerk or village clerk of the city or village located nearest to his or her place of residence or the county clerk or designated county official of any neighboring county who issues such permits. No city clerk, village clerk, county clerk, or designated county official shall issue a permit

pursuant to section 18-1738 or 18-1738.01 to any person making application contrary to the provisions of this section.

Sec. 10. That section 18-1738, Revised Statutes Supplement, 1992, as amended by section 3, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

18-1738. (1) The clerk of any city of the primary class, first class, or second class or village shall, or the county clerk or designated county official pursuant to section 1 of this act ~~of any county in which a city of the metropolitan class is located~~ may, take an application from a handicapped or disabled person or temporarily handicapped or disabled person or his or her parent, legal guardian, or foster parent for a permit which will entitle the holder thereof or a person driving a motor vehicle for the purpose of transporting such holder to park in those spaces provided for by sections 18-1736 to 18-1741.

(2) For the purpose of such sections, handicapped or disabled person shall mean any individual with a severe visual or physical impairment which limits personal mobility and results in an inability to travel unassisted more than two hundred feet without the use of a wheelchair, crutch, walker, or prosthetic, orthotic, or other assistant device, any individual whose personal mobility is limited as a result of respiratory problems, and any individual who has permanently lost all or substantially all the use of one or more limbs. Temporarily handicapped or disabled person shall mean any handicapped or disabled person whose personal mobility is expected to be limited in such manner for no longer than one year.

(3) Persons applying for a permit shall complete such forms as are provided to the clerk or designated county official by the Department of Motor Vehicles and shall demonstrate to the satisfaction of the clerk or designated county official that he or she is handicapped or disabled. The clerk or designated county official may require medical certificates and proof of a handicap or disability. The clerk or designated county official shall issue a permit, as provided to the clerk or designated county official by the department, to approved applicants. Before issuing such permit, the clerk or designated county official shall enter all information required pursuant to section 18-1739. The clerk or designated county official shall submit to the department the name, address, and license number of all persons receiving a permit pursuant to this section.

Sec. 11. That section 18-1738.01, Revised Statutes Supplement, 1992, as amended by section 4, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

18-1738.01. The clerk of any city of the primary class, first class, or second class or village shall, or the county clerk or designated county official pursuant to section 1 of this act ~~of any county in which a city of the metropolitan class is located~~ may, take an application from any person for a motor vehicle permit which will entitle the holder thereof or a person driving the motor vehicle for the purpose of transporting handicapped or disabled persons or temporarily handicapped or disabled persons to park in those spaces provided for by sections 18-1736 to 18-1741 if the motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. Such parking permit shall be used only when the motor vehicle for which it was issued is being used for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. Persons applying for permits pursuant to this section shall apply for a permit for each motor vehicle used for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, shall complete such forms as are provided to the clerk or designated county official by the Department of Motor Vehicles, and shall demonstrate to the clerk or designated county official that each such motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. The clerk or designated county official shall issue a permit, as provided to the clerk or designated county official by the department, to approved applicants. Before issuing such permit, the clerk or designated county official shall enter all information required pursuant to section 18-1739. The clerk or designated county official shall submit to the department the name, address, and license number of all persons receiving a permit pursuant to this section.

Sec. 12. That section 18-1740, Revised Statutes Supplement, 1992, be amended to read as follows:

18-1740. All permits authorized under sections 18-1736 to 18-1741 for handicapped or disabled parking shall be issued for a period ending January 1 of the fourth year following the date of issuance. After the effective date of this act, all permits authorized under such sections for handicapped and disabled parking shall be issued for a period of three years. All permits authorized under such sections for temporarily handicapped or disabled parking shall be issued for a period ending ninety days from the date of issuance but may be renewed for up to three additional ninety-day periods. For each additional ninety-day renewal period, there shall be submitted an additional application with proof of a handicap or disability and the required permit fee. A permit fee of three dollars shall be charged for each

permit, two dollars and fifty cents of which shall be retained by the clerk who issues the permit and fifty cents of which shall be forwarded on a quarterly basis to the Department of Motor Vehicles.".

2. On page 5, line 27, strike "section 18-1737" and insert "sections 18-1737 and 18-1740"; and in line 28 strike "is" and insert "and sections 18-1738 and 18-1738.01, Revised Statutes Supplement, 1992, as amended by sections 3 and 4, respectively, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, are".

3. Renumber the remaining section accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 124 and LB 719. No objections. So ordered.

VISITORS

Visitors to the Chamber were 45 fourth grade students and sponsors from Meadows Elementary, Omaha; 70 fifth grade students and teachers from Schuyler; 50 third grade students and sponsor from Saratoga Elementary, Lincoln; eight students and teacher from Norfolk High School; 35 students from Kearney High School, 48 students from Minden High School, 18 students from Axtel High School, and three students from Wilcox High School; and 12 eighth grade students and sponsor from Platte Center.

ADJOURNMENT

At 4:24 p.m., on a motion by Mr. Janssen, the Legislature adjourned until 9:00 a.m., Thursday, April 15, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

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SIXTIETH DAY - APRIL 15, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 15, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Norman Sulaica, St. Paul's Lutheran Church, Auburn, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Bernard-Stevens, Chambers, Coordsen, Hall, Hartnett, Landis, Lindsay, Moore, Pedersen, Will, Withem, Mmes. Bohlke, Robak, Mses. Day, and Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-ninth day was approved.

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 690 in the Journal. No objections. So ordered.

AM1410

1. Insert the following new section:

"Sec. 2. That section 81-8,127, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,127. Any person, firm, partnership, corporation, or joint-stock association who practices or offers ~~who shall practice, or offer~~ to practice, land surveying or uses the title of land surveyor in this state without being registered or any person not registered under

sections 81-8,108 to 81-8,127; who ~~shall fail~~ fails to file a copy of the plat and field notes as provided in section 81-8,122; shall be deemed guilty of a Class III misdemeanor.".

2. On page 2, line 13, strike "section 81-839" and insert "sections 81-839 and 81-8,127"; and in line 14 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 152 in the Journal. No objections. So ordered.

AM1457

1. Insert the following new sections:

"Sec. 6. That section 80-401.01, Revised Statutes Supplement, 1992, as amended by section 1, Legislative Bill 2, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

80-401.01. For purposes of sections 80-401 to 80-412, unless the context otherwise requires:

(1) A recognized veterans organization shall mean a veterans organization ~~that has been chartered by the Congress of the United States, which maintains a fully staffed state headquarters, and which, at the time an appointment is to be made, has enrolled in its membership in Nebraska at least ten percent of the World War I, World War II, Korean War, and Vietnam War veterans eligible therefor, except that the Disabled American Veterans organization shall have enrolled in its membership in Nebraska at least ten percent of those Nebraska veterans receiving service-connected compensation from the United States Department of Veterans Affairs~~ recognized by the United States Department of Veterans Affairs and one that has a presence in each of the state's congressional districts and maintains a state headquarters sanctioned by its national organization. The recognized veterans organizations shall be the American Legion, American Ex-prisoners of War, Disabled American Veterans, Military Order of the Purple Heart, Paralyzed Veterans of America, ~~and~~ Veterans of Foreign Wars of the United States; and Vietnam Veterans of America;

(2) Veteran of the Spanish-American War shall mean a person who served on active duty in the armed forces of the United States between April 21, 1898, and July 4, 1902, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war;

(3) Veteran of World War I shall mean a person who served on active duty in the armed forces of the United States

between April 6, 1917, and November 11, 1918, and who has received an honorable discharge, or its equivalent, from such service or who, being a resident of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war;

(4) Veteran of World War II shall mean a person who served on active duty in the armed forces of the United States between December 7, 1941, and December 31, 1946, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(5) Veteran of the Korean War shall mean a person who served on active duty in the armed forces of the United States between June 25, 1950, and January 31, 1955, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(6) Veteran of the Vietnam War shall mean a person who served on active duty in the armed forces of the United States between August 5, 1964, and May 7, 1975, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(7) Veteran of Lebanon shall mean a person who served on active duty in the armed forces of the United States between August 25, 1982, and February 26, 1984, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(8) Veteran of Grenada shall mean a person who served on active duty in the armed forces of the United States between October 23, 1983, and November 23, 1983, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United

States in that war and who received an honorable discharge, or its equivalent, from such service;

(9) Veteran of Panama shall mean a person who served on active duty in the armed forces of the United States between December 20, 1989, and January 31, 1990, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(10) Veteran of the Persian Gulf War shall mean a person who served on active duty in the armed forces of the United States beginning on August 2, 1990, and ending on the date thereafter prescribed by presidential proclamation or by law, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(11) Active duty shall mean full-time duty in the armed forces other than active duty for training; and

(12) Active duty for training shall mean full-time duty in the armed forces performed by reserves for training purposes.

Sec. 7. The Department of Veterans' Affairs shall encourage recognized veterans' organizations to offer scholarships to students in the health care professions to encourage practice of such professions in Nebraska veterans' homes and veterans' medical centers. The scholarships may be made in conjunction with state programs which encourage the practice of health care professions in rural Nebraska. Rural Nebraska in the comprehensive rural health policy developed by the Office of Rural Health pursuant to section 71-5647 includes the four Nebraska veterans' homes and the three United States Department of Veterans Affairs medical centers in Nebraska.".

2. On page 5, line 19, after "policy" insert ". The comprehensive rural health policy shall include the four Nebraska veterans' homes and the three United States Department of Veterans Affairs medical centers in Nebraska. Such facilities may share statistical and personnel data with other medical facilities to improve the quality and accessibility of services to the growing, aging veterans population in Nebraska".

3. On page 6, line 10, strike "and"; and in line 11 after the last comma insert "and section 80-401.01, Revised Statutes Supplement, 1992, as amended by section 1,

4 Legislative Bill 2, Ninety-third Legislature, First Session,
5 1993,".

EXPLANATION OF VOTE

Had I been present, I would have voted yes on the motion to reconsider the suspension of the rules to permit Final Reading of LB 240, and yes on the vote to pass LBs 240 and 240A.

(Signed) Merton L. Dierks

REPORTS

Received quarterly audit reports from the Auditor of Public Accounts for the following: NE Investment Council; NE Department of Banking and Finance; NE Department of Motor Vehicles; NE Department of Education; NE Department on Aging; SAC Museum Fund; NE Board of Educational Lands and Funds; NE Department of Revenue; NE Commission on Law Enforcement and Criminal Justice; NE Department of Aeronautics; Board of Trustees, NE State College System; NE Department of Public Institutions; NE Department of Economic Development; NE Department of Labor; and NE Game and Parks Commission.

MOTION - Approve Appointment

Mr. Robinson moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following Governor appointment found in the Journal on page 1525: Phyllis Anstine - Crime Victim's Reparations Committee.

Voting in the affirmative, 25:

Abboud	Crosby	Hudkins	Pirsch	Schmitt
Avery	Dierks	Janssen	Preister	Vrtiska
Beutler	Fisher	Jones	Rasmussen	Wehrbein
Bromm	Hillman	Kristensen	Robinson	Wesely
Byars	Hohenstein	McKenzie	Schellpeper	Witek

Voting in the negative, 0.

Present and not voting, 8:

Baack	Elmer	Horgan	Warner	Wickersham
Cudaback	Haberman	Lynch		

Excused and not voting, 16:

Ashford

Bernard-Stevens	Coordsen	Hartnett	Moore	Schimek
Bohlke	Day	Landis	Pedersen	Will
Chambers	Hall	Lindsay	Robak	Withem

This appointment was confirmed with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 76. Read. Considered.

LR 76 was adopted with 23 ayes, 0 nays, and 26 not voting.

GENERAL FILE

LEGISLATIVE BILL 110. The Chambers pending amendment, FA84, found in the Journal on page 1520, was renewed.

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

Mr. Chambers withdrew his amendment.

Mr. Chambers offered the following amendment:
FA86
Amend (AM1309):
Page 2, line 1, strike the semicolon and add, ", and which causes the premature termination of the pregnancy;"

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

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 78. Introduced by Hillman, 48.

WHEREAS, National Volunteer Week is April 18th through the 25th; and

WHEREAS, according to a study in which seventeen of twenty-one directors who are members of the Nebraska Society of Directors of Volunteer Services participated, there were seven thousand sixty-one volunteers who gave six hundred ten thousand, five hundred forty-four and one-half hours of their time in 1992, which numbers do not represent the volunteers and hours of many small communities; and

WHEREAS, in times of tight budgets, deficit spending, and hand-wringing we sometimes forget what one individual can do for

another just because he or she cares to make life a little better for someone else; and

WHEREAS, the people of Nebraska appreciate what these dedicated people do for their individual communities, whether it is at the hospital, for the Campfire organization, for the United Way, for the church, or anywhere else their help is needed.

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

1. That the Legislature expresses its appreciation to the thousands of Nebraska volunteers who contribute their time, energy, and skill.

2. That the Legislature recognizes the week of April 18th through the 25th as National Volunteer Week.

3. That a copy of this resolution be sent to the Nebraska Society of Directors of Volunteer Services.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 110. The Chambers pending amendment, FA86, found in this day's Journal, was renewed.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Lindsay requested a roll call vote on the Chambers amendment.

Voting in the affirmative, 26:

Abboud	Bohlke	Hall	Kristensen	Warner
Ashford	Chambers	Hillman	Landis	Wesely
Baack	Cudaback	Hohenstein	Moore	Wickersham
Bernard-Stevens	Day	Hudkins	Rasmussen	Will
Beutler	Elmer	Janssen	Schimek	Withem
	Haberman			

Voting in the negative, 21:

Avery	Dierks	Jones	Pirsch	Schmitt
Bromm	Fisher	Lindsay	Preister	Vrtiska
Byars	Hartnett	McKenzie	Robak	Wehrbein
Coordsen	Horgan	Pedersen	Robinson	Witek
Crosby				

Present and not voting, 2:

Lynch Schellpeper

The Chambers amendment was adopted with 26 ayes, 21 nays, and 2 present and not voting.

The Chair declared the call raised.

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

Messrs. Hohenstein, Beutler, and Ashford offered the following amendment:
AM1405

(Amendments to AM1309)

1. On page 9, line 14, after the period insert "The written certification prescribed by subdivision (3) of section 28-327 signed by the person upon whom an abortion has been performed or attempted shall constitute and create a rebuttable presumption of full compliance with all provisions of section 28-327 in favor of the physician who performed or attempted to perform the abortion, the referring physician, or the agent of either. The written certification shall be admissible as evidence in the cause of action for professional negligence or in any criminal action.".

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

Mr. Hohenstein moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Hohenstein requested a roll call vote on the Hohenstein et al. amendment.

Voting in the affirmative, 48:

Ashford	Coordsen	Hillman	McKenzie	Schmitt
Avery	Crosby	Hohenstein	Moore	Vrtiska
Baack	Cudaback	Horgan	Pedersen	Warner
Bernard-Stevens	Day	Hudkins	Pirsch	Wehrbein
Beutler	Dierks	Janssen	Preister	Wesely
Bohlke	Elmer	Jones	Rasmussen	Wickersham
Bromm	Fisher	Kristensen	Robak	Will
Byars	Haberman	Landis	Robinson	Witek
Chambers	Hall	Lindsay	Schellpeper	Withem
	Hartnett	Lynch	Schimek	

Voting in the negative, 0.

Excused and not voting, 1:

Abboud

The Hohenstein et al. amendment was adopted with 48 ayes, 0 nays, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 734. Placed on Select File as amended.
E & R amendment to LB 734:
AM5460

1. Strike original sections 24 and 25.
2. On page 1, strike lines 6 through 12; in line 14 after "levies" insert "and valuation"; and in line 16 after "notice" insert "and hearing".
3. On page 3, line 11 after "1" insert "of each year".
4. On page 23, line 23, after "20" insert an underscored comma; and in line 24 strike the new matter and strike the comma and show as stricken.
5. On page 27, strike beginning with "and" in line 16 through the second comma in line 22.
6. Renumber remaining sections accordingly.

LEGISLATIVE BILL 117. Placed on Select File.

LEGISLATIVE BILL 529. Placed on Select File as amended.
E & R amendment to LB 529:
AM5454

1. On page 1, strike line 3 and insert "and eliminate provisions"; and in line 4 after the semicolon insert "and".
2. On page 2, line 5, after "shall" insert an underscored colon and paragraphing and strike "fix" and insert "Fix"; in line 8 strike the comma and insert an underscored semicolon and paragraphing and strike "state" and insert "State"; in line 11 strike the comma and insert an underscored semicolon; in line 12 insert paragraphing before "(c)" and strike "state" and insert "State"; and in line 24 after "(2)" insert "(a)".
3. On page 3, line 4, strike the first "and" and "his or her"; in line 16 after the period insert paragraphing

14 and "(b)"; and in line 20 strike the comma.

LEGISLATIVE BILL 582. Placed on Select File.

LEGISLATIVE BILL 781. Placed on Select File as amended.
E & R amendment to LB 781:
AM5461

1. On page 1, line 3, strike "commission," and insert "commissions, and" and strike the last comma; and in line 4 strike the first "and".

2. On page 2, line 3, strike "or"; in line 4 strike the last comma; and in lines 12, 16, and 19 strike "state".

3. On page 3, line 4, after the third comma insert "or" and strike the fourth comma.

LEGISLATIVE BILL 280. Placed on Select File as amended.
E & R amendment to LB 280:
AM5452

1. On page 2, line 3, strike "council", show as stricken, and insert "Nebraska Arts Council".

LEGISLATIVE BILL 539. Placed on Select File as amended.
E & R amendment to LB 539:
AM5457

1. On page 2, line 15, strike the comma; in lines 17, 19, and 21 strike the comma and show as stricken; in line 19 after "or" insert an underscored comma; in line 22 after the period insert paragraphing; and in line 28 strike ", which", show as stricken, and insert ". The".

LEGISLATIVE BILL 315. Placed on Select File.

LEGISLATIVE BILL 625. Placed on Select File as amended.
E & R amendment to LB 625:
AM5458

1. On page 1, line 1, after the first "to" insert "the"; and in line 3 strike "date" and insert "year".

LEGISLATIVE BILL 74. Placed on Select File as amended.
E & R amendment to LB 74:
AM5459

1. On page 1, line 4, after "education" insert "for dependents of veterans"; and in lines 4 and 5 strike "based on disability" and insert "for such dependents".

2. On page 4, line 25, insert an underscored comma after "forces".

LEGISLATIVE BILL 545. Placed on Select File.

(Signed) Kurt A. Hohenstein, Chairperson

UNANIMOUS CONSENT - Members Excused

Messrs. Haberman, Beutler, Landis, and Mrs. Hudkins asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 110. Mr. Chambers offered the following amendment:
FA87
Amend (Amendment 1309)
Page 8, lines 23-24;
Page 9, lines 8, 10, 12;
Page 10, line 9;
Strike "or attempted".

SPEAKER BAACK PRESIDING

PRESIDENT MOUL PRESIDING

Mr. Robinson and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment lost with 9 ayes, 15 nays, 18 present and not voting, and 7 excused and not voting.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Advanced to E & R for review with 30 ayes, 10 nays, 3 present and not voting, and 6 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 292A. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 292, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 345 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1255.)

Mr. Will asked unanimous consent to print the following amendment to LB 563 in the Journal. No objections. So ordered.

AM1449

(Amendments to E & R amendments, AM5428)

1. On page 8, line 11, after "applicant" insert "individually, or in the case of a business entity".

2. On page 11, line 3, after "licensee" insert "individually, or in the case of a business entity".

3. On page 20, line 20 after "village" insert ", if required by the county, city or village," and in line 26 after "location" insert "or locations".

4. On page 22, line 10, after "location" insert "or locations"; in line 11 strike "which employs such person"; and in line 12 after the underscored period insert "The cost of all investigations conducted by the department pursuant to this section shall be borne by the department.".

5. On page 25, strike lines 20 through 23 and insert "or village. An owner or officer of an authorized sales outlet location for such county, city, or village may be prohibited from playing any lottery conducted by such county, city, or village by ordinance or resolution. No".

Mr. Wehrbein asked unanimous consent to print the following amendment to LB 547 in the Journal. No objections. So ordered.

AM1401

1. On page 3, strike beginning with "When" in line 4 through line 6 and show as stricken.

WITHDRAW - Motion on LB 794

The Appropriations Committee withdrew their pending motion, found in the Journal on page 1428, to place LB 794 on General File notwithstanding the action of the Health and Human Services Committee pursuant to Rule 3, Section 17.

WITHDRAW - Motion on LB 814

Mr. Wesely withdrew his pending motion, found in the Journal on page 1436, to place LB 814 on General File notwithstanding the action of the Revenue Committee pursuant to Rule 3, Section 17.

WITHDRAW - Motion on LB 806

Mr. Wesely withdrew his pending motion, found in the Journal on page 1436, to place LB 806 on General File notwithstanding the action of the Revenue Committee, pursuant to Rule 3, Section 17.

WITHDRAW - Motion on LB 824

Mr. Wesely withdrew his pending motion, found in the Journal on page 1436, to place LB 824 on General File pursuant to Rule 3, Section 19(b).

VISITORS

Visitors to the Chamber were ten eighth grade students and teacher from St. Paul's Lutheran School, Omaha; Senator Hohenstein's wife, Kathy; 36 fifth and sixth grade students and teachers from Kenesaw Elementary; 75 third grade students and sponsor from Zeman Elementary, Lincoln; 25 fourth grade students, Senator Byars' son, Jonathon, and teacher from Lincoln Elementary, Beatrice; and 50 fourth grade students and teachers from Engleman Elementary, Grand Island.

RECESS

At 12:03 p.m., on a motion by Speaker Baack, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Dierks, Elmer, Kristensen, Warner, Mmes. Hudkins, Rasmussen, and Robak who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

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

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE RESOLUTION 16. Placed on General File.

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Abboud and Lindsay asked unanimous consent to print the following amendment to LB 430 in the Journal. No objections. So ordered.

AM1447

1. Insert the following new section:

"Sec. 4. That section 29-2264, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2264. (1) Whenever any person is placed on probation by a court and satisfactorily completes the conditions of his or her probation for the entire period thereof or who is discharged from probation prior to the termination of the period thereof, the sentencing court shall issue an order releasing the offender from probation and such order shall in all felony cases restore the offender's civil rights the same as though a pardon had been issued.

(2) Whenever any person is convicted of a ~~crime~~ misdemeanor or felony and is placed on probation by the court or is sentenced to a fine only, he or she may, after satisfactory fulfillment of the conditions of ~~his~~ probation for the entire period thereof, or after discharge from probation prior to the termination of the period thereof and after payment of any fine, petition the sentencing court to set aside the conviction.

(3) In determining whether to set aside the conviction, the court shall consider:

(a) The behavior of the offender ~~while on probation~~ after sentencing;

(b) The likelihood that the offender will not engage in further criminal activity; and

(c) Any other information the court considers relevant.

(4) The court may grant the offender's petition and issue an order setting aside the conviction when in the opinion of the court the order will be in the best interest of the offender and consistent with the public welfare. Such order shall:

(a) Nullify the conviction; and

(b) Remove all civil disabilities and disqualifications imposed as a result of the conviction the same as though a pardon had been issued.

(5) The setting aside of a conviction in accordance with the provisions of sections 29-2246 to 29-2268 shall not:

(a) Require the reinstatement of any office, employment, or position which was previously held and lost or forfeited as a result of the conviction;

(b) Preclude proof of a plea of guilty whenever such plea is relevant to the determination of an issue involving the rights or liabilities of someone other than the offender;

(c) Preclude proof of the conviction as evidence of the commission of ~~a crime~~ the misdemeanor or felony, whenever the fact of its commission is relevant for the purpose of impeaching the offender as a witness, except that the order setting aside the conviction may be introduced in evidence;

(d) Preclude use of the conviction for the purpose of determining sentence on any subsequent conviction of a criminal offense;

(e) Preclude the proof of the conviction as evidence of the commission of ~~a crime~~ the misdemeanor or felony in the event an offender is charged with a subsequent offense and the penalty provided by law is increased if the prior conviction is proved; or

(f) Preclude the proof of the conviction to determine whether an offender is eligible to have a subsequent conviction set aside in accordance with the provisions of sections 29-2246 to 29-2268.

(6) This section shall be retroactive in application and shall apply to all persons, otherwise eligible in accordance with the provisions of this section, whether convicted prior to, on, or subsequent to ~~August 27, 1971~~ the effective date of this act.".

2. On page 3, line 2, strike "and 28-707" and insert ", 28-707, and 29-2264".

3. Renumber remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 292. E & R amendment, AM5450, found in the Journal on page 1498, was adopted.

Mr. Beutler asked unanimous consent to replace his pending amendment, AM1078, found in the Journal on page 1395, with a substitute amendment. No objections. So ordered.

Mr. Beutler withdrew his pending amendment, AM1078, found in the Journal on page 1395.

Mr. Beutler offered the following substitute amendment:
AM1435

(Amendments to AM5450)

1. On page 2, lines 4 through 27, strike the new matter and reinstate the stricken matter.

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Beutler amendment lost with 7 ayes, 22 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Hartnett withdrew his pending amendment, AM1285, found in the Journal on page 1411.

Mr. Wesely offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1437.)

Mr. Wesely withdrew his amendment.

Messrs. Moore and Horgan offered the following amendment:
AM1492

(Amendments to AM5450)

1. On page 2, lines 1 and 2, strike the new matter and insert "(4) by one and seventy-hundredths percent of his or her final average compensation, (5) by one and seventy-three hundredths percent of his or her final average compensation, (6) by one and seventy-six hundredths percent of his or her final average compensation, or (7) by one and eighty-hundredths percent of his or her final average compensation".

2. On page 3, line 19, strike "eighty-hundredths" and insert "seventy-hundredths" and in line 21 after the period insert "A member shall be actively employed as a public school employee under the retirement system on June 30, 1994, to be eligible for computation of his or her formula annuity using one and seventy-three hundredths percent of his or her final average compensation as one of the factors. A member shall be actively employed as a public school employee under the retirement system on June 30, 1995, to be eligible for computation of his or her formula annuity using one and seventy-six hundredths percent of his or her final average compensation as one of the factors. A member shall be actively employed as a public school employee under the retirement system on June 30, 1996, to be eligible for computation of his or her formula annuity using one and eighty-hundredths percent of his or her final average compensation as one of the factors.".

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Moore-Horgan amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

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

Mr. Horgan offered the following amendment:
AM1460

(Amendments to E & R amendments, AM5450)

1. On page 5, line 14, after the second underscored comma insert "the Community College Board of Governors for each community college area established by section 79-2638,".

2. On page 9, line 16, strike "July 1" and insert "June 30".

The Horgan amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Hall offered the following amendment:
AM1497

(Amendments to E & R amendments, AM5450)

1. On page 5, line 18, after "payments" insert "relating to any retirement system which is provided for a public school".

The Hall amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 739. Title read. Considered.

Mr. Wickersham offered the following amendment:
AM1483

1. Strike the original sections and insert the following new sections:

"Section 1. That section 81-805, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-805. Except as herein otherwise provided, the Game and Parks Commission shall have sole charge of state parks, game and fish, recreation grounds, and all things pertaining thereto. All funds rendered available by law, including funds already collected for ~~said~~ such purposes, may be used by the commission in administering and developing such resources. The commission shall adopt and carry into effect plans to replenish and stock the state with game and whenever it is in the best interest of the public to do so, to stock

the streams, lakes, and ponds, whether public or private, of this state with fish. It may plan such extensions and additions to existing hatcheries and such new plants as may be necessary to supply fully the state with game and fish, and cause ~~said~~ such plans to be executed, after ascertaining the cost thereof. With the consent of the Governor, it may by purchase, when funds on hand or appropriated therefor are sufficient, or by gift, devise, or otherwise, acquire title in the name of the State of Nebraska to sites therein situated outside organized municipalities, for additional state parks, hatcheries, recreation grounds, game farms, game refuges, and public shooting grounds, and may enter into appropriate contracts with reference thereto, all within the limits of amounts that may be appropriated, contributed, or available therefor. For these purposes, the commission may enter into appropriate contracts, leases, or lease-purchase agreements. The commission, with the consent of the Governor, ~~is authorized to~~ may take, receive, and hold, either in the name of the state or in trust for the state, exempt from taxation, any grant or devise of lands made in furtherance of the purposes contemplated by this section or for recreational trails and any gift or bequest of money or other personal property made in furtherance of the purposes contemplated by this section. Such funds ~~, and shall have such funds,~~ or the proceeds of such property~~, invested. Such invested funds shall be known as the State Park and Game Refuge Fund, and~~ shall be remitted to the State Treasurer for credit to the State Park and Game Refuge Fund, which fund is hereby created. Such fund shall be used and expended under the direction of the commission. Any money in the State Park and Game Refuge Fund available for investment shall be invested by the state investment officer pursuant to ~~the provisions of~~ sections 72-1237 to ~~72-1259~~ 72-1276. The commission is authorized to make a survey of all lands and areas in the state which are suitable for state parks, game refuges, or other similar purposes contemplated by this section; and to locate and designate any or all of such lands or areas, or parts thereof, and to take such action as may tend to preserve or conserve the same. The commission shall publish such informational material as it deems necessary and may, at its discretion, charge appropriate fees therefor. The commission is authorized and empowered to adopt and promulgate rules and regulations~~, under the procedures set forth in~~ pursuant to the Administrative Procedure Act, governing the administration and use of all property, real and personal, under its ownership or control. The ~~, and the~~ commission is charged with the duty and responsibility of adopting and promulgating such rules and regulations as it ~~shall deem~~ deems necessary to administer the following activities and facilities:

(1) The commission may adopt rules and regulations to designate camping areas on appropriate lands under its ownership or control and to permit camping thereon. As a condition to such permission, the commission may prescribe such rules and regulations as are reasonable and proper governing public use of such camping areas including, but not limited to, access to camping areas, area capacity, sanitation, opening and closing hours, public safety, fires, establishment and collection of fees where appropriate, protection of property, and zoning of activities, such rules and regulations to be posted on appropriate signs at the areas, except ~~; PROVIDED,~~ that any person who camps on lands owned or controlled by the commission not designated as a camping area by the commission~~,~~ or any person who fails to observe the conditions of occupancy, use, or access, posted as provided in this section, shall not have permission. Any person violating the provisions of the regulations above authorized shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(2) The commission may adopt rules and regulations permitting any type of fire, including the smoking of tobacco in any form, and providing for the size, location, and the conditions under which a fire may be established on any area under its ownership or control. The commission may enact regulations permitting the possession~~,~~ or use~~,~~ of any type of fireworks not prohibited by law on any areas under its ownership or control. The commission may adopt rules and regulations authorizing management personnel to temporarily revoke permission by the posting of appropriate signs for all fires of any kind whatsoever, including smoking and the use of fireworks, in any area under its ownership or control, when such posting is in the interest of public health, safety, and welfare, or for the preservation of property. Any ~~; PROVIDED, that any~~ person who ~~shall light~~ lights any type of fire, who ~~shall use~~ uses any fireworks, ~~or~~ who ~~shall smoke~~ smokes tobacco in any form, or who ~~shall leave,~~ leaves unattended and unextinguished~~,~~ any fire of any type in any location~~,~~ in any area under the ownership or control of the commission, unless the commission ~~shall have~~ has given permission, which permission ~~shall not have~~ has not been revoked, to such type of fire, use or possession of fireworks, or to such smoking of tobacco, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(3) The commission may adopt rules and regulations permitting pets, domestic animals, and poultry~~,~~ to be brought upon, possessed, grazed, maintained, or run at large~~,~~ on any area, or portion of any area, under its ownership or control.

Any ~~; PROVIDED, that any~~ person who brings upon, possesses, grazes, maintains, or permits to run at large his or her pets, domestic animals, or poultry on any area, or portion of any area, under the ownership or control of the commission, unless the commission ~~shall have~~ has permitted such bringing upon, possession, grazing, maintaining, or running at large, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(4) The commission ~~is authorized to enact~~ may adopt rules and regulations, temporarily or permanently, permitting hunting, fishing, or the public use of firearms, bow and arrow, or any other projectile weapons or devices on any area or any portion of any area under its ownership or control. The commission is authorized to enact special rules and regulations permitting trapping and other forms of fur harvesting on any such area or areas. Any ~~; PROVIDED, that any~~ person who, ~~shall,~~ without the permission of the commission, ~~hunt, fish, trap, harvest fur, or use~~ hunts, fishes, traps, harvests fur, or uses firearms, bow and arrow, or any other projectile weapon or device on any area, or any portion of any area, under the ownership or control of the commission, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(5) The commission ~~is authorized to enact~~ may adopt rules and regulations permitting swimming, bathing, boating, wading, water-skiing, and the use of any floatation device on all or any portion of any area under its ownership or control. Such regulations may include permission for swimming, bathing, boating, water-skiing, wading, or the use of floatation devices, and all other water-related recreational activities in all areas, or any portion of any specific area, under the ownership or control of the commission, and may provide for special general conditions for specific swimming, water-skiing, boating, bathing, or wading areas, which shall be posted at such areas. Any ~~; PROVIDED, that any~~ person who ~~shall swim, bathe, boat, wade, water-ski, or use~~ swims, bathes, boats, wades, water skis, or uses any floatation device on ~~all or any~~ any area, or portion of any area, under the ownership or control of the commission, unless the commission shall have given permission for such activity in the specific area or portion thereof, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(6) The commission may ~~enact~~ adopt rules and regulations relating to the protection, use, or removal of, any public real or personal property on any area under its ownership or control, and may regulate or prohibit the construction or installation of any privately owned structure

on such area. The commission may close all or any portion of any area under its ownership or control to any form of public use or access with the erection of proper signs, without the enactment of formal written regulations. Any ~~; PROVIDED, that any~~ person who, ~~shall,~~ without the permission of the commission, ~~construct or install~~ constructs or installs any privately owned structure, or who ~~shall use or remove~~ uses or removes any public real or personal property; on any area under the ownership or control of the commission, or who ~~shall enter or remain~~ enters or remains upon all or any portion of any area under the ownership or control of the commission, where proper signs or public notices prohibiting the same have been erected or displayed, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(7) Any person who ~~shall abandon~~ abandons any motor vehicle, trailer, or other conveyance; in any area under the ownership or control of the commission, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(8) The commission ~~is authorized to enact~~ may adopt rules and regulations permitting the sale, trade, or vending of any goods, products, or commodities of any type in any area under its ownership or control. Any ~~; PROVIDED, that any~~ person who ~~shall sell, trade, or vend~~ sells, trades, or vends any goods, products, or commodities of any type, in any area under the ownership or control of the commission; without having received the prior permission of the commission for such activity; shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(9) ~~Where~~ When the permission of the commission is required as a prerequisite to any activity set out in this section, such permission shall be established by resolution of the commission. Such ~~; PROVIDED, that such~~ resolution may set out the circumstances under which the supervisor or managing official in charge of any area under the ownership or control of the commission may give such permission in emergency situations; and such resolutions may ~~further~~ provide for the revocation of such permission by the secretary of the commission; or by the supervisor or managing official of any area under the ownership and control of the commission. The commission, with regard to roads on any area under its ownership or control, may establish such rules and regulations deemed necessary as authorized by sections 39-663 and 39-697. Any law enforcement official, including any conservation officer or deputy conservation officer, ~~is authorized to~~ may enforce the provisions of this section and the rules and regulations established under the authority of sections 39-663

and 39-697. ~~Where~~ When a violation has occurred in or on any area under the ownership or control of the commission any conservation officer or deputy conservation officer may arrest and detain any person committing such violation; or committing any misdemeanor or felony as provided by the laws of this state until a legal warrant can be obtained. Any person guilty of a violation as set forth in this section or rules and regulations established under the authority of sections 39-663 and 39-697 shall be guilty of a Class V misdemeanor.

The commission ~~is authorized to~~ may issue, regardless of any other requirements or qualifications of law, without cost, special fishing permits to wards of the state, on a group basis, for therapeutic purposes, when application has been made to the commission by the head of the appropriate state institution involved. The commission ~~is further authorized to~~ may enter into agreements with other states bordering on the Missouri River providing for reciprocal recognition of licenses, permits, and laws of the agreeing states. The commission may disseminate information on the state park system and the wildlife resources of the state so as to inform the public of the outdoor recreation opportunities to be found in Nebraska.

The commission ~~is authorized to~~ may grant easements across real estate under its control for purposes that are in the public interest and do not negate the primary purpose for which the real estate is owned or controlled by the commission.

Sec. 2. That original section 81-805, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

MR. HALL PRESIDING

Messrs. Will, Elmer, and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BAACK PRESIDING

Mr. Wickersham moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Wickersham requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Baack	Coordsen	Hudkins	Robak	Wehrbein
Bernard-Stevens	Dierks	Janssen	Schellpeper	Wickersham
Byars	Haberman	Jones	Vrtiska	Witek
	Hillman			

Voting in the negative, 22:

Avery	Hall	Lindsay	Pedersen	Schimek
Beutler	Hartnett	Lynch	Pirsch	Warner
Bromm	Horgan	McKenzie	Preister	Wesely
Crosby	Kristensen	Moore	Rasmussen	Withem
Day	Landis			

Present and not voting, 5:

Cudaback	Fisher	Hohenstein	Robinson	Schmitt

Absent and not voting, 1:

Chambers

Excused and not voting, 5:

Abboud	Ashford	Bohlke	Elmer	Will

The Wickersham amendment lost with 16 ayes, 22 nays, 5 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 11 nays, 5 present and not voting, and 6 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 669A. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 669, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 757A. Introduced by Landis, 46; Coordsen, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 757, Ninety-third Legislature, First Session, 1993.

MESSAGE FROM THE GOVERNOR

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 268, 623, 387, 435, and 472e were received in my office on April 13, 1993; Engrossed Legislative Bills 517, 720, 444, 240 and 240A were received on April 14, 1993.

These bills were signed by me on April 15, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

UNANIMOUS CONSENT - Print in Journal

Mr. Pedersen asked unanimous consent to print the following amendment to LB 669 in the Journal. No objections. So ordered.

AM1327

(Amendments to AM1080)

1. On page 35, line 18, after "facilities" insert ". Nothing in this subdivision shall be construed to prevent charitable and religious organizations; the clergy; governmental agencies; hospitals; health clinics; home health agencies; schools; shelters for the homeless; shelters for the urgent care of victims of sexual assault, child abuse, elder abuse, or domestic violence; nursing homes; or correctional facilities from providing supportive contacts to assist individuals and groups with adjustment to crisis, transition, economic change, or personal or a family member's health condition if such persons or organizations do not represent themselves to be social workers".

Messrs. Bernard-Stevens, Wehrbein, and Mrs. McKenzie asked unanimous consent to print the following amendment to LB 364 in the Journal. No objections. So ordered.

AM1490

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 19. Nothing in the Ethanol Development Act shall be construed to extend or affect the terms of any investment agreement entered into by the Ethanol Authority and

Development Board prior to April 30, 1992.".

2. On page 3, line 3, strike "18" and insert "19".

3. On page 7, lines 26 and 28; and page 8, lines 1 and 3, strike "June 30" and insert "August 31".

4. On page 13, lines 9 and 10, strike "July 1, 1993" and insert "the operative date of this act".

5. On page 24, line 5, strike "July" and insert "September".

6. Renumber the remaining sections accordingly.

Mrs. Crosby asked unanimous consent to print the following amendment to LB 137 in the Journal. No objections. So ordered.

AM0416

1. Strike original section 1 and insert the following new section:

"Section 1. That section 25-224, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-224. (1) All product liability actions as defined in section 25-21,180, except one governed by subsection (5) of this section, shall commence ~~be commenced~~ within four years ~~next~~ after the date on which the death, injury, or damage complained of occurs.

(2) Notwithstanding subsection (1) of this section or any other statutory provision to the contrary, any product liability action, except one governed by section 2-725, Uniform Commercial Code or by subsection (5) of this section, shall ~~be commenced~~ commence within ten years after the date when the product which allegedly caused the personal injury, death, or damage was first sold or leased for use or consumption.

The ten-year time limitation in this subsection shall not apply to medical implants, prosthetics, appliances, or other devices surgically placed on or within the human body.

(3) The limitations contained in subsection (1), (2), or (5) of this section shall not be applicable to indemnity or contribution actions brought by a manufacturer or seller of a product against a person who is or may be liable to such manufacturer or seller for all or any portion of any judgment rendered against a manufacturer or seller.

(4) Notwithstanding ~~the provisions of~~ subsections (1) and (2) of this section, any cause of action or claim which any person may have on July 22, 1978, may be brought not later than two years following such date.

(5) Any action to recover damages based on injury allegedly resulting from exposure to asbestos composed of chrysotile, amosite, crocidolite, tremolite, anthrophyllite, actinolite, or any combination thereof, shall ~~be commenced~~

commence within four years after the injured person has been informed of discovery of the injury by competent medical authority and that such injury was caused by exposure to such asbestos, ~~as described herein,~~ or within four years after the discovery of facts which would reasonably lead to such discovery, whichever is earlier. No action commenced under this subsection based on the doctrine of strict liability in tort shall be commenced or maintained against any seller of a product which is alleged to contain or possess a defective condition unreasonably dangerous to the buyer, user, or consumer unless such seller is also the manufacturer of such product or the manufacturer of the part thereof claimed to be defective. Nothing in this subsection shall be construed to permit an action to be brought based on an injury described in this subsection discovered more than two years prior to August 30, 1981.".

Mr. Chambers asked unanimous consent to print the following amendments to LB 110 in the Journal. No objections. So ordered.

(1)

FA88

Amend (AM1309):

Page 1, lines 19-20, strike, "or prescription of any instrument, medicine, drug or other substance or device", and insert, "of any instrument or device, or the administering of any medicine, drug or other substance".

(2)

FA89

Amend (AM1309)

Page 2, after Chambers amendment in line 1, add:

"The provisions of this subdivision shall not apply if such instrument, device, medicine, drug or other substance lacks the capability to cause the premature termination of a pregnancy."

(3)

FA90

Amend (AM1346):

Page 2; Line 13, add, "No duty is imposed, hereby, to undertake any research in order to provide information which is complete, accurate and nonmisleading."

(4)

FA91

Amend (AM1309):

Page 9, line 6, strike the period and add, ", or if the information given in compliance with subdivision (2)(a)(b) of section 28-327 is incomplete, inaccurate or misleading."

(5)

FA92

Amend (AM1309):

Page 9, line 17, add: "No civil action may be maintained, nor shall it be evidence of professional negligence if the information given in compliance with subdivision (2)(a)(b) of section 28-327 is incomplete, inaccurate or misleading."

UNANIMOUS CONSENT - Member Excused

Mr. Preister asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 220. Title read. Considered.

Standing Committee amendment, AM0756, found in the Journal on page 936, was considered.

Messrs. Landis and Warner renewed their pending amendment, AM1241, found in the Journal on page 1363, to the Standing Committee amendment.

The Landis-Warner amendment was adopted with 16 ayes, 0 nays, 26 present and not voting, and 7 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

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

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 544 in the Journal. No objections. So ordered.

AM1455

1. Insert the following new section:

"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Beutler asked unanimous consent to print the following amendment to LB 547 in the Journal. No objections. So ordered.

AM1445

1. Insert the following new section:

"Sec. 2. That section 76-1005, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-1005. ~~(1)~~ A power of sale may be conferred upon the trustee which the trustee may exercise and under which the trust property may be sold in the manner provided in ~~sections 76-1001 to 76-1018~~ the Nebraska Trust Deeds Act after a breach of an obligation for which the trust property is conveyed as security, ~~;~~ or at the option of the beneficiary a trust deed may be foreclosed in the manner provided by law for the foreclosure of mortgages on real property. The power of sale ~~must~~ shall be expressly provided for in the trust deed.

~~(2) Prior to the execution of any trust deed which confers a power of sale to the trustee, the beneficiary shall obtain a written acknowledgment from the trustor stating that the trustor understands that (a) the document to be executed is a trust deed and not a mortgage and (b) the power of sale provided for in the trust deed provides substantially different rights and obligations to the trustor than a mortgage in the event of a default or breach of obligation. Failure to obtain such written acknowledgment shall nullify the conferring of or exercising of such power of sale.~~".

2. On page 3, line 23, strike "section 76-1004" and insert "sections 76-1004 and 76-1005".

3. Renumber the remaining section accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 725 in the Journal. No objections. So ordered.

AM1438

(Amendments to AM0856)

1. Strike sections 13 and 15 to 17 and insert the following new sections:

"Sec. 13. Any business entity located, starting up, or expanding within an enterprise zone on or after the date upon which the area is designated as an enterprise zone by the department and which is a taxpayer otherwise entitled to receive tax credits pursuant to the Employment Expansion and Investment Incentive Act shall receive a benefit in the amount provided in section 14 of this act. The qualifying business may make application to the department for the benefit. The department shall provide forms for this purpose. Upon a determination by the department that the qualifying business has complied with the requirements of the Enterprise Zone Act and is entitled to the benefits provided by this section, the

department shall cause the Department of Administrative Services to issue a warrant to the qualifying business for the amount of the benefit to which it is entitled. Final determination of eligibility for a benefit shall occur within ninety days of the application, and any benefit for which the business qualifies shall be paid within thirty days of final determination. Appeals from final determination by the department shall be as provided in the Administrative Procedure Act.

Sec. 14. For any qualifying business which increases employment in this state by two new full-time employees and which makes an increased investment in this state of at least seventy-five thousand dollars during a taxable year and is located within the boundaries of an enterprise zone as defined and designated by the Department of Economic Development pursuant to the Enterprise Zone Act, the amount of the benefit shall be:

(1) Four thousand five hundred dollars for each new employee and three thousand dollars for each seventy-five thousand dollars of increased investment if at least fifty percent of the new employees of the taxpayer reside within the boundaries of the enterprise zone; or

(2) Four thousand five hundred dollars for each new employee residing within the boundaries of the enterprise zone, one thousand five hundred dollars for each new employee not residing within the boundaries of the enterprise zone, and one thousand dollars for each seventy-five thousand dollars of increased investment if less than fifty percent of the new employees of the taxpayer reside within the boundaries of the enterprise zone.

For purposes of this section, employees residing within the boundaries of an enterprise zone shall be construed to mean employees residing within a county in which an enterprise zone is located when the enterprise zone is not located in a city of the primary or metropolitan class.

Sec. 15. (1) The benefit provided to a qualified business pursuant to section 14 of this act shall not exceed seventy-five thousand dollars.

(2) The failure of a qualifying business to maintain the continuous employment of a resident employee or to replace him or her with another employee residing within the enterprise zone for the period of time set out in section 77-27,188.02 shall be deemed a failure to maintain the level of investment and employment that created the benefit for purposes of sections 13 to 16 of this act. For purposes of this section, an employee residing within the enterprise zone shall mean an individual who is domiciled within the enterprise zone on the date of his or her hiring by the taxpayer and who remains continuously domiciled within the

zone during the term of his or her employment.

(3) For purposes of this section, employment expansion shall be determined in the manner set out in sections 77-27,190 and 77-27,192 and investment increase shall be determined in the manner set out in sections 77-27,191 and 77-27,192.

(4) Any qualifying business which has qualified for a benefit in the amount set out in section 14 of this act may elect to receive either the amount as calculated pursuant to section 14 of this act or a credit as provided in section 77-27,188. The amount of the benefit that may be received in any taxable year shall not exceed the amount of the income tax liability of the qualifying business or, if it is not a corporation, its owners, reduced by all nonrefundable credits except the credits prescribed in section 77-4105 in the previous year.

Sec. 16. If the qualifying business does not maintain the level of investment and employment that created the benefit for at least two years after the year for which the benefit was approved:

(1) The business shall not be entitled to any further carryovers of unused benefits; and

(2) During the subsequent two years, the qualifying business shall repay to the state one-third of the amount of the benefit paid for each year that the qualifying business has not maintained the required level of investment and employment.".

2. On page 1, line 4 strike "and 18" and insert "to 17".

3. On page 5, strike line 27 and insert the following new subdivision:

"(6) Qualifying business shall have the same meaning as in section 77-27,189; and".

4. On page 6, line 1, strike "(6)" and insert "(7)".

5. On page 24, line 4, before "Within" insert:

"(1) The department shall prepare a report identifying the amount of investment in this state and the number of equivalent full-time jobs created by each business claiming a benefit pursuant to the Enterprise Zone Act. The report shall include the amount of benefits approved in the aggregate. The report shall be issued on or before March 15 of each year beginning with March 15, 1994, for all benefits approved during the previous calendar year. The report shall identify (a) the amount of investment made in each enterprise zone by all qualifying businesses receiving benefits, (b) the number of jobs created in each enterprise zone by all qualifying businesses receiving benefits, (c) the number of jobs created in each enterprise zone by all qualifying

businesses receiving benefits held by residents of the enterprise zone, and (d) the average wage on an hourly basis or the average annual salary of new jobs created in each enterprise zone by all qualifying businesses receiving benefits.

(2)"; and in line 21 strike "Enterprise Zone Act" and insert "act".

6. On page 25, strike beginning with "sections" in line 4 through "and" in line 6.

7. Renumber section 18 as section 17.

8. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 25 fourth grade students and sponsor from Lincoln School, Beatrice; five fifth and sixth grade students and sponsor from Fairview Public School-District 41, Elkhorn; 47 fourth grade students and sponsors from Jefferson Elementary, Grand Island; a group of Centenary Methodist women from Beatrice; and Bill Fulcher from Sutherland.

ADJOURNMENT

At 4:46 p.m., on a motion by Mr. Horgan, the Legislature adjourned until 9:00 a.m., Friday, April 16, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

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SIXTY-FIRST DAY - APRIL 16, 1993

LEGISLATIVE JOURNAL

SIXTY-FIRST DAY - APRIL 16, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

SIXTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 16, 1993

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Charles Henrickson, Immanuel Lutheran Church, Sterling, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Rasmussen who was excused; and Messrs. Abboud, Ashford, Coordsen, Haberman, Hall, Landis, Lindsay, Moore, Warner, Mmes. Bohlke, Hillman, Robak, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixtieth day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Wesely asked unanimous consent to be excused. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 76.

RESOLUTION

LEGISLATIVE RESOLUTION 77. Read. Considered.

LR 77 was adopted with 27 ayes, 0 nays, and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 364. Mr. Bernard-Stevens withdrew his pending amendment, AM1433, found in the Journal on page 1517.

Readvanced to Final Reading.

MOTION - Return LB 364 to Select File

Mr. Bernard-Stevens moved to return LB 364 to Select File for the Bernard-Stevens-Wehrbein-McKenzie specific amendment, AM1490, found in the Journal on page 1560.

The Bernard-Stevens motion to return prevailed with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 364. The Bernard-Stevens-Wehrbein-McKenzie specific amendment, AM1490, found in the Journal on page 1560, was adopted with 29 ayes, 0 nays, 7 present and not voting, and 13 excused and not voting.

Advanced to E & R for reengrossment.

LEGISLATIVE BILL 478. E & R amendment, AM5456, found in the Journal on page 1511, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 547. Mr. Wehrbein renewed his pending amendment, AM1401, found in the Journal on page 1548.

The Wehrbein amendment was adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Mr. Beutler renewed his pending amendment, AM1445, found in the Journal on page 1564.

The Beutler amendment was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 652. E & R amendment, AM5455, found in the Journal on page 1511, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 555. Advanced to E & R for engrossment.

LEGISLATIVE BILL 734. E & R amendment, AM5460, found in the Journal on page 1545, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 117. Advanced to E & R for engrossment.

LEGISLATIVE BILL 529. E & R amendment, AM5454, found in the Journal on page 1545, was adopted.

Mrs. Pirsch offered the following amendment:
AM1470

1. Strike original section 1 and all amendments thereto and insert the following new section:

"Section 1. That section 29-2204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2204. ~~(1) Except as provided in subsection (2) of this section, in all cases when any person is convicted of any offense by this code declared criminal and made punishable by imprisonment in the Department of Correctional Services adult correctional facility, the court shall declare in its sentence for what period of time, within the respective periods prescribed by law, such convict shall be imprisoned at hard labor in the Department of Correctional Services adult correctional facility and shall determine and declare in its sentence whether any such convict shall be kept in solitary confinement in the cells of the Department of Correctional Services adult correctional facility, without labor, and, if so, for what period of time.~~

~~(2)~~ (1) Except as provided in subsection (3) of this section and except when a term of life is required by law, in imposing an indeterminate sentence upon an offender, the court shall:

(a) Fix the minimum and maximum limits of the sentence to be served within the limits provided by law, except that when a maximum limit of life is imposed by the court for a Class IB felony, the minimum limit may be any term of years not less than the statutory mandatory minimum;

(b) Advise the offender on the record the time the offender will serve on his or her minimum term before attaining parole eligibility assuming that no good time for which the offender will be eligible is lost; and

(c) Advise the offender on the record the time the offender will serve on his or her maximum term before attaining mandatory release assuming that no good time for which the offender will be eligible is lost.

If any discrepancy exists between the statement of the minimum limit of the sentence and the statement of parole eligibility or between the statement of the maximum limit of the sentence and the statement of mandatory release, the statements of the minimum limit and the maximum limit shall control the calculation of the offender's term. If the court imposes more than one sentence upon an offender or imposes a sentence upon an offender who is at that time serving another sentence, the court shall state whether the sentences are to be concurrent or consecutive.

(2)(a) When the court is of the opinion that imprisonment may be appropriate but desires more detailed information as a basis for determining the sentence to be imposed than has been provided by the presentence report required by section 29-2261, the court shall commit an offender to the Department of Correctional Services for a period not exceeding ninety days. The department shall conduct a complete study of the offender during that time, inquiring into such matters as his or her previous delinquency or criminal experience, social background, capabilities, and mental, emotional, and physical health and the rehabilitative resources or programs which may be available to suit his or her needs. By the expiration of the period of commitment or by the expiration of such additional time as the court shall grant, not exceeding a further period of ninety days, the offender shall be returned to the court for sentencing and the court shall be provided with a written report of the results of the study, including whatever recommendations the department believes will be helpful to a proper resolution of the case. After receiving the report and the recommendations, the court shall proceed to sentence the offender in accordance with subsection (1) of this section. The term of the sentence shall run from the date of original commitment under this subsection.

(b) In order to encourage the use of this procedure in appropriate cases, all costs incurred during the period the defendant is held in a state institution under this subsection shall be a responsibility of the state and the county shall be liable only for the cost of delivering the defendant to the institution and the cost of returning him or her to the appropriate court for sentencing or such other disposition as the court may then deem appropriate.

(3) Whenever the defendant was under eighteen years of age at the time he or she committed the crime for which he or she was convicted, the court may in its discretion, instead of imposing the penalty provided for the crime, make such disposition of the defendant as the court deems proper under the Nebraska Juvenile Code.".

The Pirsch amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 582. Advanced to E & R for engrossment.

LEGISLATIVE BILL 781. E & R amendment, AM5461, found in the Journal on page 1546, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 280. E & R amendment, AM5452, found in the Journal on page 1546, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 539. E & R amendment, AM5457, found in the Journal on page 1546, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 315. Advanced to E & R for engrossment.

LEGISLATIVE BILL 625. E & R amendment, AM5458, found in the Journal on page 1546, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 74. E & R amendment, AM5459, found in the Journal on page 1546, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 545. Advanced to E & R for engrossment.

ANNOUNCEMENT

The Chair announced today is Senator Will's birthday.

GENERAL FILE

LEGISLATIVE BILL 632. Title read. Considered.

Mr. Hartnett renewed his pending amendment, AM1418, found in the Journal on page 1533.

The Hartnett amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

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

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 732. Title read. Considered.

Standing Committee amendment, AM0363, found in the Journal on page 648, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Byars asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 139. Title read. Considered.

Standing Committee amendment, AM0420, found in the Journal on page 786, was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 447. Title read. Considered.

Standing Committee amendment, AM0889, found in the Journal on page 1084, was considered.

Messrs. Withem and Lindsay offered the following amendment to the Standing Committee amendment:
FA93
Strike lines 3-24 on pg 1 and lines 1-8 on page 2 of the committee amendment, LB 447.

MRS. CROSBY PRESIDING

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Coordsen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Withem-Lindsay amendment was adopted with 21 ayes, 11 nays, 8 present and not voting, and 9 excused and not voting.

Ms. Day asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BAACK PRESIDING

The Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Messrs. Dierks, Bromm, and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of Governor appointments.

Gutgsell, Jo Beth - Nebraska Power Review Board -- Natural Resources

Michel, Marilyn L. - Nebraska Investment Council -- Banking, Commerce and Insurance

O'Neal, Robert - Nebraska Power Review Board -- Natural Resources

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

STANDING COMMITTEE REPORT
Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Environmental Trust Board
John Ellsworth
Bradley Hansen
Charles Jura
Vincent Kramper
Richard Mercer

Lynn Roper
Susan Seacrest
David Wilken
Gail Yanney

VOTE: Aye: Senators Beutler, Bohlke, Bromm, Hartnett, Jones, McKenzie, and Preister. Absent: Senator Elmer.

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 110 in the Journal. No objections. So ordered.

FA94
Amend (Amendment 1309)
Page 8, lines 23-24;
Page 9, lines 8, 10, 12;
Page 10, line 9;
Strike "or attempted".

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 231 in the Journal. No objections. So ordered.

AM1485
1. Strike original section 3 and insert the following new sections:
"Sec. 3. Any compact entered into between the State of Nebraska and any Indian tribe having jurisdiction over Indian lands in the state prior to the effective date of this act shall remain in full force and effect according to its own terms and conditions.
Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".
2. On page 2, line 6, strike "gambling" and insert "gaming".

Ms. Schimek asked unanimous consent to print the following amendment to LB 697 in the Journal. No objections. So ordered.

AM1507
(Amendments to Standing Committee amendments, AM0902)
1. Strike amendments 1 and 2 and insert the following new amendments:
"1. On page 2, line 3, reinstate the stricken matter; and in line 7 after the underscored period insert the following new subsection:

'(2) Employees who have had at least one year of continuous employment with the state as hourly employees, excluding those employees considered to be exempt under the Fair Labor Standards Act, 29 U.S.C. 201 et seq., as amended, shall be guaranteed forty hours work each week.'.

2. On page 8, strike beginning with "Any" in line 8 through the underscored period in line 10; reinstate the stricken matter beginning with "All" in line 10 through line 16; in line 14 after the reinstated "service" insert "and those employees considered to be exempt under the Fair Labor Standards Act, 29 U.S.C. 201 et seq., as amended'.".

GENERAL FILE

LEGISLATIVE BILL 121. Title read. Considered.

Standing Committee amendment, AM0199, printed separately from the Journal and referred to on page 553, was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Messrs. Schellpeper and Lynch asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Chambers asked unanimous consent to have his name added as cointroducer to LB 652. No objections. So ordered.

VISITORS

Visitors to the Chamber were students and sponsor from Hastings Junior High School; Chris and Shelly Brooks from Omaha; Paige Coash and Lana Lambley from Bassett; 13 high school students and sponsor from Ralston; Senator Schellpeper's son and daughter-in-law, Tom and DaNita, from Stanton; 39 fourth grade students and teacher from Laurel Concordia School, Laurel; 57 fourth grade students and teachers from Cottonwood Elementary, Omaha; Betsy Apking from Lincoln and a group of engineers from Alexandria, Egypt; and 51 fourth grade students and teacher from Christ Lutheran, Norfolk.

The Doctor of the Day was James Shelton from Omaha.

ADJOURNMENT

At 12:07 p.m., on a motion by Mrs. Witek, the Legislature adjourned until 9:00 a.m., Monday, April 19, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTY-SECOND DAY - APRIL 19, 1993

LEGISLATIVE JOURNAL

SIXTY-SECOND DAY - APRIL 19, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

SIXTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 19, 1993

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Moul presiding.

PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Bernard-Stevens, Chambers, Haberman, Hall, Hohenstein, Landis, Lindsay, Lynch, Moore, Warner, Mmes. Hillman, Rasmussen, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-first day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 145A and 575.

Enrollment and Review Change to LB 575

The following changes, required to be reported for publication in the Journal, have been made:
ER7248

1. In lieu of the Chambers amendment, FA65, in the Wesely amendment, AM1040, on page 1, line 10, "class" has been struck and "and metropolitan classes" inserted.

2. In the Hillman amendment, AM1066:

a. Because of the enactment of sections 342 and 495, LB 370:

i. Section 3 has been struck; and

ii. On page 24, the matter beginning with "26" in line 4 through "line" in line 5 has been struck;

b. Section 28 has been renumbered as section 30; and

c. On page 23, line 23, "should" has been struck and "if" inserted and "become" has been struck and "becomes" inserted.

3. In the Wesely amendment, AM1040:

a. Sections 3 and 4 have been renumbered as sections 1 and 2, respectively;

b. On page 1, line 4, "4" has been struck and "2" inserted; in line 6 an underscored period has been inserted after "Act" and "of 1975." has been struck and shown as stricken; and in line 8 "of 1975" has been struck; and

c. Amendment 4 has been struck.

4. In the Avery et al. amendment, AM1112:

a. Section 43 has been renumbered as section 48;

b. On page 1, line 7, an underscored comma has been inserted after "title"; in lines 9 and 14 "state-owned" has been struck and shown as stricken; in line 10 "and" has been struck, shown as stricken, and an underscored comma inserted; in line 12 the second "and" has been struck and shown as stricken; in line 13 an underscored comma has been inserted after "vehicle"; in line 15 "(a)" has been inserted after "(2)"; and in line 19 "state" has been inserted after "the" and "motor" has been struck; and

c. On page 2, line 2, "(b)" has been inserted before "State"; the matter beginning with "his" in line 10 through "commission" in line 11 has been struck, the old matter shown as stricken, and "the operator's state agency" inserted; in line 11 "director or designated" has been inserted after the first "the"; in line 12 the matter beginning with "department" through the last comma has been struck and shown as stricken; the matter beginning with the first comma in line 13 through "commission" in line 14 has been struck; and in line 20 "state-owned" has been struck and shown as stricken.

5. In the Hohenstein-Chambers-Horgan amendment, AM0932, on page 1, line 15, "39-6,188" has been struck and "64, Legislative Bill 370, Ninety-third Legislature, First Session, 1993," inserted.

6. In the Hudkins amendment, AM1222, section 1 has been renumbered as section 3.

7. In the E & R amendments, AM5424:

a. For purpose of correlation with section 6, LB 112, and sections 2 and 3, LB 346, sections 34 and 47 and all amendments thereto have been struck and the following new sections have been inserted:

"Sec. 37. That section 60-106, Revised Statutes Supplement, 1992, as amended by section 6, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, section 2, Legislative Bill 340, Ninety-third Legislature, First Session, 1993, and section 2, Legislative Bill 346, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

60-106. (1)(a) Application for a certificate of title shall be made upon a form prescribed by the Department of Motor Vehicles and shall be sworn to before a notary public or other officer empowered to administer oaths. All applications shall be accompanied by the fee prescribed in section 60-115.

(b) All applications for a certificate of title to a mobile home as defined in subdivision ~~(9)(c) of section 39-602~~ (2) of section 110, Legislative Bill 370, Ninety-third Legislature, First Session, 1993, shall be accompanied by a mobile home transfer statement prescribed by the Tax Commissioner. The mobile home transfer statement shall be filed by the applicant with the county clerk of the county of application for title. The county clerk shall issue a certificate of title to a mobile home but shall not deliver the certificate of title unless the mobile home transfer statement accompanies the application for title, except that the failure to provide the mobile home transfer statement shall not prevent the notation of a lien on the face of the certificate of title to the mobile home pursuant to section 60-110 and delivery to the holder of the first lien. The mobile home transfer statement and the information contained in the statement shall be confidential and only available to tax officials.

(2)(a) If the motor vehicle has tax situs in Nebraska, the application shall be filed with the county clerk of the county in which the vehicle has tax situs as defined in section 77-1238.

(b) If the applicant is a nonresident, the application shall be filed in the county in which the transaction is consummated.

(c) All applicants registering a vehicle pursuant to section 60-305.09 shall file the application for title to the vehicle with the Department of Motor Vehicles. The department shall deliver the certificate to the applicant if there are no liens on the vehicle. If there are any liens on the vehicle, the department shall deliver or mail the certificate of title to the holder of the first lien on the day of issuance. All certificates of title issued by the department shall be issued in the manner prescribed for the county clerk in section 60-107.

(3) If a certificate of title has previously been issued for the motor vehicle in this state, the application for a new certificate of title shall be accompanied by the certificate of title duly assigned unless otherwise provided for in sections 60-102 to 60-117. If a certificate of title has not previously been issued for the motor vehicle in this state or if a certificate of title is unavailable pursuant to subsection (4) of section 3 of this act, the application, unless otherwise provided for in sections 60-102 to 60-117, shall be accompanied by a manufacturer's or importer's certificate, as provided for in such sections, a duly certified copy thereof, a certificate of title, a court order issued by a court of record, a manufacturer's certificate of origin, or an assigned registration certificate, if the law of the state from which the motor vehicle was brought into this state does not have a certificate of title law. The county clerk shall retain the evidence of title presented by the applicant and on which the certificate of title is issued.

(4) The county clerk shall use reasonable diligence in ascertaining whether or not the statements in the application for a certificate of title are true by checking the application and documents accompanying the same with the records of motor vehicles in his or her office. If he or she is satisfied that the applicant is the owner of such motor vehicle and that the application is in the proper form, the county clerk shall issue a certificate of title over his or her signature and sealed with his or her seal.

(5) In the case of the sale of a motor vehicle, the certificate of title shall be obtained in the name of the purchaser upon application signed by the purchaser, except that (a) for titles to be held by husband and wife, applications may be accepted upon the signature of either one as a signature for himself or herself and as agent for his or her spouse and (b) for an applicant providing proof that he or she is a handicapped or disabled person as defined in section 18-1738, applications may be accepted upon the signature of the applicant's parent, legal guardian, foster parent, or agent.

(6) In all cases of transfers of motor vehicles, commercial trailers, semitrailers, or cabin trailers, the application for a certificate of title shall be filed within thirty days after the delivery of such vehicle or trailer. A licensed dealer need not apply for certificates of title for motor vehicles, commercial trailers, semitrailers, or cabin trailers in stock or acquired for stock purposes, but upon transfer of such vehicle or trailer in stock or acquired for stock purposes, the licensed dealer shall give the transferee a reassignment of the certificate of title on such vehicle or trailer or an assignment of a manufacturer's or importer's certificate. If all reassignments on the certificate of title have been used, the licensed dealer shall obtain title in his or her name prior to any subsequent transfer.

(7) An application for a certificate of title shall include a statement that an identification inspection has been conducted on the vehicle unless (a) the title sought is a salvage certificate of title as defined in section 60-129 or a nontransferable certificate of title provided for in section 60-131, (b) the surrendered ownership document is a Nebraska certificate of title, a manufacturer's statement of origin, an importer's statement of origin, a United States Government Certificate of Release of a motor vehicle, or a nontransferable certificate of title issued under section 60-131, (c) the application for a certificate of title contains a statement that such vehicle is to be registered under section 60-305.09, or (d) the vehicle is a cabin trailer. The statement that an identification inspection has been conducted shall be furnished by the county sheriff of the county in which application is made or by any other holder of a current certificate of training issued pursuant to section 60-121 and shall be in a format as determined by the Department of Motor Vehicles. The county clerk may accept a certificate of inspection, approved by the Superintendent of Law Enforcement and Public Safety, from an officer of a state police agency of another state. For each inspection a fee of ten dollars shall be paid to the county treasurer. All such fees shall be credited to the county sheriff's vehicle inspection

account within the county general fund. The identification inspection required by this subsection shall include examination and notation of the current odometer reading and a comparison of the vehicle identification number with the number listed on the ownership records, except that if a lien is registered against a vehicle and recorded on the vehicle's ownership records, the county clerk shall provide a copy of the ownership records for use in making such comparison. If such numbers are not identical or if there is reason to believe further inspection is necessary, the person performing the inspection shall make a further inspection of the vehicle which may include, but shall not be limited to, examination of other identifying numbers placed on the vehicle by the manufacturer and an inquiry into the numbering system used by the state issuing such ownership records to determine ownership of a vehicle. The identification inspection shall also include a statement that the vehicle identification number has been checked for entry in the National Crime Information Center and the Nebraska Crime Information Service. If there is cause to believe that odometer fraud exists, written notification shall be given to the office of the Attorney General. If after such inspection the sheriff or his or her designee determines that the vehicle is not the vehicle described by the ownership records, no statement shall be issued. In the case of an assembled vehicle such inspection shall include, but not be limited to, an examination of the records showing the date of receipt and source of each major component part as defined in section 60-2601.

(8) If a county board consolidates services under the office of a designated county official other than the county clerk pursuant to section 1 of this act:

(a) Applications under subsections (1) and (2) of this section shall be submitted to the designated county official;

(b) The designated county official shall perform the duties imposed on the county clerk under subsections (1) and (4) of this section;

(c) The designated county official may accept certificates of inspection under the conditions described in subsection (7) of this section; and

(d) The designated county official shall act as office of record for title documents, applications, odometer statements, certificates of inspections, and lien and cancellation of lien notations.

Sec. 39. That section 60-302, Revised Statutes Supplement, 1992, as amended by section 16, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, and section 3, Legislative Bill 346, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

60-302. (1) No motor vehicle, trailer, semitrailer, or cabin trailer, unless otherwise expressly provided, shall be operated <u>or parked</u> on the highways of this state unless such vehicle is registered in accordance with Chapter 60, article 3. There shall be a rebuttable presumption that any vehicle stored and kept more than thirty days in the state is being operated <u>or parked</u> on the highways of this state and shall be registered in accordance with Chapter 60, article 3. Every owner of a vehicle

required to be registered shall make application for registration to the county treasurer of the county in which the vehicle has tax situs as defined in section 77-1238. The application shall be a copy of a certificate of title or, in the case of a renewal of a registration, the application shall be the previous registration period's certificate. A salvage certificate of title as defined in section 60-129 and a nontransferable certificate of title provided for in section 60-131 shall not be valid for registration purposes.

(2) All applications for registration of motor vehicles shall be accompanied by proof of financial responsibility. Proof of financial responsibility shall be evidenced by a copy of proof of financial responsibility filed pursuant to subdivision (2), (3), or (4) of section 60-528 bearing the seal of the Department of Motor Vehicles or by a certificate or policy of insurance. Such certificate or policy of insurance shall be written by an insurance carrier duly authorized to do business in this state and shall certify that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate or policy shall give the effective dates of such motor vehicle liability policy, which dates shall be evidence that the coverage is in effect on and following the date of registration, and shall designate, by explicit description or by appropriate reference, all motor vehicles covered thereby.

(3) Any nonresident owner who desires to register a vehicle or vehicles in this state shall register in the county where the vehicle is domiciled or where the owner conducts a bona fide business.

(4) Each new application shall contain, in addition to such other information as may be required by the department, the name and post office address of the applicant and a description of the vehicle, including the color, the manufacturer, the identification number, and the weight of the vehicle required by Chapter 60, article 3. With such application and proof of financial responsibility, the applicant shall pay the proper registration fee as provided in sections 60-305.08 to 60-339 and shall state whether the vehicle is propelled by electricity, motor vehicle fuel as defined in section 66-482, or special fuel as defined in section 66-602, and if special fuel, the type of fuel. The form shall also contain a notice that bulk special or diesel fuel purchasers may be subject to federal excise tax liability. The department shall prescribe a form, containing such notice, for supplying the information for vehicles to be registered. The county assessor shall include the form in each mailing made pursuant to section 77-1240.01.

(5) The county treasurer or his or her agent shall collect, in addition to other registration fees, the sum of one dollar and fifty cents for each and every certificate issued, which fee shall be remitted by the county treasurer to the State Treasurer for credit to the State Recreation Road Fund.

(6) If a citation is issued to an owner of a vehicle for a violation of this section and the owner, within ten days of issuance of the citation, properly registers and licenses the vehicle not in compliance, pays all

taxes and fees due, and provides proof of such registration to the prosecuting attorney, no prosecution for the offense cited shall occur.

(7) If a county board consolidates services under the office of a designated county official other than the county treasurer pursuant to section 1 of this act, the powers and duties of the county treasurer relating to registration under sections 60-301 to 60-347 shall be performed by the designated county official.

Sec. 53. Sections 1, 2, 4 to 6, 8, 10 to 16, 18, 24 to 27, 29, 31 to 34, 36, 37, 44 to 47, 49 to 52, and 55 of this act shall become operative on January 1, 1994. The other sections of this act shall become operative on their effective date.";

b. On page 41, line 15, "eight feet" has been struck, shown as stricken, and "one hundred two inches" inserted;

c. On page 59, line 26, "and" has been struck; and in line 27 "and" has been inserted after "39-6,177," and "and 60-302," has been struck;

d. On page 60, line 1, "and section 60-302, Revised Statutes Supplement, 1992, as amended by section 16, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, and section 3, Legislative Bill 346, Ninety-third Legislature, First Session, 1993," has been inserted after the second comma; in line 14 "section 60-106, Revised Statutes Supplement, 1992, as amended by section 6, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, section 2, Legislative Bill 340, Ninety-third Legislature, First Session, 1993, and section 2, Legislative Bill 346, Ninety-third Legislature, First Session, 1993," has been inserted after the third comma; in line 16 "39-6,183," has been struck; in line 18 "and section 39-6,183, Reissue Revised Statutes of Nebraska, 1943, as amended by section 5, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, and section 287, Legislative Bill 370, Ninety-third Legislature, First Session, 1993," has been inserted after the comma; in line 24 "60-1006," has been inserted after the last comma; in line 26 "28-306," has been inserted after "sections"; and in line 27 "39-6,134," has been inserted after "39-6,103.07,"; and

e. On page 61, line 1, "and" has been inserted after "39-6,177," and "and 60-302," has been struck; in line 7 "section 60-106, Revised Statutes Supplement, 1992, as amended by section 6, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, section 2, Legislative Bill 340, Ninety-third Legislature, First Session, 1993, and section 2, Legislative Bill 346, Ninety-third Legislature, First Session, 1993, section 60-302, Revised Statutes Supplement, 1992, as amended by section 16, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, and section 3, Legislative Bill 346, Ninety-third Legislature, First Session, 1993," has been inserted after the third comma; in line 9 "to authorize discount bus fares for low-income persons; to rename an act; to change the penalty for motor vehicle homicide;" has been inserted after the first semicolon; in line 12 "registration violations," has been inserted after the second comma; and in line 13 the first "and" has been struck and ", and vehicle-use reports" has been inserted after "equipment".

8. On page 2, line 1, "39-6,183," has been struck; and in line 2 ", and section 39-6,183, Reissue Revised Statutes of Nebraska, 1943, as amended by section 5, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, and section 287, Legislative Bill 370, Ninety-third Legislature, First Session, 1993" has been inserted after "1943".

(Signed) Kurt Hohenstein, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 77.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 250. Placed on Select File.

LEGISLATIVE BILL 458. Placed on Select File as amended.
E & R amendment to LB 458:
AM5462

1. On page 1, line 3, after the semicolon insert "to repeal the Uniform Enforcement of Foreign Judgments Act;".
2. On page 2, line 1, strike "This" and insert "Sections 1 to 9 of this".
3. On page 2, line 20; and page 3, line 19, strike the commas.

LEGISLATIVE BILL 460. Placed on Select File.
LEGISLATIVE BILL 126. Placed on Select File.

(Signed) Kurt A. Hohenstein, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 406 in the Journal. No objections. So ordered.

AM1521

1. On page 20, line 15, after the underscored period insert "The lien shall attach to the real estate of the violator when notice of such lien is filed and indexed against the real estate in the office of the register of deeds or county clerk in the county where the real estate is located.".
2. On page 24, line 11, after the period insert "A permit shall not be required under this section if a permit has been issued under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136 et seq., or any regulations adopted and promulgated pursuant to such act."; in line 14

after "released" insert "and any other information required by the department"; and in line 19 after the period insert "Sufficient hazard shall include, but not be limited to, a substantial hazard to the environment or to plant or animal life not intended to be affected by the agent or organism.".

3. On page 27, line 26, after "ordinance" insert "or resolution".

REPORT

Received quarterly report from State Highway Commission for the period ending March 1993, pursuant to Neb.Rev.Stat. §39-1111 (1988).

MOTION - Approve Appointments

Mr. Beutler moved the adoption of the report of the Natural Resources Committee for the following Governor appointments found in the Journal on page 1574: John Ellsworth, Bradley Hansen, Charles Jura, Vincent Kramper, Richard Mercer, Lynn Roper, Susan Seacrest, David Wilken, and Gail Yanney - Environmental Trust Board.

Voting in the affirmative, 26:

Avery	Day	Jones	Robinson	Wehrbein
Baack	Fisher	McKenzie	Schellpeper	Wesely
Beutler	Hartnett	Pedersen	Schimek	Will
Bohlke	Horgan	Pirsch	Schmitt	Witek
Byars	Janssen	Preister	Vrtiska	Withem
Crosby				

Voting in the negative, 0.

Present and not voting, 8:

Bromm	Cudaback	Elmer	Kristensen	Wickersham
Coordsen	Dierks	Hudkins		

Excused and not voting, 15:

Abboud	Chambers	Hillman	Lindsay	Rasmussen
Ashford	Haberman	Hohenstein	Lynch	Robak
Bernard-Stevens	Hall	Landis	Moore	Warner

These appointments were confirmed with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 27.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 79-4,230 and 79-4,232, Revised Statutes Supplement, 1992; to change provisions relating to multicultural education; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Avery	Cudaback	Hudkins	Pirsch	Vrtiska
Baack	Day	Janssen	Preister	Wehrbein
Beutler	Dierks	Jones	Rasmussen	Wesely
Bohlke	Elmer	Kristensen	Robinson	Wickersham
Bromm	Fisher	Landis	Schellpeper	Will
Byars	Haberman	McKenzie	Schimek	Witek
Coordsen	Hartnett	Pedersen	Schmitt	Withem
Crosby	Horgan			

Voting in the negative, 0.

Excused and not voting, 12:

Abboud	Bernard-	Hall	Lindsay	Robak
Ashford	Stevens	Hillman	Lynch	Warner
	Chambers	Hohenstein	Moore	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 53.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-123.02 and 53-123.04, Revised Statutes Supplement, 1992, and section 53-124, Revised Statutes Supplement, 1992, as amended by section 9, Legislative Bill 183, Ninety-third Legislature, First Session, 1993; to allow the sampling of tax-paid wine upon the premises of a licensed retailer as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Avery	Cudaback	Horgan	Pedersen	Wehrbein
Baack	Day	Hudkins	Pirsch	Wesely
Bohlke	Dierks	Janssen	Rasmussen	Wickersham
Bromm	Elmer	Jones	Robinson	Will
Byars	Fisher	Kristensen	Schellpeper	Witek
Coordsen	Haberman	Landis	Schimek	Withem
Crosby	Hartnett	McKenzie	Schmitt	

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Preister	Vrtiska

Excused and not voting, 12:

Abboud	Bernard-	Hall	Lindsay	Robak
Ashford	Stevens	Hillman	Lynch	Warner
	Chambers	Hohenstein	Moore	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 187.

A BILL FOR AN ACT relating to funeral directors and embalmers; to amend sections 59-1617, 71-110, 71-112, 71-118, 71-194 to 71-196, 71-198 to 71-1,100, 71-605, 71-606, 71-609, 71-635, 71-1329, 71-1333, 71-1336, 71-1340, 71-1345 to 71-1347, 71-1349, 71-1352, 71-4807, and 71-4810, Reissue Revised Statutes of Nebraska, 1943, and sections 33-150, 71-101, 71-162, 71-611, 71-1326, 71-1327, 71-1331, and 71-1332, Revised Statutes Supplement, 1992; to define and redefine terms; to change and eliminate provisions relating to licensure; to provide for apprentices; to provide for branch establishments; to change provisions relating to inspections; to provide for disciplinary actions relating to licenses for funeral establishments and branch establishments; to change provisions relating to reciprocity; to harmonize provisions; to eliminate definitions and obsolete provisions; to provide an operative date; and to repeal the original sections, and also sections 71-1,101, 71-1328, 71-1330, and 71-1348, Reissue Revised Statutes of Nebraska, 1943, and section 71-1325, Revised Statutes Supplement, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud	Coordsen	Hillman	Moore	Schmitt
Avery	Crosby	Hohenstein	Pedersen	Vrtiska
Baack	Cudaback	Horgan	Pirsch	Wehrbein
Bernard-Stevens	Day	Hudkins	Preister	Wesely
Beutler	Dierks	Janssen	Rasmussen	Wickersham
Bohlke	Elmer	Jones	Robinson	Will
Bromm	Fisher	Kristensen	Schellpeper	Witek
Byars	Haberman	Landis	Schimek	Withem
	Hartnett	McKenzie		

Voting in the negative, 0.

Excused and not voting, 7:

Ashford	Hall	Lynch	Robak	Warner
Chambers	Lindsay			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 187A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 187, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Abboud	Byars	Hartnett	McKenzie	Schimek
Avery	Coordsen	Hillman	Moore	Vrtiska
Baack	Crosby	Hohenstein	Pedersen	Wehrbein
Bernard-Stevens	Cudaback	Horgan	Pirsch	Wesely
Beutler	Day	Hudkins	Preister	Wickersham
Bohlke	Dierks	Janssen	Rasmussen	Will
Bromm	Elmer	Jones	Robinson	Witek
	Haberman	Kristensen	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 3:

Fisher	Landis	Schmitt

Excused and not voting, 7:

Ashford	Hall	Lynch	Robak	Warner
Chambers	Lindsay			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 236. With Emergency.

A BILL FOR AN ACT relating to state warrants; to amend section 81-1121, Revised Statutes Supplement, 1992; to define a term; to provide for the payment and receipt of funds by the use of electronic funds transfers and other transfer systems; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud	Byars	Hartnett	McKenzie	Schmitt
Ashford	Coordsen	Hillman	Moore	Vrtiska
Avery	Crosby	Hohenstein	Pedersen	Wehrbein
Baack	Cudaback	Horgan	Pirsch	Wesely
Bernard-Stevens	Day	Hudkins	Preister	Wickersham
	Dierks	Janssen	Rasmussen	Will
Beutler	Elmer	Jones	Schellpeper	Witek
Bohlke	Fisher	Kristensen	Schimek	Withem
Bromm	Haberman	Landis		

Voting in the negative, 0.

Present and not voting, 1:

Robinson

Excused and not voting, 6:

Chambers	Lindsay	Lynch	Robak	Warner
Hall				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 306.

A BILL FOR AN ACT relating to courts; to amend sections 24-301.02 and 24-503, Revised Statutes Supplement, 1992; to change provisions relating to district court judicial districts and county judge districts; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud	Bromm	Hartnett	McKenzie	Schimek
Ashford	Byars	Hillman	Moore	Vrtiska
Avery	Crosby	Horgan	Pedersen	Wehrbein
Baack	Cudaback	Hudkins	Pirsch	Wesely
Bernard-Stevens	Day	Janssen	Preister	Wickersham
	Elmer	Jones	Rasmussen	Will
Beutler	Fisher	Kristensen	Robinson	Witek
Bohlke	Haberman	Landis	Schellpeper	Withem

Voting in the negative, 1:

Hohenstein

Present and not voting, 3:

Coordsen	Dierks	Schmitt

Excused and not voting, 6:

Chambers	Lindsay	Lynch	Robak	Warner
Hall				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 443.

A BILL FOR AN ACT relating to the Emergency Medical Technician-Paramedic Act; to amend sections 71-5502, 71-5508, 71-5510, 71-5514.01, 71-5515, and 71-5520, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to change qualifications for and conditions for administering care by certain emergency medical technicians; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Byars	Hartnett	Lindsay	Schimek
Ashford	Coordsen	Hillman	McKenzie	Schmitt
Avery	Crosby	Hohenstein	Moore	Vrtiska
Baack	Cudaback	Horgan	Pedersen	Wehrbein
Bernard-Stevens	Day	Hudkins	Pirsch	Wesely
Beutler	Dierks	Janssen	Preister	Wickersham
Bohlke	Elmer	Jones	Rasmussen	Will
Bromm	Fisher	Kristensen	Robinson	Witek
	Haberman	Landis	Schellpeper	Withem

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	Hall	Lynch	Robak	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 561.

A BILL FOR AN ACT relating to alcoholic liquor; to amend section 53-180.07, Revised Statutes Supplement, 1992; to change provisions relating to the defense to the charge of selling to a minor; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Byars	Hillman	McKenzie	Schmitt
Ashford	Coordsen	Hohenstein	Moore	Vrtiska
Avery	Crosby	Horgan	Pedersen	Wehrbein
Baack	Cudaback	Hudkins	Pirsch	Wesely
Bernard-Stevens	Day	Janssen	Preister	Wickersham
Beutler	Dierks	Jones	Rasmussen	Will
Bohlke	Elmer	Kristensen	Robinson	Witek
Bromm	Fisher	Landis	Schellpeper	Withem
	Hartnett	Lindsay	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Haberman

Excused and not voting, 5:

Chambers	Hall	Lynch	Robak	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 631.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1716.01, Reissue Revised Statutes of Nebraska, 1943; to provide for the automatic annexation of certain county roads; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Byars	Hartnett	McKenzie	Schmitt
Ashford	Coordsen	Hohenstein	Moore	Vrtiska
Avery	Crosby	Horgan	Pedersen	Wehrbein
Baack	Cudaback	Hudkins	Pirsch	Wesely
Bernard-Stevens	Day	Janssen	Preister	Wickersham
	Dierks	Jones	Rasmussen	Will
Beutler	Elmer	Kristensen	Robinson	Witek
Bohlke	Fisher	Landis	Schellpeper	Withem
Bromm	Haberman	Lindsay	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Hillman

Excused and not voting, 5:

Chambers	Hall	Lynch	Robak	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 789. With Emergency.

A BILL FOR AN ACT relating to water; to amend sections 46-231, 46-233, 46-288, 46-294, 46-677, 46-678, and 46-690, Reissue Revised Statutes of Nebraska, 1943, and section 46-657, Revised Statutes

Supplement, 1992; to change provisions relating to the amount of and application for an appropriation of water; to provide for a temporary permit to appropriate water; to redefine terms; to change provisions relating to intrabasin transfers of water; to provide for and change provisions relating to applications for ground water for industrial purposes; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Abboud	Bromm	Hartnett	Lindsay	Schellpeper
Ashford	Byars	Hillman	McKenzie	Schimek
Avery	Coordsen	Hohenstein	Moore	Schmitt
Baack	Crosby	Horgan	Pedersen	Wesely
Bernard-Stevens	Cudaback	Hudkins	Pirsch	Wickersham
	Day	Janssen	Preister	Will
Beutler	Elmer	Jones	Rasmussen	Witek
Bohlke	Fisher	Kristensen	Robinson	Withem

Voting in the negative, 4:

Dierks	Haberman	Vrtiska	Wehrbein

Present and not voting, 1:

Landis

Excused and not voting, 5:

Chambers	Hall	Lynch	Robak	Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 471. With Emergency.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1227 to 2-1229, Reissue Revised Statutes of Nebraska, 1943, and section 2-1207, Revised Statutes Supplement, 1992; to eliminate an exemption from a required deduction from wagers; to change requirements for simulcasting; to state intent; to define a term; to provide rights for horseracing industry participants; to require rules and regulations; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Byars	Hartnett	Lindsay	Schimek
Ashford	Coordsen	Hillman	McKenzie	Schmitt
Avery	Crosby	Hohenstein	Moore	Wehrbein
Baack	Cudaback	Horgan	Pedersen	Wesely
Bernard-Stevens	Day	Hudkins	Pirsch	Wickersham
	Dierks	Janssen	Preister	Will
Beutler	Elmer	Jones	Rasmussen	Witek
Bohlke	Fisher	Kristensen	Robinson	Withem
Bromm	Haberman	Landis	Schellpeper	

Voting in the negative, 0.

Present and not voting, 1:

Vrtiska

Excused and not voting, 5:

Chambers	Hall	Lynch	Robak	Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 27, 53, 187, 187A, 236, 306, 443, 561, 631, 789, and 471.

RESOLUTION

LEGISLATIVE RESOLUTION 78. Read. Considered.

LR 78 was adopted with 34 ayes, 0 nays, and 15 not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 121A. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 121, Ninety-third Legislature, First Session, 1993.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 170. Placed on Select File as amended.
E & R amendment to LB 170:
AM5465

1. On page 1, line 6, strike "and"; in line 7 after "oaths" insert ", fitness of an officer to serve, and discharge from service of the United States".

2. On page 4, line 16, strike "this code" and insert "the Nebraska Code of Military Justice"; and in lines 18, 22, and 23 strike "this" and insert "the".

3. On page 5, line 28, strike "where", show as stricken, and insert "when".

LEGISLATIVE BILL 682. Placed on Select File.

LEGISLATIVE BILL 779. Placed on Select File as amended.
E & R amendment to LB 779:
AM5463

1. On page 2, lines 7 and 11, strike the comma.

LEGISLATIVE BILL 570. Placed on Select File as amended.
E & R amendment to LB 570:
AM5464

1. On page 11, line 5, strike "acts" and insert "Environmental Protection Act and the Integrated Solid Waste Management Act".

LEGISLATIVE BILL 506. Placed on Select File as amended.
E & R amendment to LB 506:
AM5466

1. On page 2, line 27, strike the first and second commas and show as stricken.

LEGISLATIVE BILL 78. Placed on Select File.

LEGISLATIVE BILL 750. Placed on Select File as amended.
E & R amendment to LB 750:
AM5467

1. On page 3, line 9, strike "item" and insert "real estate or other property".

LEGISLATIVE BILL 448. Placed on Select File.

LEGISLATIVE BILL 468. Placed on Select File as amended.
E & R amendment to LB 468:
AM5468

1. On page 2, line 6, after the second "attorney" insert ", such person".

LEGISLATIVE BILL 690. Placed on Select File.
LEGISLATIVE BILL 617. Placed on Select File.
LEGISLATIVE BILL 719. Placed on Select File.

LEGISLATIVE BILL 544. Placed on Select File as amended.
E & R amendment to LB 544:
AM5469

1. On page 4, line 1, after "contract" insert an underscored comma; in line 2 strike "then" and insert "than" and after "year" insert an underscored comma; and in line 3 after "thereof" insert an underscored comma.

(Signed) Kurt A. Hohenstein, Chairperson

GENERAL FILE

LEGISLATIVE BILL 235. Considered.

Mr. Beutler offered the following amendment:
AM1231

(Amendments to AM1147)

1. Strike section 29.
2. On page 1, line 1, strike "sections 1 and" and insert "section"; and in line 6 strike "and 37-1101 to 37-1114".
3. Renumber the remaining sections.

The Beutler amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Wehrbein offered the following amendment:
AM1269

1. Insert the following new sections:

"Sec. 36. That section 81-805, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-805. Except as ~~herein~~ otherwise provided in this section, the Game and Parks Commission shall have sole charge of state parks, game and fish, recreation grounds, and all things pertaining thereto. All funds rendered available by law, including funds already collected for ~~said~~ such purposes, may be used by the commission in administering and developing such resources.

The commission shall adopt and carry into effect

plans to replenish and stock the state with game and, whenever it is in the best interest of the public to do so, to stock the streams, lakes, and ponds, whether public or private, of this state with fish. It may plan such extensions and additions to existing hatcheries and such new plants as may be necessary to supply fully the state with game and fish; and cause ~~said~~ such plans to be executed; after ascertaining the cost thereof.

With the consent of the Governor, it may by purchase, when funds on hand or appropriated therefor are sufficient, or by gift, devise, or otherwise; acquire title in the name of the State of Nebraska to sites ~~therein~~ situated outside organized municipalities except provided in section 37 of this act, for additional state parks, hatcheries, recreation grounds, game farms, game refuges, and public shooting grounds; and may enter into appropriate contracts with reference thereto, all within the limits of amounts that may be appropriated, contributed, or available. ~~therefor.~~ For these purposes, the commission may enter into appropriate contracts, leases, or lease-purchase agreements.

The commission, with the consent of the Governor, ~~is authorized to~~ may take, receive, and hold, either in the name of the state or in trust for the state, exempt from taxation, any grant or devise of lands and any gift or bequest of money or other personal property made in furtherance of the purposes contemplated by this section; and shall have such funds, or the proceeds of such property, invested. Such invested funds shall be known as the State Park and Game Refuge Fund; and shall be used and expended under the direction of the commission. Any money in the State Park and Game Refuge Fund available for investment shall be invested by the state investment officer pursuant to ~~the provisions of~~ sections 72-1237 to ~~72-1259~~ 72-1276.

The commission ~~is authorized to~~ may make a survey of all lands and areas in the state which are suitable for state parks, game refuges, or other similar purposes contemplated by this section; and ~~to~~ may locate and designate any or all of such lands or areas, or parts thereof; and ~~to~~ take such action as may tend to preserve or conserve ~~the same~~ them. The commission shall publish such informational material as it deems necessary and may, at its discretion, charge appropriate fees therefor.

The commission ~~is authorized and empowered to~~ may adopt and promulgate rules and regulations, under the procedures set forth in the Administrative Procedure Act, governing the administration and use of all property, real and personal, under its ownership or control, and the commission ~~is charged with the duty and responsibility of adopting such~~ shall adopt and promulgate regulations as it shall deem

necessary to administer the following activities and facilities:

(1) The commission may adopt rules and regulations to designate camping areas on appropriate lands under its ownership or control and to permit camping thereon. As a condition to such permission, the commission may prescribe such rules and regulations as are reasonable and proper governing public use of such camping areas including, but not limited to, access to camping areas, area capacity, sanitation, opening and closing hours, public safety, fires, establishment and collection of fees ~~where~~ when appropriate, protection of property, and zoning of activities. Such ~~, such~~ rules and regulations ~~to~~ shall be posted on appropriate signs at the areas, except ~~; PROVIDED,~~ that any person who camps on lands owned or controlled by the commission not designated as a camping area by the commission, or any person who fails to observe the conditions of occupancy, use, or access, posted as provided in this section, shall not have permission. Any person violating the provisions of the regulations ~~above~~ authorized in this subdivision shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(2) The commission may adopt rules and regulations permitting any type of fire, including the smoking of tobacco in any form, and providing for the size, location, and ~~the~~ conditions under which a fire may be established on any area under its ownership or control. The commission may enact rules and regulations permitting the possession, or use, of any type of fireworks not prohibited by law on any areas under its ownership or control. The commission may adopt rules and regulations authorizing management personnel to temporarily revoke permission by the posting of appropriate signs for all fires of any kind whatsoever, including smoking and the use of fireworks, in any area under its ownership or control, when such posting is in the interest of public health, safety, and welfare, or for the preservation of property. Any ~~; PROVIDED, that any~~ person who ~~shall light~~ lights any type of fire, ~~who shall use~~ uses any fireworks, ~~or who shall smoke~~ smokes tobacco in any form, or ~~who shall leave,~~ leaves unattended and unextinguished, any fire of any type in any location, in any area under the ownership or control of the commission, unless the commission ~~shall have~~ has given permission, which permission ~~shall not have~~ has not been revoked, to such type of fire, use or possession of fireworks, or to such smoking of tobacco, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(3) The commission may adopt rules and regulations permitting pets, domestic animals, and poultry, to be brought

upon, possessed, grazed, maintained, or run at large, on any area, or portion of any area, under its ownership or control. Any ~~; PROVIDED, that any~~ person who brings upon, possesses, grazes, maintains, or permits to run at large his or her pets, domestic animals, or poultry on any area, or portion of any area~~,~~ under the ownership or control of the commission, unless the commission ~~shall have~~ has permitted such bringing upon, possession, grazing, maintaining, or running at large, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(4) The commission ~~is authorized to~~ may enact rules and regulations, temporarily or permanently, permitting hunting, fishing, or the public use of firearms, bow and arrow, or any other projectile weapons or devices on any area or any portion of any area under its ownership or control. The commission ~~is authorized to~~ may enact special rules and regulations permitting trapping and other forms of fur harvesting on any such area or areas. Any ~~; PROVIDED, that any~~ person who, ~~shall,~~ without the permission of the commission~~, hunt, fish, trap, harvest~~ hunts, fishes, traps, harvests fur, or ~~use~~ uses firearms, bow and arrow, or any other projectile weapon or device on any area or any portion of any area under the ownership or control of the commission, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(5) The commission ~~is authorized to~~ may enact rules and regulations permitting swimming, bathing, boating, wading, water-skiing, and the use of any floatation device on all or any portion of any area under its ownership or control. Such regulations may include permission for swimming, bathing, boating, water-skiing, wading, ~~or~~ the use of floatation devices~~,~~ and all other water-related recreational activities in all areas, or any portion of any specific area, under the ownership or control of the commission~~,~~ and may provide for special general conditions for specific swimming, water-skiing, boating, bathing, or wading areas, which shall be posted at such areas. Any ~~; PROVIDED, that any~~ person who ~~shall swim, bathe, boat, wade, water-ski, or use~~ swims, bathes, boats, wades, water-skis, or uses any floatation device on all or any portion of any area under the ownership or control of the commission, unless the commission ~~shall have~~ has given permission for such activity in the specific area or portion thereof, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(6) The commission may enact rules and regulations relating to the protection, use, or removal of~~,~~ any public real or personal property on any area under its ownership or

control; and may regulate or prohibit the construction or installation of any privately owned structure on such area. The commission may close all or any portion of any area under its ownership or control to any form of public use or access with the erection of proper signs, without the enactment of formal written regulations. Any ~~; PROVIDED, that any~~ person who ~~shall,~~ without the permission of the commission~~, construct or install~~ constructs or installs any privately owned structure, or who ~~shall use or remove~~ uses or removes any public real or personal property, on any area under the ownership or control of the commission, or who ~~shall enter or remain~~ enters or remains upon all or any portion of any area under the ownership or control of the commission, ~~where~~ when proper signs or public notices prohibiting the same have been erected or displayed, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(7) Any person who ~~shall abandon~~ abandons any motor vehicle, trailer, or other conveyance, in any area under the ownership or control of the commission, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(8) The commission ~~is authorized to~~ may enact rules and regulations permitting the sale, trade, or vending of any goods, products, or commodities of any type in any area under its ownership or control. Any ~~; PROVIDED, that any~~ person who ~~shall sell, trade, or vend~~ sells, trades, or vends any goods, products, or commodities of any type, in any area under the ownership or control of the commission, without having received the prior permission of the commission for such activity, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(9) ~~Where~~ When the permission of the commission is required as a prerequisite to any activity set out in this section, such permission shall be established by resolution of the commission. Such ~~; PROVIDED, that such~~ resolution may set out the circumstances under which the supervisor or managing official in charge of any area under the ownership or control of the commission may give such permission in emergency situations, and such ~~resolutions~~ resolution may further provide for the revocation of such permission by the secretary of the commission, or by the supervisor or managing official of any area under the ownership and control of the commission. The commission, with regard to roads on any area under its ownership or control, may establish such regulations deemed necessary as authorized by sections 39-663 and 39-697. Any law enforcement official, including any conservation officer or deputy conservation officer, ~~is authorized to~~ may enforce

the provisions of this section and the rules and regulations established under the authority of sections 39-663 and 39-697. ~~Where~~ When a violation has occurred in or on any area under the ownership or control of the commission any conservation officer or deputy conservation officer may arrest and detain any person committing such violation~~,~~ or committing any misdemeanor or felony as provided by the laws of this state until a legal warrant can be obtained. Any person guilty of a violation as set forth in this section or rules and regulations established under the authority of sections 39-663 and 39-697 shall be guilty of a Class V misdemeanor.

The commission ~~is authorized to~~ may issue, regardless of any other requirements or qualifications of law, without cost, special fishing permits to wards of the state, on a group basis, for therapeutic purposes, when application has been made to the commission by the head of the appropriate state institution involved. The commission ~~is~~ may further ~~authorized to~~ enter into agreements with other states bordering on the Missouri River providing for reciprocal recognition of licenses, permits, and laws of the agreeing states. The commission may disseminate information on the state park system and the wildlife resources of the state so as to inform the public of the outdoor recreation opportunities to be found in Nebraska.

The commission ~~is authorized to~~ may grant easements across real estate under its control for purposes that are in the public interest and do not negate the primary purpose for which the real estate is owned or controlled by the commission.

Sec. 37. (1) The Game and Parks Commission may enter into an agreement to accept as a gift from the Nebraska Game and Parks Foundation all of the real estate described as: Lot 1 in the northwest quarter of the northwest quarter of section 8, township 8 north, range 14 east, Otoe County, Nebraska, except that part of Lot 1, commencing at the northwest corner of Lot 1, thence east 265 feet, thence south 462 feet, thence west 265 feet to a point on the west line of Lot 1, thence north 462 feet to the place of beginning, also described as the east 678.14 feet of Lot 1, all located in Otoe County, Nebraska, containing 7.1 acres more or less and including all gas, oil, and mineral rights.

(2) In consideration of such conveyance, the commission agrees that the land shall be designated and utilized as an addition to Arbor Lodge State Historical Park.".

2. In AM1147, on page 44, line 8, before "81-815" insert "81-805,".

3. Renumber the remaining sections accordingly.

The Wehrbein amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Moore offered the following amendment:
AM1474

(Amendments to AM1147)

1. On page 1, after line 15 insert:

"Prior to establishing any fee, the commission shall, at least thirty days prior to the hearing required in section 84-907, make the following information available for public review:

(1) The commission's policy on the minimum cash balance to be maintained in the fund in which the revenue from the fee being established is deposited and the justification in support of such policy;

(2) Monthly estimates of cash fund revenue, expenditures, and ending balances for the current fiscal year and the following two fiscal years for the fund in which the revenue from the fee being established is deposited. Estimates shall be prepared for both the current fee schedule and the proposed fee schedule; and

(3) A statement of the reasons for establishing the fee at the proposed level.".

The Moore amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

MESSAGE FROM THE GOVERNOR

April 19, 1993

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 635 was received in my office on April 14, 1993.

This bill was signed by me on April 19, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

UNANIMOUS CONSENT - Print in Journal

Mrs. Witek asked unanimous consent to print the following amendment to LB 717 in the Journal. No objections. So ordered.

AM1216

1. On page 2, after line 13, insert the following new section:

"Sec. 2. Notwithstanding any prior history of bargaining concerning permissive or mandatory subjects of bargaining, the power and authority of a state agency director to supervise, control, allocate compensation to, and assign his or her agency employees shall not be abrogated, diminished, or restricted by any labor agreement negotiated pursuant to the Industrial Relations Act.".

2. Renumber the remaining section accordingly.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 25. Reported to the Legislature for further consideration.

LEGISLATIVE RESOLUTION 74. Reported to the Legislature for further consideration.

(Signed) DiAnna R. Schimek, Chairperson

EXPLANATION OF VOTE

Had I been present, I would have voted yes on LBs 471, 27, 187, 187A, 236e, 306, 443, 561, 631, and 789 and no on LB 53.

(Signed) Jennie Robak

GENERAL FILE

LEGISLATIVE BILL 757. Title read. Considered.

Standing Committee amendment, AM1004, found in the Journal on page 1192, was considered.

Mr. Abboud renewed his pending amendment, AM1247, found in the Journal on page 1349, to the Standing Committee amendment.

Mr. Landis requested a ruling of the Chair on whether the Abboud amendment is germane to the Standing Committee amendment.

The Chair ruled the Abboud amendment is not germane to the Standing Committee amendment.

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Landis withdrew his pending amendment, AM1030, found in the Journal on page 1219.

Mr. Landis renewed his pending amendment, AM1188, found in the Journal on page 1281.

Mr. Lindsay offered the following amendment to the Landis pending amendment:
FA95
Amend AM1188 by striking section 1.

Messrs. Moore and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion lost with 14 ayes, 10 nays, and 25 not voting.

Messrs. Robinson and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 440 in the Journal. No objections. So ordered.

AM1454

1. Strike original section 15 and all amendments thereto and insert the following new sections:

"Sec. 9. That section 66-602, Revised Statutes Supplement, 1992, be amended to read as follows:

66-602. For purposes of the Special Fuel Tax Act, unless the context otherwise requires:

(1) Person shall mean any individual, firm, partnership, company, agency, association, corporation, state, county, municipality, or other political subdivision. Whenever a fine, imprisonment, or both are prescribed or imposed in the act, the word person as applied to a partnership or an association shall mean the partners or members thereof;

(2) Department shall mean the Motor Fuel Tax

Enforcement and Collection Division of the Department of Revenue;

(3) Highway shall mean every way or place generally open to the use of the public for the purpose of vehicular travel, even though such way or place may be temporarily closed or travel thereon restricted for the purpose of construction, maintenance, repair, or reconstruction;

(4) Special fuel shall mean all combustible gases and liquids suitable for the generation of power for propulsion of motor vehicles, except that it does not include motor vehicle fuel kerosene-1 meeting the specifications as found in the American Society For Testing and Materials publication D3699-92 entitled Standard Specifications for Kerosene;

(5) Special fuel importer shall include (a) any person who imports or causes to be imported into the State of Nebraska special fuel, (b) any person who produces, refines, manufactures, or compounds special fuel, or (c) any person who purchases for sale special fuel from an importer described in subdivision (5)(a) or (b) of this section, if any part of such special fuel is for use, distribution, sale, or delivery in the State of Nebraska. The person who imports or causes to be imported special fuel shall be the seller or buyer who is transporting the fuel or is directly responsible to the person transporting the fuel for the costs of transportation;

(6) Special fuel user shall mean any person who is not a special fuel importer, who has special fuel storage facilities designed or equipped to fuel motor vehicles, and who owns or has licensed one or more vehicles that (a) are propelled by the type of special fuel stored, (b) are not subject to either section 66-491 or licensing under section 66-1406, and (c) are farm trucks or passenger cars as defined in section 60-301;

(7) Motor vehicle shall have the same definition as in section 60-301; and

(8) Gross gallons shall mean measured gallons without correction or adjustment for temperature or barometric pressure. For nonliquid special fuel, the department shall determine the gallon equivalent of such fuel in its normal unit of sale based on its B.T.U. content.

Sec. 17. That section 66-1226, Revised Statutes Supplement, 1992, be amended to read as follows:

66-1226. (1) The Legislature hereby adopts by reference the American Society For Testing and Materials ~~publication D4814-89~~ publications D4814-92 entitled Standard Specifications for Automotive Spark Ignition Engine Fuels and D3699-92 entitled Standard Specifications for Kerosene. The Department of Agriculture shall file copies of such ~~publication~~ publications with the Secretary of State and Clerk

of the Legislature.

(2) Commencing on ~~January 1, 1992~~ July 1, 1993, all automotive spark ignition engine fuels sold in Nebraska shall meet the specification as found in the American Society For Testing and Materials publication ~~D4814-89~~ D4814-92 entitled Standard Specifications for Automotive Spark Ignition Engine Fuels. Any person who violates this subsection shall be guilty of ~~an infraction pursuant to section 29-431 to 29-438~~ a Class I misdemeanor for the first violation and a Class IV felony for all subsequent violations.

(3) Commencing July 1, 1993, kerosene-1 meeting the specifications as found in the American Society For Testing and Materials publication D3699-92 entitled Standard Specifications for Kerosene shall not be sold for use in any motor vehicle licensed for operation upon the highways of Nebraska. Any person who violates this subsection shall be guilty of a Class I misdemeanor for the first violation and a Class IV felony for all subsequent violations.

~~(3)~~ (4) For purposes of this section, automotive spark ignition engine fuels shall mean gasoline and its blends with oxygenates such as alcohol and ethers.".

2. Correct the operative date provision and repealer so that the sections added by this amendment become operative on July 1, 1993.

3. Renumber the remaining sections accordingly.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 19, 1993, at 10:50 a.m., were the following bills: 27, 53, 187, 187A, 236, 306, 443, 561, 631, 789, and 471.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 302. Placed on General File as amended.
Standing Committee amendment to LB 302:
AM1501

1. Strike the original sections and insert the following new sections:

"Section 1. Any water appropriation which has not been canceled or annulled and which is attached to a tract of land which has not had water beneficially applied to it for more than three consecutive years may be transferred in accordance with sections 46-288 to 46-294 and shall be exempt from being declared forfeited and annulled or canceled and

annulled pursuant to sections 46-229 to 46-229.05 if the tract of land under the appropriation is:

(1) A contiguous parcel of less than twenty acres which, due to its irregular shape or size, is impractical for irrigation or cultivation using modern farming equipment;

(2) A ditch, lateral, canal, or right-of-way therefor;

(3) A public road or public road right-of-way;

(4) A railway or railway right-of-way;

(5) A utility right-of-way;

(6) A shelterbelt or woodlot;

(7) A homestead or farmstead;

(8) A livestock feedlot; or

(9) A tract which has had water under its appropriation beneficially applied to a receiving tract or tracts of the same cumulative acreage or less within the boundaries of an irrigation district, mutual irrigation company, or public power and irrigation district in at least one of the years prior to the effective date of this act, by virtue of an official action taken prior to August 26, 1983, by an irrigation district, mutual irrigation company, public power and irrigation district, or the United States Bureau of Reclamation pursuant to the Federal Reclamation Act of 1902 and the amendments thereto, except that:

(a) The water appropriation may not be transferred unless water has been beneficially applied to the receiving tract or tracts in at least one of the preceding three consecutive years, except as provided in subdivision (9)(b) or (d) of this section;

(b) If the period of nonuse has not exceeded ten consecutive years, sufficient cause shall be deemed to exist to permit the transfer if such nonuse was the result of one or more of the following:

(i) The receiving tract or tracts of land were placed under an acreage reserve program or production quota program or otherwise withdrawn from use as required for participation in any federal or state programs;

(ii) Federal, state, or local laws, rules, or regulations temporarily prevented or restricted such use;

(iii) The available water supply was inadequate to enable the owner to use the water for a beneficial useful purpose;

(iv) Use of the water was unnecessary because of climatic conditions;

(v) Circumstances were such that a prudent person, following the dictates of good husbandry, would not have been expected to use the water;

(vi) The works, diversions, or other facilities essential to the water were destroyed by a cause not within

the control of the owner and good faith efforts to repair or replace the works, diversions, or facilities have been or are being made;

(vii) The owner of the receiving tract or tracts was in active involuntary service in the armed forces of the United States or was in active voluntary service during a time of crisis; or

(viii) Legal proceedings prevented or restricted the use of the water;

(c) If it is determined that water has not been put to a beneficial use on the receiving tract or tracts for more than ten consecutive years, the water appropriation shall not be transferred except as provided in subdivision (9)(d) of this section; and

(d) If it is determined that nonuse on the initial receiving tract or tracts occurred as specified in subdivisions (1) through (8) of this section, the water right may be transferred.

Under no circumstances shall the amount or the rate of diversion be increased above the amount or rate specified for each original appropriation in the records of the Department of Water Resources.

This section shall terminate on December 31, 1996. An appropriation which is the subject of an application to transfer filed after such date may be canceled and annulled for nonuse.

Sec. 2. That section 46-229, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-229. All appropriations for water must be for some beneficial or useful purpose and, except as provided in sections 46-290 to 46-294, when the appropriator or his or her successor in interest ceases to use it for such purpose for more than three consecutive years, the right ~~ceases~~ may be terminated only by the Director of Water Resources following a hearing pursuant to sections 46-229.02 to 46-229.05.

Sec. 3. That original section 46-229, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

(Signed) Chris Beutler, Chairperson

VISITORS

Visitors to the Chamber were 48 third grade students and sponsor from Tecumseh; 26 exchange students from Spain, Italy, Germany, Sweden, Norway, Finland, Australia, and France and eight chaperones; 52 eighth grade students and teacher from Cathedral of the Risen Christ, Lincoln; and 27 fourth grade students and teacher from Anderson Grove Elementary, Omaha.

RECESS

At 12:06 p.m., on a motion by Mr. Withem, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Bromm, Chambers, Mmes. Robak, and Witek who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 757. The Lindsay pending amendment, FA95, found in this day's Journal, to the Landis pending amendment, AM1188, found in the Journal on page 1281, was renewed.

Messrs. Jones and Moore asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Coordsen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

The Lindsay amendment lost with 4 ayes, 33 nays, 10 present and not voting, and 2 excused and not voting.

Mr. Hall requested a division of the question on the Landis pending amendment, AM1188.

The Chair sustained the division of the question.

The first Landis amendment is as follows:
FA96

1. Insert the following new sections:

Sec. 13. That section 48-145.04, Revised Statutes Supplement, 1992, be amended to read as follows:

48-145.04. (1) The Nebraska Workers' Compensation Court shall, prior to January 1 of each year, estimate as closely as possible the actual cost to the court of evaluating an application for self-insurance and supervising and administering the self-insurance program for the ensuing year and assess the amount thereof, but not to exceed two thousand dollars, against each applicant for self-insurance in this state. Such assessment shall be in addition to the payments

required by subdivision (1)(b) of section 48-145 and sections 20 and 37 of this act. The court shall notify each applicant of the amount of the individual assessment. Such assessment shall be due and payable with the application for self-insurance. If any assessment is not paid, the application shall not be considered.

(2) All payments received under subsection (1) of this section shall be ~~promptly paid~~ remitted to the State Treasurer ~~for deposit in the state treasury~~ for credit to the ~~Self-Insurance Cash Fund which is hereby created~~ Compensation Court Cash Fund. Such ~~fund~~ payments shall be expended solely for evaluating applications for self-insurance and to aid in supervising and administering the self-insurance program. After the first year, the balance remaining ~~in such fund~~ of such payments at the time each annual assessment is made shall be taken into account when the total assessment for the ensuing year is made.

(3) Any money in the Self-Insurance Cash Fund on the operative date of this section shall be transferred to the Compensation Court Cash Fund on such date. ~~available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.~~

~~(4) The State Treasurer shall furnish monthly to the compensation court a statement of the Self-Insurance Cash Fund setting forth the balance as of the first day of the preceding month, the income and its sources, the payments from such fund in itemized form, and the balance as of the last day of the preceding month.~~

Sec. 41. That original section 48-145.04, Revised Statutes Supplement, 1992, is repealed.".

2. On page 4, line 8, after "including" insert ", but not limited to,"; in line 10 after the first comma insert "and" and strike ", and hours worked" and in line 16 after "rules" insert "and regulations".

3. On page 8, lines 8 and 9, reinstate the stricken matter.

5. On page 10, line 8, after "insurer" insert ", a risk management pool,"; and in line 23 after "insurer" insert ", risk management pool,".

7. On page 30, line 12, strike "section 30" and insert "sections 31 to 33".

8. On page 33, line 18, strike "workers" and insert "employees".

9. On page 44, lines 10 and 11 and 23; and page 45, line 17, strike "17 and 18" and insert "19 and 20".

10. On page 44, line 20, after the first comma insert "48-145.04,".

11. On page 45, line 5, strike "act" and insert "section".

12. On page 49, line 8, strike "and 17 to 21" and insert "7, and 19 to 23".
and in line 23
strike "29" and insert "31".
14. On page 52, line 1, strike "29 to 31" and insert "31 to 33".
15. On page 55, line 23, strike "employer" and insert "employed".
16. On page 58, strike beginning with "34" in line 7 through "35" in line 8 and insert "36 and 37"; in line 11 strike "29 to 31 and 37" and insert "13, 19 to 23, 29, 31 to 33, 39, and 40".
17. Renumber remaining sections accordingly.

Mr. Hall offered the following amendment to the Landis pending amendment:
FA100
Amend the Landis amendment (FA96)
on p. 5, line 3 reinstate the stricken language "and hours worked"

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Hall amendment lost with 6 ayes, 22 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

MRS. CROSBY PRESIDING

Mr. Baack asked unanimous consent to be excused. No objections. So ordered.

The first Landis pending amendment, FA96, was adopted with 28 ayes, 2 nays, 15 present and not voting, and 4 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 669 in the Journal. No objections. So ordered.

AM1456

(Amendments to Standing Committee amendments, AM1080)

1. On page 67, after line 16 insert the following:

"On the operative date of this section, the cash balances remaining in the control of the Board of Examiners in Social Work and the Board of Examiners in Professional Counseling shall be transferred to the Board of Examiners in Mental Health Practice.".

Messrs. Warner, Withem, Coordsen, Will, Kristensen, Wickersham, Landis, and Schellpeper asked unanimous consent to print the following amendment to LB 658 in the Journal. No objections. So ordered.

AM1516

(Amendments to Standing Committee amendments, AM0177)

1. Insert the following new section:

"Sec. 8. That section 77-2704.07, Revised Statutes Supplement, 1992, be amended to read as follows:

77-2704.07. Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of any newspaper regularly issued at average intervals not exceeding one week if such newspaper contains matters of general interest and reports of current events or newspaper advertising supplements distributed with any newspaper regardless of whether or not the retailer takes possession of the supplement from the printer before delivery of the supplement is made to the newspaper.".

2. Insert the following new amendment:

"2. On page 6, line 25, strike 'or' and show as stricken; and in line 28 after the semicolon insert 'or

(v) Oxygen for use in aquaculture as defined in section 2-3804.01;'.".

3. On page 19, line 11, strike "third" and insert "first"; and in line 12 before the semicolon insert "and after the second comma insert '77-2704.07,' ".

4. Renumber the remaining sections and amendments accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 536 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1505.)

Ms. Day asked unanimous consent to print the following amendment to LB 564 in the Journal. No objections. So ordered.

AM1543

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) It shall be unlawful for any person under twenty-one years of age to operate or be in the actual physical control of any motor vehicle:

(a) When such person has a concentration of two-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood but less than the concentration prescribed under subdivision (1)(b) of section 39-669.07; or

(b) When such person has a concentration of two-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath but less than the concentration prescribed under subdivision (1)(c) of section 39-669.07.

(2) Enforcement of this section by state or local law enforcement agencies shall be accomplished only as a secondary action when the driver of a motor vehicle has been cited for a violation of some other offense.

Sec. 2. (1) Any person who operates or has in his or her actual physical control a motor vehicle in this state shall be deemed to have given his or her consent to submit to a chemical test or tests of his or her blood or breath for the purpose of determining the concentration of alcohol in such blood or breath.

(2) Any peace officer who has been duly authorized to make arrests for violations of traffic laws of this state or of ordinances of any city or village may require any person under twenty-one years of age who has been cited for some offense to submit to a chemical test or tests of his or her blood or breath for the purpose of determining the concentration of alcohol in such blood or breath when the officer has reasonable grounds to believe that such person was driving or was in the actual physical control of a motor vehicle in this state in violation of section 1 of this act. Such peace officer may require such person to submit to a preliminary breath test. Any person who refuses to submit to such preliminary breath test or whose preliminary breath test results indicate an alcohol concentration in violation of section 1 of this act shall be placed under arrest.

(3) Any person arrested as provided in this section may, upon the direction of a peace officer, be required to submit to a chemical test or tests of his or her blood or breath for a determination of the concentration of alcohol. If the chemical test discloses the presence of a concentration of alcohol in violation of section 1 of this act, the person shall be found guilty of a traffic infraction as defined in section 168, Legislative Bill 370, Ninety-third Legislature,

First Session, 1993, and upon conviction shall have his or her operator's license impounded by the court for thirty days for the first violation of section 1 of this act and impounded by the court for up to six months for the second or subsequent violations of section 1 of this act. Any person who refuses to submit to such test or tests required pursuant to this section shall not have the tests taken but shall be found guilty of a traffic infraction as defined in section 168, Legislative Bill 370, Ninety-third Legislature, First Session, 1993, and upon conviction shall have his or her operator's license impounded by the court for ninety days for the first refusal to submit to such tests required pursuant to this section and impounded by the court for six months for the second or subsequent refusal to submit to such tests required pursuant to this section.

Sec. 3. A person whose operator's license has been impounded pursuant to section 2 of this act may have his or her operator's license returned upon payment of a fee of fifty dollars to the clerk of the county court after the period of impoundment is over. If such person has had no other violations of section 1 or 2 of this act during the time of impoundment of the operator's license, the record of such impoundment shall be expunged. The clerk of the county court shall remit all such fees to the State Treasurer for credit to the Youth Alcohol Prevention Education Cash Fund.

Sec. 4. There is hereby created the Youth Alcohol Prevention Education Cash Fund to which the fees collected pursuant to section 3 of this act shall be credited. The fund shall be administered by the Division on Alcoholism and Drug Abuse of the Department of Public Institutions and shall be used for the Regional Prevention Center's Small Grant Program.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 5. That section 39-669.11, Revised Statutes Supplement, 1992, be amended to read as follows:

39-669.11. (1) Any test made under section 39-669.08, if made in conformity with the requirements of this section, shall be competent evidence in any prosecution under a state statute or city or village ordinance involving operating a motor vehicle while under the influence of alcoholic liquor or drugs or involving driving or being in actual physical control of a motor vehicle when the concentration of alcohol in the blood or breath is in excess of allowable levels.

(2) Any test made under section 2 of this act, if made in conformity with the requirements of this section, shall be competent evidence in any prosecution involving operating or being in actual physical control of a motor

vehicle in violation of section 1 of this act.

(3) ~~(2)~~ To be considered valid, tests of blood, breath, or urine made under section 39-669.08 or section 2 of this act shall be performed according to methods approved by the Department of Health and by an individual possessing a valid permit issued by such department for such purpose, except that a physician, registered nurse, or other trained person employed by a licensed institution or facility which is defined in section 71-2017.01 or clinical laboratory certified pursuant to the Nebraska Clinical Laboratories Certification Act, the federal Clinical Laboratory Improvement Act of 1967, as amended, or Title XVIII or XIX of the federal Social Security Act to withdraw human blood for scientific or medical purposes, acting at the request of a law enforcement officer, may withdraw blood for the purpose of a test to determine the alcohol concentration or the presence of drugs and no permit from the department shall be required for such person to withdraw blood pursuant to such an order. The department may approve satisfactory techniques or methods to perform such tests and may ascertain the qualifications and competence of individuals to perform such tests and issue permits which shall be subject to termination or revocation at the discretion of the department.

(4) ~~(3)~~ A permit fee may be established by regulation by the department which shall not exceed the actual cost of processing the initial permit. Such fee shall be charged annually to each permitholder. The fees shall be used to defray the cost of processing and issuing the permits and other expenses incurred by the department in carrying out this section. The fee shall be remitted to the State Treasurer for credit to the Department of Health Cash Fund as a laboratory service fee.

(5) ~~(4)~~ Relevant evidence shall not be excluded in any prosecution under a state statute or city or village ordinance involving operating a motor vehicle while under the influence of alcoholic liquor or drugs or involving driving or being in actual physical control of a motor vehicle when the concentration of alcohol in the blood, breath, or urine is in excess of allowable levels on the ground that the evidence existed or was obtained outside of this state.

Sec. 6. That section 39-669.12, Revised Statutes Supplement, 1992, be amended to read as follows:

39-669.12. Any physician, registered nurse, other trained person employed by a licensed institution or facility which is defined in section 71-2017.01 or clinical laboratory certified pursuant to the Nebraska Clinical Laboratories Certification Act, the federal Clinical Laboratory Improvement Act of 1967, as amended, or Title XVIII or XIX of the federal Social Security Act to withdraw human blood for scientific or

medical purposes, or hospital shall be an agent of the State of Nebraska when performing the act of withdrawing blood at the request of a law enforcement officer pursuant to section 39-669.08 and section 2 of this act. The state shall be liable in damages for any illegal or negligent acts or omissions of such agents in performing the act of withdrawing blood. The agent shall not be individually liable in damages or otherwise for any act done or omitted in performing the act of withdrawing blood at the request of a law enforcement officer pursuant to ~~section 39-669.08~~ such sections except for acts of gross negligence of the agent or of persons employed by such agent.

Sec. 7. That section 39-669.13, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-669.13. Upon the conviction of any person for violation of ~~the provisions of~~ section 1 of this act or section 39-669.07, or of driving a motor vehicle while under the influence of alcoholic liquor or of any drug in violation of any city or village ordinance, there shall be assessed as part of the court costs the fee charged by any physician or any agency administering tests pursuant to a permit issued in accordance with section 39-669.11, for the test administered and the analysis thereof under the provisions of section 39-669.08 and section 2 of this act, if such test was actually made.

Sec. 8. That section 39-6,122, Revised Statutes Supplement, 1992, be amended to read as follows:

39-6,122. Sections 39-601 to 39-6,122 and sections 1 to 4 and 9 of this act shall be known and may be cited as the Nebraska Rules of the Road.

Sec. 9. Sections 1 to 4 of this act shall not operate to prevent any person, regardless of age, from being prosecuted or having any action taken pursuant to section 39-669.07 or 39-669.08 or having his or her operator's license revoked pursuant to sections 39-669.15 to 39-669.18 for violation of section 39-669.07 or 39-669.08 or from being prosecuted or having any action taken under any other provision of law. If such person is believed to be under the influence of alcoholic liquor pursuant to section 39-669.07 or 39-669.08, sections 1 to 4 of this act shall not operate to prevent such person from prosecution under section 39-669.07 or 39-669.08 even if sections 1 to 4 of this act apply.

Sec. 10. This act shall become operative on January 1, 1994.

Sec. 11. That original section 39-669.13, Reissue Revised Statutes of Nebraska, 1943, and sections 39-669.11, 39-669.12, and 39-6,122, Revised Statutes Supplement, 1992, are repealed.".

NOTICE OF COMMITTEE HEARING
Education

Governor Appointments Wednesday, May 5, 1993 1:00 p.m.
Sharon Rankin - ETV Commissioner
Harold McClure - ETV Commissioner
Richard Powell - Educational Lands and Funds (rescheduled)

(Signed) Ron Withem, Chairperson

ATTORNEY GENERAL'S OPINIONS

Opinion No. 93029

DATE: April 15, 1993

SUBJECT: AM0916: Amendment to LB 137 Making Ten-Year Statute of Repose in Neb. Rev. Stat. § 25-224 Inapplicable to Products Manufactured Outside Nebraska

REQUESTED BY: Senator Stan Schellpeper
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Jan E. Rempe, Assistant Attorney General

You have proposed an amendment to Legislative Bill 137 making the ten-year statute of repose in Neb. Rev. Stat. § 25-224(2) (1989) inapplicable "to products manufactured outside of the State of Nebraska." Your proposed amendment would also add the following section to § 25-224:

> It is the intent of the Legislature that the changes made to this section by this legislative bill be applied retroactively to revive causes of action for injury caused by defective products which were barred by interpretation of this section prior to the effective date of this act. It is further the intent of the Legislature to protect Nebraska Manufacturers and to foster a good business climate in the state.

AM0916, § 6 (1993).

You have asked whether these provisions violate the Commerce Clause of the U.S. Constitution. Based on the following analysis, we conclude that AM0916 violates the Commerce Clause, as well as the due process guarantee in the Nebraska Constitution. U.S. Const. art. I, § 8, cl. 3; Neb. Const. art. I, § 3.

I. DISCUSSION

A. Commerce Clause

The Commerce Clause of the U.S. Constitution grants Congress the power "{t}o regulate Commerce . . . among the several States." U.S. Const. art. I, § 8, cl. 3. Although Congress has such power, it may

remain silent on potential areas of federal regulation because of the local character, number, and diversity of these subject areas. City of Philadelphia v. New Jersey, 437 U.S. 617, 623 (1978). "In the absence of federal legislation, these subjects are open to control by the States so long as they act within the restraints imposed by the Commerce Clause itself." Id. Accord Raymond Motor Transp. v. Rice, 434 U.S. 429, 440 (1978). Thus, the Supreme Court has stated that the affirmative grant of power to Congress contained in the Commerce Clause also encompasses a "negative" or "dormant" aspect which prohibits states from engaging in economic protectionism--that is, imposing "regulatory measures designed to benefit in-state economic interests by burdening out-of-state competitors." New Energy Co. of Indiana v. Limbach, 486 U.S. 269, 273-74 (1988). See Fort Gratiot Sanitary Landfill, Inc. v. Michigan Dep't of Natural Resources, 112 S. Ct. 2019, 2023 (1992); Healy v. Beer Institute, Inc., 109 S. Ct. 2491, 2494 n.1 (1989).

The Supreme Court has gradually defined the restraints imposed upon states by the Commerce Clause in light of the basic purposes of the Clause.

> {T}he rationale of the commerce clause was to create and foster the development of a common market among the states, eradicating internal trade barriers, and prohibiting the economic Balkanization of the Union. Approval of discriminatory regulation enacted by one state would merely serve to invite retaliatory legislation by the burdened jurisdictions. . . . When local legislation thwarts the operation of the common market of the United States, the local laws have then exceeded the permissible limits of the dormant commerce clause.

2 Ronald D. Rotunda & John E. Nowak, Treatise on Constitutional Law § 11.1, at 4 (2d ed. 1992). See Healy, 109 S. Ct. at 2499 (the Constitution is concerned with maintaining a "national economic union unfettered by state-imposed limitations on interstate commerce and with the autonomy of the individual States within their respective spheres"); City of Philadelphia, 437 U.S. at 623 (since the nation is our economic unit, the states are not separable economic units; one state may not economically isolate itself in its dealings with other states).

Giving effect to these purposes, the Supreme Court has defined the Commerce Clause restraints applicable to state regulation using a two-tiered approach: (1) a per se rule of invalidity and (2) a balancing approach. Brown-Forman Distillers Corp. v. New York State Liquor Auth., 476 U.S. 573, 578-79 (1986).

1. Per Se Rule of Invalidity

"When a state statute directly regulates or discriminates against interstate commerce, or when its effect is to favor in-state economic interests over out-of-state interests, we have generally struck down the statute without further inquiry." Id. Some of the Court's decisions have called this approach a virtual "per se rule of invalidity," applicable to state laws which constitute discriminatory economic protectionism. Northwest Central Pipeline Corp. v. State Corp.

Comm'n of Kansas, 489 U.S. 493, 523 (1989); City of Philadelphia, 437 U.S. at 624.

Under this tier of Commerce Clause analysis, a state statute which clearly discriminates against interstate commerce will be held unconstitutional " 'unless the discrimination is demonstrably justified by a valid factor unrelated to economic protectionism.' " Fort Gratiot, 112 S. Ct. at 2024 (quoting New Energy, 486 U.S. at 274). See Healy, 109 S. Ct. at 2501. Economic protectionism may be evidenced by discriminatory purpose or discriminatory effect. Chemical Waste Management, Inc. v. Hunt, 112 S. Ct. 2009, 2015 n.6 (1992).

It is the state's burden to justify discrimination against interstate commerce by establishing the local benefits served by the statute and the unavailability of nondiscriminatory alternatives which would adequately further these local interests. Id. at 2014. " 'At a minimum such facial discrimination invokes the strictest scrutiny of any purported legitimate local purpose and of the absence of nondiscriminatory alternatives.' " Id.

2. Balancing Approach

When a statute "has only indirect effects on interstate commerce and regulates evenhandedly, we have examined whether the State's interest is legitimate and whether the burden on interstate commerce clearly exceeds the local benefits." Brown-Forman, 476 U.S. at 579. This approach, developed by the Court in Pike v. Bruce Church, Inc., 397 U.S. 137 (1970), involves a lesser degree of scrutiny than the per se rule of invalidity outlined above, but is only available when "other legislative objectives are credibly advanced and there is no patent discrimination against interstate trade." City of Philadelphia, 437 U.S. at 624. See Chemical Waste Management, 112 S. Ct. at 2014 n.5.

The Court has noted a lack of clear separation between state regulation which is per se invalid under the Commerce Clause, and that which is subject to the Pike balancing approach. "In either situation the critical consideration is the overall effect of the statute on both local and interstate activity." Brown-Forman, 476 U.S. at 579.

3. Applicability of Commerce Clause Analysis to AM0916

> Although statute of limitations defenses are not a fundamental right, it is obvious that they are an integral part of the legal system and are relied upon to project the liabilities of persons and corporations active in the commercial sphere. The State may not withdraw such defenses on conditions repugnant to the Commerce Clause. Where a State denies ordinary legal defenses or like privileges to out-of-state persons or corporations engaged in commerce, the state law will be reviewed under the Commerce Clause to determine whether the denial is discriminatory on its face or an impermissible burden on commerce.

Bendix Autolite Corp. v. Midwesco Enterprises, Inc., 486 U.S. 888, 893 (1988) (citation omitted). Therefore, the amendment at issue is subject to Commerce Clause analysis.

The proposed amendment directly discriminates against interstate commerce by excepting out-of-state manufacturers from the protection

afforded by the ten-year statute of repose in section 25-224(2). By its stated intent of protecting Nebraska manufacturers and fostering a favorable business climate in the state, the amendment clearly furthers in-state economic interests by burdening out-of-state interests.

Since this type of economic protectionism is the stated intent, as well as the effect, of the proposed amendment, there is no evidence of a valid factor unrelated to such protectionism which would justify the amendment. Further, it appears that nondiscriminatory alternatives which would adequately foster the state's business climate exist, such as simply retaining the current statute of repose in section 25-224(2) for all products--whether manufactured in or outside the state.

Such blatant discriminatory economic protectionism, in both purpose and effect, without a legitimate local purpose unrelated to such protectionism and with nondiscriminatory alternatives available, would probably be held unconstitutional under the per se rule of invalidity described above.

Even assuming the proposed amendment had only indirect effects on interstate commerce, regulated evenhandedly, and was not patently discriminatory against interstate trade--therefore making the amendment subject to the balancing approach--the amendment would still be unconstitutional. The proposed amendment places a substantial burden on interstate commerce by forcing out-of-state manufacturers to choose between moving their manufacturing operations to Nebraska in order to be eligible for the liability protection provided by the statute of repose in section 25-224(2), and forfeiting this protection by continuing to manufacture outside the state, thereby remaining subject to product liability suits in Nebraska indefinitely. Such a significant burden cannot be outweighed by the local benefits achieved through an amendment based on burdening out-of-state competitors in order to benefit Nebraska's economic interests--the very type of discriminatory economic protectionism the dormant Commerce Clause is intended to prohibit.

Because Nebraska's interest and purpose in enacting this amendment is not legitimate under Commerce Clause analysis and because the burden on interstate commerce clearly exceeds local benefits, the proposed amendment would also violate the Commerce Clause under the balancing approach.

B. Due Process

In Givens v. Anchor Packing, Inc., 237 Neb. 565, 466 N.W.2d 771 (1991), the Nebraska Supreme Court evaluated the constitutionality of retroactively applying an amendment to section 25-224 which excepted actions to recover damages for asbestos-related injuries from the four-year statute of limitations in section 25-224(1) and the ten-year statute of repose in section 25-224(2). The court held that the amendment could not be applied retroactively because while the Legislature may change statutes prescribing limitations on actions, it may not remove a bar or limitation which has already become complete. Id. at 568-69, 466 N.W.2d at 773.

The court's stated rationale for its decision was Article I, Section 3 of the Nebraska Constitution, which prevents one from being denied their property without due process of law. Id. at 569, 466 N.W.2d at 773.

> The immunity afforded by a statute of repose is a right which is as valuable to a defendant as the right to recover on a judgment is to a plaintiff; the two are but different sides of the same coin. Just as a judgment is a vested right which cannot be impaired by a subsequent legislative act, so, too, is immunity granted by a completed statutory bar. These are substantive rights recognized by Nebraska law and protected by its Constitution.

Id. at 569, 466 N.W.2d at 773-74 (citations omitted). The court reiterated that a completed statutory bar is a "substantive, vested right which the Legislature cannot abrogate." Id. at 571, 466 N.W.2d at 774-75. See also Stewart v. Keyes, 295 U.S. 403 (1935) (denial of due process to allow suit to recover property where the action had been barred by a completed statutory limitations period).

Your proposed amendment to section 25-224 states that the amendment is to be applied retroactively to revive causes of action that have been previously extinguished by a completed statutory bar in section 25-224. Under Givens, out-of-state companies have a vested property right in the immunity to suit provided by a completed statutory bar, such as the ten-year statute of repose in section 25-224(2). Reviving causes of action already barred by this statute of repose would deprive these out-of-state companies of their vested rights in violation of the due process guarantee found in Nebraska's Constitution.

II. CONCLUSION

Proposed Amendment 0916 violates both the Commerce Clause of the U.S. Constitution and the due process guarantee provided in the Nebraska Constitution. U.S. Const. art. I, § 8, cl. 3; Neb. Const. art. I, § 3.

We note that you have also asked us to suggest other methods of achieving the Legislature's desired result which would be more likely to withstand constitutional challenge. While we believe that specific strategic and drafting decisions should be undertaken by the Legislature in this matter, we generally suggest that provisions aimed at benefiting Nebraska's economy should not do so by impermissibly burdening out-of-state competitors, in purpose or effect. Further, the amendment should not seek to revive previously barred causes of action.

Sincerely,
DON STENBERG
Attorney General

(Signed) Jan E. Rempe
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
13-357-6.93D

Opinion No. 93030

DATE: April 9, 1993

SUBJECT: School Employees Retirement Act. Increased school district general fund expenditures mandated by LB 292 of the Ninety-third Legislature (1993) are not exempt from the growth limitations of the Tax Equity and Educational Opportunities Support Act.

REQUESTED BY: Senator Thomas R. Horgan, Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General, Harold Mosher, Senior Assistant Attorney General

The statutory stated purpose of the School Retirement System is to provide "retirement allowances or other benefits for school employees of the State of Nebraska." Neb. Rev. Stat. § 79-1502 (Cum. Supp. 1992). It is funded by monetary contributions made by school employees, their employers and the state. Neb. Rev. Stat. §§ 79-1531 and 79-1540 (Cum. Supp. 1992). The term "employer" is defined in the School Employees Retirement Act to mean "the State of Nebraska or any subdivision thereof or agency of the state or subdivision authorized by law to hire school employees or to pay their compensation." See, Neb. Rev. Stat. § 79-1501(7)(Supp. 1992). Assets of the School Retirement System are credited, according to the purpose for which they are held, to the Expense Fund or to one of five accounts, namely, the School Employees Savings Account, the School Employers Deposit Account, the Service Annuity Account, the Annuity Reserve Account, and the Contingent Account. Neb. Rev. Stat. § 79-1545 (Cum. Supp. 1992). Money in these accounts available for investment is invested by the state investment officer pursuant to Neb. Rev. Stat. §§ 72-1237 to 72-1269 (Reissue 1990), as amended.

If it becomes operative law, LB 292 of the Ninety-third Legislature, First Session (1993), would amend several operative statutes which comprise the School Retirement Act including Neb. Rev. Stat. §§ 79-1520, 79-1522.01 and 79-1549 (Cum Supp. (1992). Among other things, LB 292 would change the minimum age at which school employees could retire and increase the factor by which retirement allowances are determined and paid in certain cases which in turn could (although not necessarily) cause employer general fund budgets to increase over present amounts. In addition, LB 292 would create a Reserve Fund (hereinafter, "fund"). Section 4 of the amendments to LB 292 states "Required deposits from the compensation of members and employers shall be accumulated in the fund to provide a cost-of-living benefit adjustment for each person who is retired or each

surviving beneficiary who is receiving a retirement annuity from the School Retirement System of the State of Nebraska." This section also states:

(2) Member contributions into the fund shall equal three-tenths of one percent of compensation. Employer contributions into the fund shall be one hundred one percent of member contributions to the fund. (Emphasis added.)

In sum, LB 292 could cause employer general fund budgets to increase over present amounts, other things being equal, due to (1) the change in minimum age requirements for retirement allowances, (2) the mandated increase in the factor by which retirement allowances are determined and paid in certain cases and (3) the mandated expanded employer contributions to a reserve fund created by this legislative bill. Consequently, increases in employer budgets brought about by the operation of LB 292 as originally amended would not be subject to the growth limitations of Neb. Rev. Stat. §79-3819 (Cum. Supp. 1992).

Caveat. After you submitted your subject opinion request to this office, LB 292 was further amended on April 5, 1993. That amendment states as follows:

1. Insert the following new section:

Sec. 7. Any expenditure made by a school district pursuant to sections 79-1522.01, 79-1545, and 79-1549 as changed by this legislative bill and section 4 of this act shall be considered a general fund expenditure of the district and shall not be exempt from the growth limitations placed on district spending by the Tax Equity and Educational Opportunities Support Act.

2. On page 1, lines 5 and 6, strike "section 4" and insert "sections 4 and 7".

3. Renumber the remaining sections accordingly.

The message in the above quoted amendment of April 5, 1993, seems clear: Increased school district general fund expenditures mandated by LB 292 of the Ninety-third Legislature are not exempt from the growth limitations of the Tax Equity and Educational Opportunities Support Act.

Respectfully submitted,
DON STENBERG
Attorney General
(Signed) Harold I. Mosher
Senior Assistant Attorney General

20-219-3.1
cc: Patrick J. O'Donnell
Clerk of the Legislature

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 804. Placed on General File as amended.
Standing Committee amendment to LB 804:

AM1500

1. Strike the original sections and insert the following new sections:

"Section 1. That section 68-1019, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1019. (1) Medical assistance on behalf of recipients shall be paid directly to vendors.

(2) On behalf of recipients over sixty-five years of age, medical assistance shall include care in an institution for mental diseases.

(3) On behalf of all recipients, medical assistance shall include:

(a) Inpatient ~~other inpatient~~ and outpatient hospital care;

(b) Laboratory ~~, laboratory~~ and X-ray services;

(c) Nursing ~~, nursing~~ home services;

(d) Care ~~, care~~ home services;

(e) Home ~~, home~~ health care services;

(f) Nursing ~~, nursing~~ services;

(g) Clinic ~~, clinic~~ services;

(h) Services ~~, services~~ of practitioners licensed by the Department of Health; ; and

(i) Such ~~such~~ drugs, appliances, and health aids as may be prescribed by practitioners licensed by the Department of Health.

(4) The Director of Social Services shall adopt and promulgate rules and regulations which provide limits as to the amount, duration, or scope of services or goods recipients may receive under the medical assistance program if such services or goods are not required under Title XIX of the Social Security Act. No limits as to the amount, duration, or scope of services or goods shall be made that affect the receipt of medically necessary services or goods. Prior to the adoption of such rules and regulations, the director shall provide a report to the Governor and the Legislature outlining proposed limits for the next fiscal year. Such report shall be provided to the Governor and the Legislature by December 1 of each year. No rules or regulations to implement such limits shall be put into effect until July 1 following the report.

Sec. 2. The Department of Social Services shall develop a mechanism to monitor the effect of the limitations imposed by section 68-1019 and sections 3 and 4 of this act which shall include a report of the extent of the shifting by recipients from services which are no longer covered to other services. The report shall include the amount of such shifting and the costs. The report shall be provided to the Governor and the Legislature.

Sec. 3. The Department of Social Services shall

restrict, to the extent possible, each medical assistance recipient to a single pharmacy for purposes of monitoring the number of prescriptions utilized by the recipient.

Sec. 4. (1) For the fiscal year beginning July 1, 1993, the Department of Social Services may initiate the following limits as to scope, duration, or amount of services or goods recipients may receive under the medical assistance program:

(a) Chiropractic services for all eligible groups: Limit the number of manual manipulations to eighteen treatments in a five-month period and limit coverage of stabilization of care to one visit per month;

(b) Podiatric services for all eligible groups: Reduce payment by twelve percent for surgical procedures if done in a hospital outpatient setting rather than in the office of a podiatrist;

(c) Occupational therapy, physical therapy, and speech, hearing, and language therapy for adults: Limit coverage of therapy provided by home health agencies and emphasize an increase in independent therapy by these health care providers;

(d) Limit amount of payments for ventilator-dependent recipients to the cost of care of average institutional costs and limit other in-home nursing costs to the case mix level sixty-nine per diem for nursing facilities;

(e) Dental services for adults: Eliminate coverage of cast partial dentures and eliminate coverage of partial dentures except to replace front teeth;

(f) Visual care: Require all routine eye exams to be billed at the intermediate level of care, set maximum payment levels for eyeglass lenses rather than pay laboratory invoice costs, require medical necessity for eyeglass tints and UV coating, and replace frames with the same frame style if within one year of purchase;

(g) Durable medical equipment: Reduce payment levels for equipment and supplies, simplify policies and procedures for converting durable medical equipment rental to purchase, and eliminate future coverage of external powered prosthetic devices;

(h) Hearing aids: Reduce hearing aid dispensing fees;

(i) Further expand the mandate to use bioequivalent generic drugs;

(j) Transportation services: Eliminate transportation to non-medicaid covered services, reimbursements and lodging when provided through a hospital shall be included in medical transportation under medicaid, and set taxi reimbursement at seventy-five percent of customary charge; and

(k) Eliminate coverage of mileage and conference fees for home-based service providers providing outpatient psychiatric services for adults.

(2) For the fiscal year beginning July 1, 1993, the Department of Social Services shall not institute limits in scope, duration, or amount which (a) eliminate coverage of dentures, (b) limit coverage of wheelchairs and augmentation communication devices, (c) eliminate coverage of power wheelchairs for clients receiving sixteen hours of caregiver assistance a day, (d) limit coverage of hearing aids to one aid for each adult client, (e) limit prescriptions to a set number per month per recipient, or (f) limit outpatient mental health services sessions.

Sec. 5. That original section 68-1019, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Don Wesely, Chairperson

GENERAL FILE

LEGISLATIVE BILL 757. The second Landis amendment is as follows:
FA97

13. On page 51, strike beginning with "in" in line 1 through "Labor" in line 2; strike lines 5 through 9 and insert:

"(2)(a) For employers subject to collective bargaining agreements, the establishment of the safety committee shall be accomplished through the collective bargaining process.

(b) For employers not subject to collective bargaining agreements, the safety committee shall be composed of an equal number of members representing employees and the employer. Employee members shall not be selected by the employer but shall be selected pursuant to procedures prescribed in rules and regulations adopted and promulgated by the Commissioner of Labor.

(c) The cost of maintaining and operating the safety committee shall be minimal to the employer.";

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

Mr. Lindsay offered the following amendment to the Landis pending amendment:
FA101

Amend AM1188 as follows:

Add a new section:

"If an employer fails to establish a safety committee pursuant to section 29 of this act, unreasonably fails to implement recommendations of a safety committee, or fails to eliminate within a reasonable time as specified by the Commissioner of Labor a hazard identified pursuant to section 33 of this act, the employee may pursue an action for damages for personal injury or death as prescribed by section 48-103 and 48-145, subsection (3)."

Messrs. Kristensen, Withem, and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?"

Mr. Landis moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The motion to cease debate prevailed with 25 ayes, 5 nays, and 19 not voting.

The Lindsay amendment lost with 8 ayes, 28 nays, 7 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Beutler offered the following amendment to the Landis pending amendment:

AM1542

(Amendments to AM1188)

1. On page 7, line 17, after the underscored period insert "No public or private employer with less than twenty-five employees shall be required to establish or maintain a safety committee if the employer has no claims filed against such employer's account during the previous three calendar years.".

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

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

Mr. Beutler requested a record vote on his amendment.

Voting in the affirmative, 10:

Ashford	Beutler	Janssen	Preister	Wickersham
Bernard-Stevens	Hohenstein	Pirsch	Wesely	Will

Voting in the negative, 21:

Bohlke	Day	Hall	Pedersen	Schellpeper
Byars	Dierks	Hudkins	Rasmussen	Schmitt
Coordsen	Elmer	Jones	Robak	Vrtiska
Crosby	Fisher	Landis	Robinson	Warner
Cudaback				

Present and not voting, 12:

Abboud	Hartnett	Lindsay	McKenzie	Schimek
Avery	Hillman	Lynch	Moore	Wehrbein
Haberman	Horgan			

Excused and not voting, 6:

Baack	Chambers	Kristensen	Witek	Withem
Bromm				

The Beutler amendment lost with 10 ayes, 21 nays, 12 present and not voting, and 6 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 587 in the Journal. No objections. So ordered.

AM0871

1. Insert the following new sections:

"Sec. 10. The Campaign Finance Limitation Act shall become operative for elections held after January 1, 1995.

Sec. 18. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 3, line 3, strike "9" and insert "10".

3. Renumber the remaining sections accordingly.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 757 in the Journal. No objections. So ordered.

FA102

Amend AM1188 by adding the following section:

1. On p. 55, line 10, after "Program", insert ", or who unreasonably fails to implement recommendations of a safety committee referred to in section 29,"

Mr. Lindsay asked unanimous consent to print the following amendment to LB 757 in the Journal. No objections. So ordered.

FA103

Amend AM1188 by inserting after "employer;" insert "and in line 25, after "50," insert "or has unreasonably failed to implement a recommendation of a safety committee," "

VISITORS

Visitors to the Chamber were 25 seventh grade students and teachers from Ewing.

ADJOURNMENT

At 4:40 p.m., on a motion by Mr. Abboud, the Legislature adjourned until 9:00 a.m., Tuesday, April 20, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTY-THIRD DAY - APRIL 20, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

SIXTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 20, 1993

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

PRAYER

The prayer was offered by Pastor Robert Swanson, Havelock Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Avery, Bernard-Stevens, Chambers, Hall, Hartnett, Kristensen, Lindsay, Moore, Robinson, Warner, Withem, Mmes. Bohlke, Pirsch, Witek, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-second day was approved.

REPORT

Received minutes from the Nebraska Department of Roads of the Board of Public Roads Classifications and Standards for March 1993.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 78.

GENERAL FILE

LEGISLATIVE BILL 757. The second Landis pending amendment, FA97, found in the Journal on page 1627, was renewed.

Mr. Will offered the following Hall amendment to the Landis pending amendment:
FA104
Amend the Landis amendment (FA97)
Page 7, line 2 strike the words after "page 51," "strike beginning with "in" in line 1 through "Labor" in line 2,"

Mr. Will withdrew the Hall amendment.

Mr. Abboud renewed the Lindsay pending amendment, FA102, found in the Journal on page 1629, to the Landis pending amendment.

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

Mr. Fisher moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Lindsay withdrew his amendment.

Mr. Lindsay asked unanimous consent to replace his pending amendment, FA103, found in the Journal on page 1630, with a substitute amendment. No objections. So ordered.

Mr. Lindsay withdrew his pending amendment, FA103, found in the Journal on page 1630.

Mr. Lindsay offered the following substitute amendment, to the Landis pending amendment:
FA105
Amend AM1188 to LB 757 by inserting after "employer" on page 7, line 17 the following new section:
"(3) Each safety committee shall designate an employee member of the committee to report to the Occupational Safety and Health Administration any unreasonable failure to implement a recommendation of a safety committee."

Pending.

UNANIMOUS CONSENT - Print in Journal

Messrs. Withem, Baack, and Bernard-Stevens asked unanimous consent to print the following amendment to LB 348 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1541.)

Mr. Ashford asked unanimous consent to print the following amendment to LB 627 in the Journal. No objections. So ordered.

AM1549

(Amendments to E & R amendments, AM5453)

1. On page 10, strike lines 19 through 23 and insert:

"(6) Offender shall mean any person who has been convicted of a felony or a misdemeanor but shall not include any person who (a) has been or could have been found to be an habitual criminal under section 29-2221, (b) has knowingly or intentionally manufactured, distributed, delivered, dispensed, or possessed with intent to manufacture, distribute, deliver, or dispense a controlled substance in violation of the Uniform Controlled Substances Act, or (c) has been convicted of any crime of violence; and".

Mr. Ashford asked unanimous consent to print the following amendment to LB 117 in the Journal. No objections. So ordered.

AM1547

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. (1) Any person who stores or leaves a loaded firearm on his or her premises when he or she is not physically on the premises shall keep the firearm secured by one or more of the following means:

(a) A trigger lock mechanism;

(b) Stored in a securely locked box or container;

(c) Located in a place that a reasonable person would believe to be secure; or

(d) Some other method that a reasonable person would believe to be secure.

(2)(a) A person who violates subsection (1) of this section shall be guilty of a Class I misdemeanor if a minor obtains a loaded firearm and uses the firearm to cause serious bodily harm to himself, herself, or another person.

(b) A person who violates subsection (1) of this section shall be guilty of a Class II misdemeanor if a minor obtains a loaded firearm and (i) discharges the firearm causing property damage in excess of three hundred dollars, (ii) exhibits the firearm in a public place, (iii) endangers another person's safety by the operation or handling of the firearm, or (iv) uses the firearm in a rude, careless, angry, or threatening manner.

(3) A law enforcement officer may not arrest a person for a violation of subsection (1) of this section until at least seven days after the date of the shooting if the person is or was the parent or guardian of the minor who was injured or died. In such a case the prosecuting attorney may consider, among other factors, the impact of the injury or death on the person when deciding whether to charge the person with a violation of such subsection. This subsection shall not restrict the factors which a prosecuting attorney may consider when deciding whether to charge any person with an offense.

(4) This section shall not apply (a) if the minor obtains a loaded firearm from a law enforcement officer or member of the armed forces engaged in the lawful performance of his or her duties or as a result of an illegal entry to the premises by a person or (b) to incidents of target practice on a range or a course of instruction on the safe, traditional, and proper use of firearms.

Sec. 2. (1) A person who holds a federal firearms license and who sells, trades, or transfers a firearm shall deliver a written warning to the purchaser or transferee which states the following in block letters of not less than one-quarter inch height.

IT IS UNLAWFUL AND PUNISHABLE BY IMPRISONMENT, A FINE, OR BOTH FOR ANY PERSON TO STORE OR LEAVE A LOADED FIREARM IN ONE'S PREMISES UNATTENDED AND WITHIN THE REACH OR EASY ACCESS OF A MINOR.

(2) All federally licensed firearms dealers, including retail or wholesale stores, shall conspicuously post a notice at each counter used in the sale of firearms and at each entrance to the premises used for the sale of firearms, and all gun shows shall conspicuously post a notice at each entrance and exit to the gun show. The notice required by this subsection shall state the following in block letters of not less than one inch height.

IT IS UNLAWFUL TO STORE OR LEAVE A LOADED FIREARM ANY PLACE ON AN UNATTENDED PREMISES WITHIN THE REACH OR EASY ACCESS OF A MINOR.

(3) Any person who knowingly fails to provide the warning or notice required by this section shall be guilty of a Class I misdemeanor.

Sec. 3. For purposes of sections 1 and 2 of this act:

(1) Firearm shall mean a weapon from which projectiles are discharged using an explosive charge; and

(2) Minor shall mean a person under sixteen years of age.

Sec. 4. That section 28-101, Revised Statutes Supplement, 1992, be amended to read as follows:

28-101. Sections 28-101 to 28-1348 and sections 1 to 3 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 5. That original section 28-101, Revised Statutes Supplement, 1992, is repealed.".

2. On page 1, strike beginning with "the" in line 1 through line 4 and insert "firearms; to amend section 28-101, Revised Statutes Supplement, 1992; to require firearms to be stored securely as prescribed; to require notices and warnings upon the sale, trade, or transfer of a firearm; to define terms; to provide penalties for violations; to harmonize provisions; and to repeal the original section.".

RESOLUTION

LEGISLATIVE RESOLUTION 79. Introduced by Coordsen, 32.

WHEREAS, Adolf C. Divoky has by his Last Will and Testament conveyed to the Game and Parks Commission property located in Saline County, Nebraska, which will be maintained as a game preserve for public outdoor recreation activities; and

WHEREAS, the Game and Parks Commission has the general authority to acquire real estate with the consent of the Governor by gift; and

WHEREAS, in the interest of promoting outdoor opportunities for Nebraskans, the Legislature wishes to grant approval for the Game and Parks Commission to obtain title to all or any part of such land.

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

1. That the Legislature approves the gift from Adolf C. Divoky to the Game and Parks Commission of all of the real estate described as:

The northeast quarter of section 1, township 6 north, range 2 east of the sixth principal meridian, Saline County, Nebraska, containing 160 acres more or less.

2. That such approval is granted with the understanding that the land described shall be designated and utilized as a wildlife management area.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 79 was referred to the Reference Committee.

MESSAGES FROM THE GOVERNOR

April 15, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Arts Council, requiring legislative approval.

APPOINTEE: Anne B. Rismiller, 1223 South 113 Court, Omaha, NE 68144

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 15, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

APPOINTEE: DiAnn Petersen, 201 N. Dewey, North Platte, NE 69101

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 15, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Commission for the Hearing Impaired, requiring legislative approval.

APPOINTEE: Phyllis J. Johnson, 608 Norman Avenue, Crete, NE 68333

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 15, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Commission for the Hearing Impaired, requiring legislative approval.

APPOINTEE: Jerry Siders, 6231 Read Street, Omaha, NE 68152-2232

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 15, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Commission for the Hearing Impaired, requiring legislative approval.

APPOINTEE: Marion Reyburn, 1405 N. 102 Avenue, Omaha, NE 68114

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 16, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Public Employees Retirement Board, requiring legislative approval.

APPOINTEE: Jacqueline M. Hartnett, P.O. Box 106, Hubbard, NE 68741

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

GENERAL FILE

LEGISLATIVE BILL 757. The Lindsay pending amendment, FA105, found in this day's Journal, to the Landis pending amendment, FA97, found in the Journal on page 1627, was renewed.

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

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Lindsay requested a record vote on his amendment.

Voting in the affirmative, 10:

Abboud	Hartnett	Lynch	Rasmussen	Will
Chambers	Lindsay	Preister	Schimek	Withem

Voting in the negative, 18:

Avery	Crosby	Janssen	Pirsch	Wehrbein
Bromm	Dierks	Jones	Schmitt	Wickersham
Byars	Fisher	Landis	Vrtiska	Witek
Coordsen	Haberman	Pedersen		

Present and not voting, 18:

Ashford	Beutler	Hillman	Kristensen	Robinson
Baack	Bohlke	Hohenstein	McKenzie	Schellpeper
Bernard-Stevens	Cudaback	Horgan	Moore	Wesely
	Elmer	Hudkins	Robak	

Excused and not voting, 3:

Day	Hall	Warner

The Lindsay amendment lost with 10 ayes, 18 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Will offered the following Hall amendment to the Landis pending amendment:
FA106
Amend AM1188 to LB 757 as follows:
Insert a new section:
18. On page 55, line 11, after the period insert, "The Commissioner of Labor shall order a civil penalty of not more than ten thousand dollars for each violation."

Mr. Fisher moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

The Hall amendment lost with 4 ayes, 21 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Will offered the following Hall amendment to the Landis pending amendment:
FA107
Amend the Landis Amendment
on page 7, lines 16 & 17 strike the new language.

"(c) The cost of maintaining and operating the safety committee shall be minimal to the employer."

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

VISITORS

Visitors to the Chamber were six eighth grade students and sponsor from Cedar Canyon School, Gering; and 45 fourth grade students and teacher from Ackerman Elementary, Omaha.

RECESS

At 11:56 a.m., on a motion by Mr. Abboud, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Bernard-Stevens, Chambers, Hall, Landis, Lynch, Moore, Pedersen, Robinson, Mmes. McKenzie, and Pirsch who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 231. Considered.

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

Mr. Ashford offered the following amendment:
FA108
Amend by striking in Section 1 the following.
"A compact which is negotiated pursuant to this section shall be executed by the Governor without ratification by the Legislature".

Mr. Cudaback asked unanimous consent to be excused. No objections. So ordered.

Mrs. Robak and Mr. Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 75.

UNANIMOUS CONSENT - Print in Journal

Mr. Jones asked unanimous consent to print the following amendment to LB 139 in the Journal. No objections. So ordered.

AM1559

1. On page 2, line 13, after the period insert "The brand committee shall not enter into a contract to collect assessments unless the committee will be responsible for collecting assessments throughout the state on sales occurring either within or outside brand areas.".

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 551. Placed on General File as amended.
Standing Committee amendment to LB 551:
AM1544

1. On page 2, line 13, strike "program" and insert "foundation"; in line 14 after "underprivileged" insert "or at-risk"; in lines 15 and 16 strike "the above" and insert "such"; and strike beginning with "A" in line 16 through line 20 and insert "The foundation shall not be eligible to raise revenue through the charitable gaming activities enumerated in Chapter 9.".

(Signed) DiAnna R. Schimek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 231. The Ashford pending amendment, FA108, found in this day's Journal, was renewed.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Ashford moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Wesely requested a record vote on the Ashford amendment.

Voting in the affirmative, 21:

Abboud	Beutler	Landis	Pirsch	Wehrbein
Ashford	Byars	Lindsay	Preister	Wesely
Avery	Coordsen	Moore	Schimek	Witek
Bernard-Stevens	Haberman	Pedersen	Vrtiska	Withem
	Horgan			

Voting in the negative, 22:

Baack	Elmer	Hudkins	McKenzie	Schmitt
Bromm	Fisher	Janssen	Rasmussen	Warner
Crosby	Hartnett	Jones	Robinson	Wickersham
Day	Hillman	Kristensen	Schellpeper	Will
Dierks	Hohenstein			

Present and not voting, 1:

Lynch

Excused and not voting, 5:

Bohlke	Chambers	Cudaback	Hall	Robak

The Ashford amendment lost with 21 ayes, 22 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Ashford withdrew his pending amendment, AM0798, found in the Journal on page 945.

Mr. Ashford asked unanimous consent to replace his pending amendment, AM1127, found in the Journal on page 1521, with a substitute amendment. No objections. So ordered.

Mr. Ashford withdrew his pending amendment, AM1127, found in the Journal on page 1521.

Mr. Ashford offered the following substitute amendment:
AM1581

1. On page 3, strike beginning with "To" in line 2 through "law" in line 4 and insert "Prohibit casino forms of gaming conducted on tribal lands except those specific types and methods of gaming permitted by Nebraska law".

Mr. Beutler offered the following amendment to the Ashford pending amendment:
AM1590

1. On page 3, strike beginning with "To" in line 2 through "law" in line 4 and insert "Prohibit Class III forms of gaming, as defined in 25 U.S.C. 2703, as of the effective date of this act, conducted on tribal lands except those specific types and methods of gaming currently permitted by Nebraska statutes".

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

The Beutler amendment was adopted with 22 ayes, 0 nays, 22 present and not voting, and 5 excused and not voting.

MRS. CROSBY PRESIDING

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

The Ashford amendment, as amended, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Schellpeper renewed his pending amendment, AM1485, found in the Journal on page 1575.

Mr. Beutler requested a division of the question on the Schellpeper amendment.

PRESIDENT MOUL PRESIDING

The Chair sustained the division of the question.

The first Schellpeper amendment is as follows:
FA109

"Sec. 3. Any compact entered into between the State of Nebraska and any Indian tribe having jurisdiction over Indian lands in the state prior to the effective date of this act shall remain in full force and effect according to its own terms and conditions.

Mr. Schellpeper withdrew his first amendment, FA109.

The second Schellpeper amendment is as follows:
FA110

1. Strike original section 3 and insert the following new sections:

Sec. 4. Since an emergency exists, this act shall

be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 2, line 6, strike "gambling" and insert "gaming".

The second Schellpeper amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 500. Title read. Considered.

Standing Committee amendment, AM0624, found in the Journal on page 875, was considered.

Mrs. Rasmussen and Mr. Lindsay offered the following amendment to the Standing Committee amendment:
AM1585

(Amendments to Standing Committee amendments, AM0624)

1. Insert the following new section:

"Sec. 56. (1) It is the policy of this state to assure the right of children, when it is in their best interests, to frequent and continuing contact with parents who have shown the ability to act in the best interests of the children and to encourage parents to share in the rights and responsibilities of raising their children after divorce or separation.

(2) In any final decree or decree of modification in an action for dissolution of marriage, declaration concerning the validity of a marriage, legal separation, or declaration of paternity, regardless of the determination of the court relating to the custody of a minor child, (a) each parent shall continue to have full and equal access to the education and medical records of his or her child unless the court orders to the contrary and (b) either parent may make emergency decisions affecting the health or safety of his or her child while the child is in the physical custody of such parent.

(3) A decree in such an action which includes a determination of custody of a minor child shall include the following statements:

(a) The party who has custody or physical possession of the child:

(i) Shall provide the child with regular and nutritious food, clean and appropriate clothing, sanitary living and sleeping quarters, and appropriate medical and dental examinations;

(ii) Shall require the child to attend school unless

excused for medical reasons or excused by the school or by the court;

(iii) Shall personally supervise and control the conduct of the child except when he or she is at school, in known and usual recreational activities, or in the immediate care of another competent person; and

(iv) Shall advise persons entitled to visitation of all school or police disciplinary contacts, all medical contacts and reports, and all other important developments in the life and activities of the child;

(b) Unless otherwise provided, the person having visitation may take the child to such reasonable places for such activities as such person may determine. The custodial parent shall have the child ready and available promptly for all visits, and if advised in advance, the custodial parent shall provide the child with such special and additional clothing as may be appropriate for the planned activities. If a child is invited or desires to participate in other activities which may interfere with a visit, the custodial parent shall not encourage, permit, or consent to such activities without previous approval of the person whose visitation will be interfered with and shall not deprecate the denial of such approval. The person entitled to visitation may correspond with the child, and the custodial parent shall not censor such correspondence;

(c) Willful violation of any of the order or directives set forth in the statements prescribed in subdivisions (3)(a) and (3)(b) of this section shall be considered contempt of court. Upon conviction a person may be fined or imprisoned; and

(d) Either party having knowledge of a violation of the order may make application under oath to the court for a citation for contempt or the court may do so on its own motion. The person making such application shall be responsible for the presentation of legal evidence in support thereof. If such citation is issued, the party or parties concerned shall be notified to appear and make answer thereto. A frivolous application shall result in appropriate action by the court.".

2. On page 2, line 2, before the period insert "; and in line 9 strike 'This' and insert 'Section 56 of this act shall become operative on its effective date. The other sections of this' ".

3. Renumber the remaining sections accordingly.

The Rasmussen-Lindsay amendment was adopted with 21 ayes, 0 nays, 23 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 500A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 507. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Will asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 724. Title read. Considered.

Standing Committee amendment, AM0729, printed separately from the Journal and referred to on page 1045, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 697. Title read. Considered.

Standing Committee amendment, AM0902, found in the Journal on page 1073, was considered.

Ms. Schimek renewed her pending amendment, AM1507, found in the Journal on page 1575, to the Standing Committee amendment.

The Schimek amendment was adopted with 21 ayes, 0 nays, 20 present and not voting, and 8 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

Mr. Lynch and Mrs. McKenzie asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 587. Title read. Considered.

Standing Committee amendment, AM0610, found in the Journal on page 908, lost with 1 aye, 20 nays, 18 present and not voting, and 10 excused and not voting.

Mr. Baack renewed his pending amendment, AM0871, found in the Journal on page 1629.

The Baack amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 80. Introduced by Landis, 46; Wickersham, 49; Bromm, 23; Abboud, 12; Hohenstein, 17; Beutler, 28.

WHEREAS, Harvey S. Perlman is a native Nebraskan who grew up in York, graduated from the University of Nebraska-Lincoln and from the University of Nebraska College of Law, and served with distinction as a Professor of Law at the College of Law following his graduation; and

WHEREAS, Dean Perlman's national prominence was enhanced during subsequent years at the prestigious University of Virginia School of Law, and he honored his native state and his Nebraska education by returning in 1983 as Dean of the University of Nebraska College of Law; and

WHEREAS, Dean Perlman's first ten years as Dean of the University of Nebraska College of Law have been extraordinary in strengthening all aspects of the college's programs. He has continued to be an excellent classroom teacher, legal scholar, and expert in the law of torts and unfair competition and has been active in representing Nebraska as a Commissioner on Uniform State Laws, a member of the American Law Institute, and committees of the American Bar Association.

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

1. The Legislature hereby recognizes with pride the distinguished service of an outstanding native son, Harvey S. Perlman, and his contributions to legal education, to the graduates of the University of Nebraska College of Law, and to the people of Nebraska on the occasion of the tenth anniversary of his return to Nebraska as Dean of the University of Nebraska College of Law.

2. That a copy of this resolution be delivered to Harvey S. Perlman, Dean of the University of Nebraska College of Law.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Will asked unanimous consent to print the following amendment to LB 757 in the Journal. No objections. So ordered.

AM1586

1. Strike the original sections and all amendments thereto and insert the following new section:

"Section 1. That sections 48-101 to 48-103, 48-105 to 48-112, 48-114 to 48-119, 48-120.01, 48-121, 48-122 to 48-123, 48-125.01 to 48-127, 48-129 to 48-139, 48-142 to 48-145.03, 48-146 to 48-146.02, 48-147 to 48-154, 48-155.01, 48-157 to 48-159, 48-159.08, 48-160, 48-162, 48-162.01, 48-164 to 48-168, 48-171 to 48-177, 48-178.01, 48-187, 48-190 to 48-192, and 48-194 to 48-1,109, Reissue Revised Statutes of Nebraska, 1943, and sections 48-120, 48-121.01, 48-124, 48-125, 48-128, 48-140, 48-141, 48-145.04, 48-146.03, 48-155, 48-156, 48-161, 48-162.02, 48-163, 48-169, 48-170, 48-178, 48-179 to 48-182, 48-185, 48-186, 48-188, 48-193, and 48-1,110, Revised Statutes Supplement, 1992, are repealed.".

Mr. Hohenstein asked unanimous consent to print the following amendment to LB 124 in the Journal. No objections. So ordered.

AM1583

1. Strike original sections 3 to 5 and insert the following new sections:

"Sec. 3. That section 48-1118, Revised Statutes Supplement, 1992, be amended to read as follows:

48-1118. (1) Whenever it is charged in writing under oath or affirmation by or on behalf of a person or persons claiming to be aggrieved and such charge sets forth the facts upon which it is based that an employer, employment agency, or labor organization has engaged in an unlawful employment practice, the commission shall furnish such employer, employment agency, or labor organization with a copy of such charge within ten days, including a statement of the date, place, and circumstances of the alleged unlawful

employment practice. Prior to initiating any investigation, the commission shall screen a charge pursuant to an established, clearly defined, prescreening procedure to determine legal jurisdiction to handle such charge. Any charge without sufficient legal jurisdiction shall not be investigated and notice of such prescreening determination shall be promptly conveyed to the person claiming to be aggrieved. When a charge is determined to be within the legal jurisdiction of the commission, the commission ~~, and~~ shall make an investigation of such charge, but such charge shall not be made public by the commission. If the commission determines after such investigation that there is not reasonable cause to believe that the charge is true, it shall dismiss the charge and promptly notify the person claiming to be aggrieved and the respondent of its action. If the commission determines after such investigation that there is reasonable cause to believe that the charge is true, the commission shall endeavor to eliminate any such alleged unlawful employment practice and settle any claim by informal methods of conference, conciliation, ~~and~~ persuasion, mediation, or arbitration. Nothing said or done during and as a part of such endeavors may be made public by the commission without the written consent of the parties or used as evidence in a subsequent proceeding. Any officer or employee of the commission, who ~~shall make~~ makes public in any manner whatever any information in violation of this subsection, shall be guilty of a Class III misdemeanor except as provided in subdivision (3) of section 48-1117.

(2) A written charge of violation of the Nebraska Fair Employment Practice Act shall be filed within ~~one hundred eighty~~ three hundred days after the occurrence of the alleged unlawful employment practice, and notice of the charge, including a statement of the date, place, and circumstances of the alleged unlawful employment practice, shall be served upon the person against whom such charge is made within ten days thereafter.

(3) In connection with any investigation of a charge filed under this section, the commission or its authorized agents may, at any time after a charge is filed, issue or cause to be served interrogatories and shall have at all reasonable times access to, for the purposes of examination, and the right to copy any evidence or records of any person being investigated or proceeded against that relate to unlawful employment practices covered by the act and are relevant to the charge under investigation. The commission may seek judicial enforcement through the office of the Attorney General to require the answering of interrogatories and in order to gain access to evidence or records.

Sec. 4. That section 48-1119, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

48-1119. (1) In case of failure to eliminate any unlawful employment practice by informal methods of conference, conciliation, ~~and~~ persuasion, mediation, or arbitration, the commission may bring a civil action against any respondent which is not a governmental agency or political subdivision named in the charge. In the case of a respondent which is a governmental agency or political subdivision, if the commission has been unable to secure from the respondent a conciliation agreement acceptable to the commission, the commission shall take no further action and shall refer the case to the office of the Attorney General who may bring a civil action against such respondent in the appropriate district court. The person or persons aggrieved shall have the right to intervene in a civil action brought by the commission or the Attorney General in a case involving a governmental agency or political subdivision. If a charge filed with the commission pursuant to section 48-1118 is dismissed by the commission, if the commission has not filed a civil action under this section within one hundred and eighty days after the filing of such charge, if the Attorney General has not filed a civil action in a case involving a governmental agency or political subdivision, or if the commission has not entered into a conciliation agreement to which the person aggrieved is a party, the commission shall so notify the person aggrieved and within ninety days after the giving of such notice a civil action may be brought against the respondent named in the charge by the person claiming to be aggrieved. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. ~~order a public hearing. If such hearing is ordered, the commission shall cause to be issued and served a written notice, together with a copy of the complaint, requiring the person, employer, labor organization or employment agency named in the complaint, hereinafter referred to as respondent, to answer such charges at a hearing before the commission at a time and place which shall be specified in such notice. Such hearing shall be within the county where the alleged unfair practice occurred. The complainant shall be a party to the proceeding, and in the discretion of the commission any other person whose testimony has a bearing on the matter may be allowed to intervene therein. Both the complainant and the respondent, in addition to the commission, may introduce witnesses at the hearing. The respondent may file a verified answer to the allegations of the complaint and may appear at such hearing in person and with or without counsel. Testimony or other evidence may be introduced by~~

~~either party. All evidence shall be under oath and a record thereof shall be made and preserved. Such proceedings shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in the district courts of the State of Nebraska, and shall be of public record.~~

~~(2) No person shall be excused from testifying or from producing any book, document, paper, or account in any investigation, or inquiry by, or hearing before the commission when ordered to do so, upon the ground that the testimony or evidence, book, document, paper, or account required of such person may tend to incriminate such person in or subject such person to penalty or forfeiture; but no person shall be prosecuted, punished or subjected to any forfeiture or penalty for or on account of any act, transaction, matter or thing concerning which such person shall have been compelled under oath to testify or produce documentary evidence; PROVIDED, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by such person in his or her testimony; AND PROVIDED FURTHER, that the immunity shall extend only to a natural person who, in obedience to a subpoena, gives testimony under oath or produces evidence, documentary or otherwise, under oath. Nothing in this subsection shall be construed as precluding any person from claiming any right or privilege available to such person under the fifth amendment to the Constitution of the United States.~~

(2) Each district court shall have jurisdiction of actions brought under the Nebraska Fair Employment Practice Act. Such an action may be brought in any judicial district in which the unlawful employment practice is alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the aggrieved person would have worked but for the alleged unlawful employment practice.

(3) ~~After the conclusion of the hearing, the commission shall make and file its findings of fact and conclusions thereon, and make and enter an appropriate order. Such findings shall be in sufficient detail to enable the court on appeal to determine the controverted questions presented by the proceedings and whether proper weight was given to the evidence.~~ If the court ~~commission shall determine~~ determines that the respondent has intentionally engaged in or is intentionally engaging in any unlawful employment practice, it may temporarily or permanently enjoin the respondent from engaging in ~~shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from~~ such unlawful employment practice and order such ~~other~~ affirmative action as may be appropriate, which may include, but is not limited to, reinstatement or

hiring of employees, with or without backpay. Backpay liability shall not accrue from a date more than two years prior to the filing of the charge with the commission. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the backpay otherwise allowable. A complainant who has suffered physical, emotional, or financial harm as a result of a violation of the Nebraska Fair Employment Practice Act shall be entitled to temporary or permanent injunctive relief, general and special damages, reasonable attorney's fees, and costs. No order of the ~~commission~~ court shall require the admission or reinstatement of an individual as a member of a labor organization or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him or her of any backpay, if such individual was refused admission, suspended, ~~or~~ expelled, ~~or was~~ refused employment or advancement, ~~or was~~ suspended, or discharged for any reason other than discrimination on account of race, color, religion, sex, disability, marital status, or national origin, or in violation of section 48-1114. ~~If the commission shall find that respondent has not engaged in any unfair employment practice, it shall state its findings of fact and conclusion thereon. A copy of any order shall be served upon the person against whom it runs, or his attorney, and notice thereof shall be given to the other parties to the proceedings or their attorneys. Such order shall take effect twenty days after the service thereof, unless otherwise provided, and shall continue in force, either for a period which may be designated therein or until changed or revoked by the commission.~~

~~(4) Until a transcript of the record of the proceedings shall be filed in a court as provided in section 48-1120, the commission may, at any time, upon reasonable notice, and in such a manner it shall deem proper, modify or set aside, in whole or in part, any finding or order made by it.~~

Sec. 5. That original sections 48-1104 and 48-1119, Reissue Revised Statutes of Nebraska, 1943, and sections 48-1102 and 48-1118, Revised Statutes Supplement, 1992, and also section 48-1120, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 193, 253, 431, 597, and 597A.

Enrollment and Review Change to LB 193

The following changes, required to be reported for publication in the Journal, have been made:
ER7249

1. On page 1, line 5, "and" has been struck; in line 6 ", and section 3, Legislative Bill 215, Ninety-third Legislature, First Session, 1993" has been inserted before the semicolon; and in line 10, "provide for" has been struck and "change provisions relating to" inserted.
2. On page 3, line 3, ", 16," has been struck.

Enrollment and Review Change to LB 431

The following changes, required to be reported for publication in the Journal, have been made:
ER7252

1. On page 7, line 14, a comma has been inserted after "civil".

(Signed) Kurt Hohenstein, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mr. Pedersen asked unanimous consent to have his name added as cointroducer to LB 511. No objections. So ordered.

VISITORS

Visitors to the Chamber were 100 fourth grade students and teacher from Fontenelle Elementary, Omaha; 15 fourth, fifth, and sixth grade students and sponsor from Grand Island Christian Elementary; and 26 fourth grade students and teacher from Watson Elementary, Hastings.

ADJOURNMENT

At 5:17 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Wednesday, April 21, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTY-FOURTH DAY - APRIL 21, 1993

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

SIXTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 21, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Don Thursby, First Presbyterian Churches, Auburn and Humboldt, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Warner, and Withem who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-third day was approved.

UNANIMOUS CONSENT - Member Excused

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

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 267.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-701, 54-703 to 54-705, 54-742 to 54-747, 54-750, 54-790, 54-791, and 81-202, Reissue Revised Statutes of Nebraska, 1943, sections 2-4325, 54-859, 54-2240, 54-2244, 54-2254, 54-2263, 54-2275, 54-2276, 54-2290, 54-2295, 54-2299, 81-2,162.07, 89-186, 89-187,

89-197, and 89-198, Revised Statutes Supplement, 1992, and sections 3, 8, and 14, Legislative Bill 588, Ninety-third Legislature, First Session, 1993; to change provisions relating to inspections and samples as prescribed; to change provisions relating to protection of the health of certain animals and livestock as prescribed; to authorize certain composting; to change provisions relating to certain violations; to define and redefine terms; to change provisions relating to pseudorabies; to change provisions relating to weights and measures as prescribed; to change provisions relating to the registration and distribution of pesticides; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 54-702 and 54-789, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Baack	Crosby	Hillman	Lynch	Schellpeper
Bernard-Stevens	Cudaback	Hohenstein	McKenzie	Schimek
Beutler	Day	Horgan	Moore	Schmitt
Bohlke	Dierks	Hudkins	Pedersen	Vrtiska
Bromm	Elmer	Janssen	Pirsch	Wehrbein
Byars	Fisher	Jones	Preister	Wesely
Chambers	Haberman	Kristensen	Rasmussen	Wickersham
Coordsen	Hall	Landis	Robak	Will
	Hartnett	Lindsay	Robinson	Witek

Voting in the negative, 0.

Excused and not voting, 5:

Abboud	Ashford	Avery	Warner	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules

Mr. Moore moved to suspend Rule 8, Section 5, in order to permit the consideration of LB 831 on Final Reading.

The Moore motion to suspend the rules prevailed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 831. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Administrative Services; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Baack	Crosby	Hillman	Lynch	Schellpeper
Bernard-Stevens	Cudaback	Hohenstein	McKenzie	Schimek
Beutler	Day	Horgan	Moore	Schmitt
Bohlke	Dierks	Hudkins	Pedersen	Vrtiska
Bromm	Elmer	Janssen	Pirsch	Wehrbein
Byars	Fisher	Jones	Preister	Wesely
Chambers	Haberman	Kristensen	Rasmussen	Wickersham
Coordsen	Hall	Landis	Robak	Will
	Hartnett	Lindsay	Robinson	Witek

Voting in the negative, 0.

Excused and not voting, 5:

Abboud	Ashford	Avery	Warner	Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 831 and 267.

GENERAL FILE

LEGISLATIVE BILL 429. Title read. Considered.

Standing Committee amendment, AM0801, found in the Journal on page 1038, was considered.

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

Mr. Kristensen renewed his pending amendment, AM1175, found in the Journal on page 1289, to the Standing Committee amendment.

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

MR. HALL PRESIDING

SPEAKER BAACK PRESIDING

Mr. Jones moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Kristensen amendment lost with 10 ayes, 23 nays, 10 present and not voting, and 6 excused and not voting.

The Standing Committee amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Elmer moved the previous question. The question is, "Shall the debate now close?"

Mr. Moore moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Moore requested a roll call vote on the advancement of the bill in reverse order.

Voting in the affirmative, 37:

Beutler	Dierks	Hudkins	Pirsch	Schmitt
Bohlke	Elmer	Janssen	Preister	Vrtiska
Bromm	Fisher	Jones	Rasmussen	Warner
Byars	Haberman	Landis	Robak	Wehrbein
Coordsen	Hartnett	McKenzie	Robinson	Wesely
Crosby	Hillman	Moore	Schellpeper	Wickersham
Cudaback	Hohenstein	Pedersen	Schimek	Witek
Day	Horgan			

Voting in the negative, 12:

Abboud	Baack	Chambers	Lindsay	Will
Ashford	Bernard-Stevens	Hall	Lynch	Withem
Avery		Kristensen		

Advanced to E & R for review with 37 ayes, 12 nays, and 0 not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Coordsen asked unanimous consent to print the following amendment to LB 617 in the Journal. No objections. So ordered.

AM1584

1. Insert the following new section:

"Sec. 2. That section 69-2311, Revised Statutes Supplement, 1992, be amended to read as follows:

69-2311. A residential landlord shall surrender to a residential tenant or to a residential tenant's duly authorized representative any personal property not owned by the landlord which has been left on the premises after the tenant has vacated the residential premises and the return of which has been requested by the tenant or by the authorized representative of the tenant if:

(1) The tenant requests in writing, within fourteen days of vacating the premises, the surrender of the personal property and the request includes a description of the personal property held by the landlord and specifies the mailing address of the tenant;

(2) The landlord or the landlord's agent has control or possession of such personal property at the time the request is received;

(3) The tenant, prior to the surrender of the personal property by the landlord and upon written demand by the landlord, tenders payment of all reasonable costs associated with the landlord's removal and storage of the personal property. The landlord's demand for payment of reasonable costs associated with the removal and storage of personal property shall be in writing and shall either be mailed to the tenant at the address provided pursuant to subdivision (1) of this section or shall be personally presented to the tenant or to the tenant's authorized representative within five days after the actual receipt of the tenant's request for surrender of the personal property, unless the property is returned first. The demand shall itemize all charges, specifying the nature and amount of each item of cost; and

(4) The tenant agrees to claim and remove the personal property at a reasonable time mutually agreed upon by the landlord and tenant but not later than seventy-two hours after the tender provided for under subdivision (3) of this section.

This section shall not apply to the rental of a self-service storage unit or facility.".

2. On page 3, line 11, strike "section 69-2302" and insert "sections 69-2302 and 69-2311"; and in line 12 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

Mr. Wehrbein asked unanimous consent to print the following amendment to LB 389 in the Journal. No objections. So ordered.

AM1592

1. On page 2, line 18, strike the period and insert ", except that until 1995, no"; and reinstate the stricken matter in lines 20 and 21.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 21, 1993, at 10:15 a.m., were the following bills: 267 and 831.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

RESOLUTIONS

LEGISLATIVE RESOLUTION 81. Introduced by Pirsch, 10; Pedersen, 39.

WHEREAS, victims of crime and their loved ones often face severe financial, physical, and psychological losses; and

WHEREAS, the aftermath of criminal violence may cause additional losses to crime victims due to inappropriate treatment by government institutions; and

WHEREAS, our commitment to liberty and justice for all must extend to our efforts to secure and protect crime victims' rights; and

WHEREAS, all citizens of Nebraska must do their part to stop violence by reporting crimes, cooperating with police and other criminal justice professionals, and by refusing to tolerate injustice in our homes or on our streets; and

WHEREAS, crime victims and advocates who serve them deserve our support for their endeavor to secure justice for crime victims; and

WHEREAS, a national commitment to violence reduction and crime victim assistance will help bring criminals to justice and justice to crime victims; and

WHEREAS, crime victims' advocates, victim service providers, criminal justice officials, and concerned citizens throughout our country and state are joining forces to observe 1993 Crime Victims' Rights Week.

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

1. That the Legislature designates and proclaims the week of April 25 to May 1, 1993, as Nebraska Crime Victims' Rights Week.

2. That the Legislature expresses its gratitude to the many Nebraskans who reach out to lessen the distress of crime victims and reaffirms its commitment to address victims' rights and justice during Crime Victims' Rights Week and throughout the year.

Laid over.

LEGISLATIVE RESOLUTION 82. Introduced by Schimek, 27; Rasmussen, 20; Wesely, 26.

WHEREAS, prostate cancer is the second leading cause of cancer-related mortality among men in the United States, it is more prevalent than lung cancer, striking one out of every eleven men, African-American men have the highest rate of prostate cancer incidence in the world, with prostate cancer affecting one in nine African-American men; and

WHEREAS, the Nebraska cancer registry data from 1987 through 1990 show prostate cancer as the most commonly diagnosed cancer for men in Nebraska, with three thousand three hundred sixty-four Nebraska men diagnosed with prostate cancer during that time, and each year more than two hundred Nebraska men die from the disease; and

WHEREAS, Nebraska trends for prostate cancer are similar to national trends, in that prostate cancer incidence and mortality are on a slow, upward climb and incidence of prostate cancer increases with each decade of life over forty years of age, continuing through the most advanced ages; and

WHEREAS, prognosis of prostate cancer is directly related to the state of the disease at diagnosis, since the cancer registry shows that sixty-nine percent of all prostate cancer is diagnosed while in a localized stage, where it is frequently curable, thirteen percent is diagnosed at a regional stage, and sixteen percent is diagnosed at a distant stage when cancer has spread to other organs; and

WHEREAS, the American Cancer Society has approved specific guidelines for prostate cancer detection for men fifty years and older, although men in high risk groups, such as African-Americans or those with strong familial predispositions, may be started at a younger age, since generally men with a life expectancy of at least ten years after detection may benefit from examination.

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

1. That in order to reduce the incidence and mortality of prostate cancer in Nebraska, men must be reached with messages regarding

available screening tests so that they can make informed decisions about their health care.

2. The Legislature urges physicians, public health agencies, and other health-related organizations to make this information widely available and urges men at risk for prostate cancer to consult their physicians regarding the need for early detection tests.

Laid over.

VISITORS

Visitors to the Chamber were 30 fourth grade students and teacher from Diller Elementary; four students and teacher from Midlands 3 School, Omaha; 25 fifth grade students and teacher from Mead Elementary; members of Benson Women Republican Club from Omaha; ten seniors and sponsor from Lourdes High School, Nebraska City; 34 seniors and teacher from Wisner-Pilger High School; and 36 seniors and teacher from Gibbon.

RECESS

At 11:54 a.m., on a motion by Mr. Coordsen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Chambers, Hartnett, Lynch, Pedersen, Robinson, Withem, and Mrs. Rasmussen who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 423. Mr. Landis withdrew his pending amendment, AM1323, printed separately from the Journal and referred to on page 1451.

PRESIDENT MOUL PRESIDING

Mr. Landis offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1519.)

The Landis amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 216. E & R amendment, AM5383, found in the Journal on page 755, was adopted.

Mr. Landis renewed his pending amendment, AM0782, found in the Journal on page 964.

The Landis amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Landis renewed his pending amendment, AM1084, found in the Journal on page 1313.

The Landis amendment was adopted with 25 ayes, 2 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 319. E & R amendment, AM5395, found in the Journal on page 890, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 377. E & R amendment, AM5402, found in the Journal on page 980, was adopted.

Mr. Horgan and Mrs. Rasmussen withdrew their pending amendments, AM0502 and AM0784, found in the Journal on pages 752 and 968.

Mr. Horgan and Mrs. Rasmussen renewed their pending amendment, AM0921, found in the Journal on page 1074.

The Horgan-Rasmussen amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Wesely renewed his pending amendment, AM0810, found in the Journal on page 1262.

The Wesely amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 377A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 375. Advanced to E & R for engrossment.

LEGISLATIVE BILL 124. Mr. Hohenstein renewed his pending amendment, AM1583, found in the Journal on page 1648.

The Hohenstein amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 124A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 406. E & R amendment, AM5451, found in the Journal on page 1510, was adopted.

Mr. Beutler renewed his pending amendment, AM1521, found in the Journal on page 1585.

The Beutler amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 250. Considered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 458. E & R amendment, AM5462, found in the Journal on page 1585, was adopted.

Mr. Landis offered the following amendment:
AM1378

1. On page 2, line 26, strike "post office".
2. On page 3, strike lines 5 through 7.

The Landis amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

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

Mr. Lindsay offered the following amendment:
AM1631

1. Insert the following new sections:

"Sec. 10. That section 25-1516, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1516. (1) The writ of execution against the property of the ~~judgment~~ debtor~~,~~ issuing from any court of record in this state~~,~~ shall command the officer to whom it is directed~~,~~ that of the goods and chattels of the debtor he or she cause to be made the money specified in the writ, and for want of goods and chattels he or she cause the same to be made of the lands and tenements of the debtor. The ~~; and the~~ exact amount of the debt, damages, and costs~~,~~ for which the judgment

is entered shall be endorsed on the execution.

(2) The writ of execution and a notice of exemptions form shall be issued by the clerk and served upon the debtor by the officer to whom the writ of execution is directed in the manner provided for service of process in civil cases, except that service by certified mail shall not be permitted, unless the debtor is a nonresident of the State of Nebraska, in which event service shall be made by any method provided by law for service of process in civil cases.

(3) The State Court Administrator shall adopt and promulgate rules and regulations which specify uniform writs of execution and notice of exemptions forms for use in all courts in this state. The forms shall include the writ of execution and a notice of exemptions form.

(4) The notice of exemptions form shall include the following information:

(a) The caption of the lawsuit and the mailing address of the clerk of the court issuing the writ of execution; and

(b) The following notice to the debtor, in substantially the form below, which shall be printed in all capital letters immediately below the caption of the lawsuit and the address of the clerk of the court issuing the writ of execution:

NOTICE TO THE DEBTOR

YOU ARE HEREBY NOTIFIED THAT THIS COURT ISSUED A WRIT OF EXECUTION IN THIS CASE DIRECTING THAT SOME OF YOUR PROPERTY BE SOLD ACCORDING TO LAW AND THE PROCEEDS OF THE SALE BE DELIVERED TO THE CLERK OF THIS COURT TO BE USED TO SATISFY PART OR ALL OF YOUR DEBT TO THE CREDITOR. THE LAW OF NEBRASKA AND THE LAW OF THE UNITED STATES PROVIDES THAT CERTAIN PROPERTY CANNOT BE TAKEN FROM YOU AND SOLD TO PAY A DEBT. THE KINDS OF PROPERTY THAT CANNOT BE TAKEN FROM YOU AND THE PROCEDURE FOR CLAIMING THE EXEMPTION ARE SET FORTH BELOW.

THE LAW EXEMPTS FROM EXECUTION YOUR INTEREST IN OR RIGHT TO PROPERTY SET OUT IN LAW AS FOLLOWS: (THE NOTICE SHALL INCLUDE A SCHEDULE OF EXEMPTIONS AND MUST INCLUDE THOSE EXEMPTIONS LISTED IN SECTIONS 25-1552, 25-1556, 25-1559, 25-1563.01, 25-1563.02, 40-101, 44-371, AND 44-1089).

IF YOU BELIEVE THAT SOME OF YOUR PROPERTY IS EXEMPT FROM EXECUTION YOU MAY REQUEST A HEARING BY CHECKING THE BOX ON THIS FORM AND MAILING OR DELIVERING THIS FORM TO THE OFFICE OF THE CLERK OF THIS COURT SET FORTH ABOVE. YOU MAY ALSO HAVE TO PROVIDE A LIST OF YOUR PROPERTY AND THE VALUE OF YOUR PROPERTY AT THE TIME YOU MAIL OR DELIVER YOUR

REQUEST FOR HEARING. FAILURE TO CLAIM THE EXEMPTION WITHIN TWENTY DAYS OF THE DATE YOU RECEIVE THIS NOTICE MAY MEAN THAT THE PROPERTY SEIZED WILL BE SOLD AND THE PROCEEDS APPLIED TO YOUR DEBT.

IF YOU REQUEST A HEARING THE HEARING WILL BE CONDUCTED NO LATER THAN TEN DAYS AFTER THE COURT RECEIVES YOUR REQUEST, UNLESS YOU REQUEST AN EARLIER HEARING DATE DUE TO AN EMERGENCY, IN WHICH CASE THE COURT SHALL SCHEDULE THE HEARING AS SOON AS PRACTICABLE.

IF YOU WANT LEGAL REPRESENTATION YOU SHOULD CONTACT YOUR LAWYER IMMEDIATELY. IF YOU NEED THE NAME OF A LAWYER, CONTACT THE LOCAL BAR ASSOCIATION OR YOUR LOCAL LEGAL AID OR LEGAL SERVICES OFFICE.

.....

REQUEST FOR HEARING

I believe that some of my seized property may be exempt from execution in this matter and request that a hearing be held no later than ten days after the delivery of this request to the court.

.....
Debtor

.....
Address

.....
Telephone Number

.....
Signature

(5) The debtor desiring to claim an exemption from execution shall file a request for hearing.

(6) The clerk of the court which issued the writ of execution shall provide notice of the filing of the request for hearing and the date and time of any hearing to the person holding the writ and to all parties. There shall be a hearing held within ten days of the filing of the request for hearing, unless the need for hearing is an emergency in which case the court shall schedule the hearing as soon as practicable after the request is made. The hearing may be by conference telephone call if permitted by the court.

(7) At the hearing the court shall determine the debtor's entitlement to the claimed exemption, whether the amount is owed on the judgment, and the value of the property claimed to be exempt and shall issue an exemption order after the hearing ordering the officer to sell the non-exempt property according to law and return the exempt property to the debtor immediately.

(8) If any of the personal property claimed to be exempt from execution by the debtor is a motor vehicle as defined in section 39-602, the cash value of such motor

vehicle for purposes of the exemption may be determined by reference to a source of relevant fact commonly used in the motor vehicle industry to determine such value.

Sec. 11. That section 25-1543, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1543. The sheriff or other officer, to whom any writ of execution ~~shall be~~ is directed, shall return such writ to the court to which the ~~same~~ writ is returnable, ~~within sixty days from the date thereof~~ as soon as practicable after the writ has been served.

Sec. 12. That section 25-1552, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1552. All ~~persons~~ debtors who do not have ~~neither~~ lands, town lots, or houses subject to exemptions as a homestead, under ~~the laws of this state~~ sections 40-101 to 40-116, shall have exempt from forced sale on execution the sum of twenty-five hundred dollars in personal property, except wages. The provisions of this section shall not, in any manner, apply to the exemption of wages, that subject being fully provided for by section 25-1558. In proceedings involving a writ of execution, the exemption from execution under this section shall be claimed in the manner provided by section 25-1516. The debtor desiring to claim an exemption from execution under this section shall, at the time the request for hearing is filed, file a list of the whole of the property owned by the debtor and an indication of the items of property which he or she claims to be exempt from execution, along with a value for each item listed. The debtor or his or her authorized agent may select from the list an amount of property not exceeding the value exempt from execution under this section according to the debtor's valuation or the court's valuation if the debtor's valuation is challenged by a creditor.".

2. On page 5, line 6, strike "section 43-1729" and insert "sections 25-1516, 25-1543, 25-1552, and 43-1729"; and in line 7 after "sections" insert "25-1553, 25-1554, and".

3. Renumber the remaining sections accordingly.

The Lindsay amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 126. Advanced to E & R for engrossment.

LEGISLATIVE BILL 170. E & R amendment, AM5465, found in the Journal on page 1596, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 682. Advanced to E & R for engrossment.

LEGISLATIVE BILL 779. E & R amendment, AM5463, found in the Journal on page 1596, was adopted.

Mrs. Hudkins offered the following amendment:
AM1515

1. Insert the following new section:

"Section 1. That section 29-1207, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-1207. (1) Every person indicted or informed against for any offense shall be brought to trial within six months, and such time shall be computed as provided in this section.

(2) Such six-month period shall commence to run from the date the indictment is returned or the information filed. As to indictments or informations or orders for a new trial pending on April 30, 1971, such six-month period shall commence to run from April 30, 1971.

(3) If such defendant is to be tried again following a mistrial, an order for a new trial, or an appeal or collateral attack, such period shall commence to run from the date of the mistrial, order granting a new trial, or the mandate on remand.

(4) The following periods shall be excluded in computing the time for trial:

(a) The period of delay resulting from other proceedings concerning the defendant, including, but not limited to, an examination and hearing on competency and the period during which he or she is incompetent to stand trial; the time from filing until final disposition of pretrial motions of the defendant, including motions to suppress evidence, motions to quash the indictment or information, demurrers and pleas in abatement, and motions for a change of venue; and the time consumed in the trial of other charges against the defendant;

(b) The period of delay resulting from a continuance granted at the request or with the consent of the defendant or his or her counsel. A defendant without counsel shall not be deemed to have consented to a continuance unless he or she has been advised by the court of his or her right to a speedy trial and the effect of his or her consent;

(c) The period of delay resulting from a continuance granted at the request of the prosecuting attorney; if:

(i) The continuance is granted because of the unavailability of evidence material to the state's case, when the prosecuting attorney has exercised due diligence to obtain such evidence and there are reasonable grounds to believe that

such evidence will be available at the later date; or

(ii) The continuance is granted to allow the prosecuting attorney additional time to prepare the state's case and additional time is justified because of the exceptional circumstances of the case;

(d) The period of delay resulting from the absence or unavailability of the defendant;

(e) A reasonable period of delay when the defendant is joined for trial with a codefendant as to whom the time for trial has not run and there is good cause for not granting a severance. In all other cases the defendant shall be granted a severance so that he or she may be tried within the time limits applicable to him or her; ~~and~~

(f) The period of time a person has entered and participated in a pretrial diversion program pursuant to section 3 of this act if such person does not complete such program; and

(g) ~~(f)~~ Other periods of delay not specifically enumerated herein, but only if the court finds that they are for good cause.".

2. On page 3, line 9, strike "section" and insert "sections 29-1207 and"; and in line 10 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

The Hudkins amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mrs. Hudkins offered the following amendment:
AM1514

1. On page 2, line 9, strike the first "or"; and in line 11 after the comma insert "or has not entered and completed a pretrial diversion program for violation of such section in the eight years prior to the date of the current offense,".

Mrs. Hudkins moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Hudkins amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mrs. Hudkins offered the following amendment:
AM1513

1. On page 2, line 13, after "if" insert "all counties in the state offer a program allowing a person violating section 39-669.07 to enter a pretrial diversion

4 program and if".

Mr. Hall moved the previous question. The question is, "Shall the debate now close?"

Mr. Hall moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Hall requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 30:

Abboud	Dierks	Hudkins	Pedersen	Schellpeper
Ashford	Elmer	Jones	Pirsch	Schmitt
Avery	Fisher	Kristensen	Preister	Wesely
Bromm	Hall	Lindsay	Rasmussen	Wickersham
Byars	Hohenstein	Lynch	Robak	Will
Day	Horgan	Moore	Robinson	Witek

Voting in the negative, 3:

Crosby	Hillman	Wehrbein

Present and not voting, 12:

Baack	Beutler	Cudaback	McKenzie	Vrtiska
Bernard-Stevens	Bohlke	Haberman	Schimek	Warner
	Coordsen	Janssen		

Absent and not voting, 1:

Landis

Excused and not voting, 3:

Chambers	Hartnett	Withem

The motion to cease debate prevailed with 30 ayes, 3 nays, 12 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Messrs. Coordsen and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

The Hudkins amendment lost with 13 ayes, 21 nays, 10 present and not voting, and 5 excused and not voting.

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

Mr. Kristensen moved to bracket LB 779 until June 1, 1993.

Mr. Kristensen withdrew his motion to bracket.

Mr. Lindsay asked unanimous consent to bracket LB 779 until May 3, 1993.

Mr. Hall objected.

Mr. Hall withdrew his objection.

Mr. Lindsay asked unanimous consent to bracket LB 779 until May 3, 1993. No objections. So ordered.

Messrs. Horgan, Pedersen, and Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 506. E & R amendment, AM5466, found in the Journal on page 1596, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 78. Advanced to E & R for engrossment.

LEGISLATIVE BILL 750. E & R amendment, AM5467, found in the Journal on page 1596, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 448. Advanced to E & R for engrossment.

LEGISLATIVE BILL 468. E & R amendment, AM5468, found in the Journal on page 1597, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 690. Mr. Moore renewed his pending amendment, AM1410, found in the Journal on page 1537.

The Moore amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

Mr. Cudaback asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 617. Mr. Coordsen renewed his pending amendment, AM1584, found in this day's Journal.

The Coordsen amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 719. Advanced to E & R for engrossment.

LEGISLATIVE BILL 544. E & R amendment, AM5469, found in the Journal on page 1597, was adopted.

Mr. Moore renewed his pending amendment, AM1455, found in the Journal on page 1563.

The Moore amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

NOTICE OF COMMITTEE HEARING
Natural Resources

Governor Appointments Friday, April 30, 1993 1:00 p.m.
Jo Beth Gutgsell - Power Review Board
Robert O'Neal - Power Review Board

(Signed) Chris Beutler, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 83. Introduced by Dierks, 40; Wickersham, 49; Jones, 43; Hohenstein, 17; Schellpeper, 18.

WHEREAS, George Mickelson served the State of South Dakota for six years in the State Legislature's House of Representatives, including two years as House Speaker; and

WHEREAS, George Mickelson was elected Governor of South Dakota in 1986 and re-elected in 1990; and

WHEREAS, George Mickelson served his state with dedication and dignity, winning the respect of his fellow Governors and of many political leaders across the nation; and

WHEREAS, George Mickelson was a champion for rural America, advancing the cause of South Dakota and all of the midlands.

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

1. That the Legislature expresses its sympathy to the family of George Mickelson.
2. That a copy of this resolution be sent to the Office of the Governor, Pierre, South Dakota.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 779 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1632.)

Mr. Wesely asked unanimous consent to print the following amendment to LB 536 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1602.)

BILLS ON FIRST READING

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

LEGISLATIVE BILL 799A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to reduce an appropriation relating to the provisions of Legislative Bill 799, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 800A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations relating to the provisions of Legislative Bill 800, Ninety-third Legislature, First Session, 1993.

VISITORS

Visitors to the Chamber were a group of AARP members from Pawnee County; and 80 fourth grade students and teachers from Ezra Millard School, Millard.

ADJOURNMENT

At 4:38 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Thursday, April 22, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTY-FIFTH DAY - APRIL 22, 1993

LEGISLATIVE JOURNAL

SIXTY-FIFTH DAY - APRIL 22, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

SIXTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 22, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Charles Tyler, St. John A.M.E. Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Jones who was excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Chambers, Hall, Lindsay, Lynch, Moore, Pedersen, Wickersham, Will, Withem, Mmes. Hudkins, Robak, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-fourth day was approved.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 21, 1993. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Erickson & Sederstrom, P.C.
Thone, Charles - Lincoln
Harding, Mary A. - Firth
Red Lion Hotels & Inns
Distilled Spirits Council of the United States

Inbody, Rick O. - Lincoln (Withdrawn 03/31/93)
Pappas, James E. - Lincoln
Communications Workers of America, Local 7470
Nebraska Nutrients

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 253 in the Journal. No objections. So ordered.

AM1603

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 2. That section 25-21,191, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-21,191. (1) On or after August 30, 1987, any person who serves as a director, officer, or trustee of a not-for-profit organization and who is not compensated for his or her services as a director, officer, or trustee on a salary or a prorated equivalent basis shall be immune from civil liability for any act or omission which results in damage or injury if such person was acting within the scope of his or her official functions and duties as a director, officer, or trustee unless such damage or injury was caused by the willful or wanton act or omission of such director, officer, or trustee.

(2) After the effective date of this act, a person, other than a person who serves as a director, officer, or trustee of a not-for-profit organization, who renders services for or on behalf of a not-for-profit organization and who is not compensated directly or indirectly for his or her services shall be immune from civil liability for any act or omission which results in damage or injury if such person was acting within the scope of his or her official functions and duties unless such damage or injury arises out of the grossly negligent, willful, wanton, or intentional act or omission of such person.

(3) Nothing in this section shall be construed to establish, diminish, or abrogate any duties that a director, officer, or trustee of a not-for-profit organization or other person has to the ~~not-for-profit organization for which the director, officer, or trustee~~ organization he or she serves.

~~(3)~~ (4) For purposes of this section, a director, officer, ~~or~~ trustee, or person shall not be considered compensated solely by reason of the payment of his or her actual expenses incurred in attending meetings or in executing ~~such~~ an office or duties, the receipt of meals at meetings, or the receipt of gifts not exceeding a total value of one hundred dollars in any twelve consecutive months.

Sec. 3. That section 25-21,192, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

25-21,192. The individual immunity granted by section 25-21,191 shall not extend to any act or omission of ~~such~~ the director, officer, ~~or~~ trustee, or person which results in damage or injury (1) caused by such director, officer, ~~or~~ trustee, or person during the operation of any motor vehicle, airplane, or boat or (2) caused by such director, officer, ~~or~~ trustee, or person while impaired by alcohol or any controlled substance enumerated in section 28-405.

Sec. 4. That section 25-21,193, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-21,193. Except as provided in section 25-21,191, sections 25-21,190 to 25-21,193 shall not be construed to establish, diminish, or abrogate any duty that a director, officer, or trustee of a not-for-profit organization or other person has to any individual or organization.

Sec. 5. That original sections 25-21,191 to 25-21,193, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. Insert underscoring in section 1.

3. On page 1, strike beginning with "banking" in line 1 through line 3 and insert "liability; to amend sections 25-21,191 to 25-21,193, Reissue Revised Statutes of Nebraska, 1943; to provide for bank director and officer liability as prescribed; to define a term; to change provisions relating to liability of persons who render services for not-for-profit organizations; to harmonize provisions; to repeal the original sections; and to declare an emergency.".

4. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 80. Read. Considered.

LR 80 was adopted with 23 ayes, 0 nays, and 26 not voting.

LEGISLATIVE RESOLUTION 81. Read. Considered.

LR 81 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 82. Read. Considered.

LR 82 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 83. Read. Considered.

LR 83 was adopted with 28 ayes, 0 nays, and 21 not voting.

UNANIMOUS CONSENT - Member Excused

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

WITHDRAW - Amendment to LB 575

Mr. Will withdrew his pending amendment, FA66, found in the Journal on page 1410, to LB 575.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 575.

A BILL FOR AN ACT relating to vehicles; to amend sections 13-1201, 39-622, 39-631, 39-633, 39-654, 39-660, 39-669.02, 39-669.04, 39-669.05, 39-673, 39-686, 39-690, 39-691, 39-6,104.04, 39-6,125, 39-6,127, 39-6,129, 39-6,130, 39-6,137, 39-6,162, 39-6,163, 39-6,179, 60-302.03, 60-323, 60-325, 60-328, 60-506.01, 60-515, 60-561, 60-1006, 60-2013, 60-2803, 60-2807, and 74-592, Reissue Revised Statutes of Nebraska, 1943, sections 28-306, 39-669.06, 39-669.22, 39-669.24, 39-669.26, 39-6,103.06, 39-6,103.07, 39-6,134, 39-6,138, 39-6,177, and 60-301, Revised Statutes Supplement, 1992, section 39-6,123, Reissue Revised Statutes of Nebraska, 1943, as amended by section 349, Legislative Bill 370, Ninety-third Legislature, First Session, 1993, section 60-1001, Reissue Revised Statutes of Nebraska, 1943, as amended by section 484, Legislative Bill 370, Ninety-third Legislature, First Session, 1993, section 60-106, Revised Statutes Supplement, 1992, as amended by section 6, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, section 2, Legislative Bill 340, Ninety-third Legislature, First Session, 1993, and section 2, Legislative Bill 346, Ninety-third Legislature, First Session, 1993, section 60-302, Revised Statutes Supplement, 1992, as amended by section 16, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, and section 3, Legislative Bill 346, Ninety-third Legislature, First Session, 1993, and sections 110 and 154, Legislative Bill 370, Ninety-third Legislature, First Session, 1993; to authorize discount bus fares for low-income persons; to rename an act; to change the penalty for motor vehicle homicide; to define and redefine terms; to change provisions relating to overtaking vehicles, operation of and equipment for bicycles, towing of vehicles, operation of school buses, abstracts of conviction, parking, registration violations, child passenger restraint systems, noise and smoke prevention equipment, and vehicle-use reports; to change penalties for reckless and willful reckless driving; to change and eliminate penalties for certain speed, equipment, and weight violations; to change, transfer, and eliminate provisions relating to accident reports; to change the time when certain lights and other

equipment must be used; to change and provide exceptions from certain width, length, and vehicle marking requirements; to change fees for certain permits; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 60-505, 60-505.03, 60-505.04, and 60-506, Reissue Revised Statutes of Nebraska, 1943, and section 39-6,183, Reissue Revised Statutes of Nebraska, 1943, as amended by section 5, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, and section 287, Legislative Bill 370, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud	Byars	Hartnett	McKenzie	Schmitt
Ashford	Chambers	Hillman	Moore	Vrtiska
Avery	Coordsen	Hohenstein	Pirsch	Wehrbein
Baack	Crosby	Horgan	Preister	Wesely
Bernard-Stevens	Cudaback	Hudkins	Rasmussen	Wickersham
Beutler	Day	Janssen	Robinson	Will
Bohlke	Dierks	Kristensen	Schellpeper	Witek
Bromm	Elmer	Landis	Schimek	Withem
	Fisher	Lindsay		

Voting in the negative, 1:

Warner

Present and not voting, 1:

Lynch

Excused and not voting, 5:

Haberman	Hall	Jones	Pedersen	Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 479

Mr. Bromm withdrew his pending amendment, AM1282, found in the Journal on page 1375, to LB 479.

MOTION - Return LB 479 to Select File

Mr. Bromm moved to return LB 479 to Select File for the following specific amendment:
FA111

1. Insert the following new section:

"Section 1. That section 66-1009, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-1009. (1) A customer borrowing from a utility under a plan adopted pursuant to the Nebraska Investment Finance Authority Act or sections ~~58-201 to 58-272 or~~ 66-1001 to 66-1011 shall be allowed to contract with the utility for a repayment plan and shall be offered a repayment period of not less than three years and not more than twenty years.

(2) Upon default on a loan by a customer, after expending reasonable efforts to collect, a utility may treat the entire unpaid contract amount as due, but services to a residential, agricultural, or commercial customer may not be terminated as a result of such default. Default occurs when any amount due a utility under a plan adopted pursuant to sections 66-1001 to 66-1011, 70-625, 70-704, 81-161, 81-1602, 81-1606 to 81-1626, and 84-162 to 84-167 is not paid within sixty days of the due date.

(3) Any customer obtaining a loan pursuant to ~~sections 58-201 to 58-272~~ the act or section 66-1007 shall only use the funds to accomplish the purposes agreed upon at the time of the loan. If the borrower of any funds obtained pursuant to the act or sections ~~58-201 to 58-272 or~~ 66-1001 to 66-1011 uses such funds in a manner or for a purpose not authorized by this section, the total amount of the loan shall immediately become due and payable.

(4) Any amount due a utility on a loan pursuant to the act or sections ~~58-201 to 58-272 or~~ 66-1001 to 66-1011 which is not paid in full within sixty days of the due date shall become a lien as provided in this section on the real property concerned as to the full unpaid balance. No lien under this section shall be valid unless (a) the loan was signed by the party or parties shown on the indexes of the register of deeds to be the owners of record of such real property on the date of the loan and (b) the lien is filed not more than four months after the date of default, in the same office and in the same manner as mortgages in the county in which the real property is located. Such lien shall take effect and be in force from and after the time of delivering the same to the register of deeds for recording, and not before, as to all creditors and subsequent purchasers in good faith without notice, ; and such lien shall be adjudged void as to all such creditors and subsequent purchasers without notice whose deeds, mortgages, or other instruments shall be first recorded, except that such lien shall be valid between the parties. A publicly owned utility shall not maintain

possession of any property which it may acquire pursuant to a lien authorized by this section for a period of time longer than is reasonably necessary to dispose of such property.

(5) Any loan made under a plan adopted pursuant to sections 66-1001 to 66-1011 shall not exceed ~~three~~ ten thousand dollars, subject to any existing limitations under federal law.

(6) The State Energy Office may adopt and promulgate rules and regulations to carry out sections 66-1001 to 66-1011.".

2. In AM1108, on page 5, line 22, strike "81-1632" and insert "66-1009, 81-1632,".

3. Renumber the remaining sections accordingly.

The Bromm motion to return prevailed with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 479. The Bromm specific amendment, FA111, found in this day's Journal, was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Return LB 523 to Select File

Mr. Lindsay moved to return LB 523 to Select File for the following specific amendment:
AM1600

1. Strike the Lindsay-Landis amendment, AM1383, and all amendments thereto.

2. Renumber the remaining sections and correct internal references accordingly.

The Lindsay motion to return prevailed with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 523. The Lindsay specific amendment, AM1600, found in this day's Journal, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 292 to Select File

Mrs. Crosby moved to return LB 292 to Select File for the following specific amendment:
AM1649

1. In AM1460, strike amendment 2.

2. In AM1492, page 1, lines 12, 17, and 22, after "system" insert "or under contract with an employer" and strike "30" and insert "1".

3. In AM5450:

a. On page 3, lines 17 and 18, strike "on the operative date of this act" and insert "or under contract with an employer on June 1, 1993,";

b. On page 6, strike lines 2 through 5 and insert:

"(2) Commencing July 1, 1993, member contributions into the fund shall equal three-tenths of one percent of compensation and employer contributions into the fund shall be one hundred one percent of member contributions to the fund. Member and employer contributions shall be nonrefundable.";

c. On page 7, line 4, after "retire" insert "on or"; and

d. On page 9, line 16, strike "July" and insert "June".

The Crosby motion to return prevailed with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 292. The Crosby specific amendment, AM1649, found in this day's Journal, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

WITHDRAW - Amendment to LB 117

Mr. Ashford withdrew his pending amendment, AM1547, found in the Journal on page 1633, to LB 117.

MOTION - Return LB 117 to Select File

Mr. Ashford moved to return LB 117 to Select File for the following specific amendment:
FA112

(Amendments to Final Reading Copy)

Add the following new section:

Section 1. (1) Dealers of firearms shall distribute to all purchasers information developed by the Department of Health regarding the dangers of leaving loaded firearms unattended around children.

(2) There is hereby created the Firearm Information Fund. Private contributions shall be credited by the State Treasurer to such fund for the implementation of the provisions of this section.

(3) Any person who violates this section shall be guilty of a Class V misdemeanor.

Mr. Ashford withdrew his motion to return.

Mr. Ashford moved to return LB 117 to Select File for the following specific amendment:
FA113

(Amendments to Final Reading Copy)

Add the following new section:

Section 1. (1) Dealers of firearms shall distribute to all purchasers information developed by the Department of Health regarding the dangers of leaving loaded firearms unattended around children.

(2) There is hereby created the Firearm Information Fund. Private contributions shall be credited by the State Treasurer to such fund for the implementation of the provisions of this section.

The Ashford motion to return prevailed with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 117. The Ashford specific amendment, FA113, found in this day's Journal, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions and bill: LRs 80, 81, 82, 83, and LB 575.

UNANIMOUS CONSENT - Member Excused

Mrs. Rasmussen asked unanimous consent to be excused until she returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 292A. Title read. Considered.

Mrs. Crosby offered the following amendment:
AM1599

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. To aid in carrying out the provisions of Legislative Bill 292, Ninety-third Legislature, First Session, 1993, there is hereby appropriated:

(1)(a) $4,555 from the General Fund for FY1993-94 and (b) $5,940 from the General Fund for FY1994-95 to the State Department of Education, for Program 25;

(2)(a) $265 from the General Fund and $985 from federal funds for FY1993-94 and (b) $345 from the General Fund and $1,285 from federal funds for FY1994-95 to the State Department of Education, for Program 351;

(3)(a) $690 from federal funds for FY1993-94 and (b) $895 from federal funds for FY1994-95 to the State Department of Education, for Program 352;

(4)(a) $19,570 from the General Fund and $115 from federal funds for FY1993-94 and (b) $25,500 from the General Fund and $145 from federal funds for FY1994-95 to the State Department of Education, for Program 401;

(5)(a) $7,315 from the General Fund and $150 from federal funds for FY1993-94 and (b) $9,535 from the General Fund and $200 from federal funds for FY1994-95 to the State Department of Education, for Program 402;

(6)(a) $5,065 from the General Fund and $1,430 from federal funds for FY1993-94 and (b) $6,605 from the General Fund and $1,865 from federal funds for FY1994-95 to the State Department of Education, for Program 440; and

(7)(a) $450 from the Professional Practices Commission Fund for FY1993-94 and (b) $585 from the Professional Practices Commission Fund for FY1994-95 to the State Department of Education, for Program 614.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 2. To aid in carrying out the provisions of Legislative Bill 292, Ninety-third Legislature, First Session, 1993, there is hereby appropriated:

(1)(a) $2,090 from the Institutional Cash Fund for FY1993-94 and (b) $2,720 from the Institutional Cash Fund for FY1994-95 to the Department of Public Institutions, for Program 365; and

(2)(a) $465 from the General Fund and $1,415 from the Institutional Cash Fund for FY1993-94 and (b) $605 from the General Fund and $1,845 from the Institutional Cash Fund for FY1994-95 to the Department of Public Institutions, for Program 421.

No expenditures for permanent and temporary salaries

and per diems for state employees shall be made from funds appropriated in this section.

Sec. 3. There is hereby appropriated (1) $6,955 from the General Fund and $2,005 from federal funds for FY1993-94 and (2) $9,065 from the General Fund and $2,615 from federal funds for FY1994-95 to the Department of Correctional Services, for Program 360, to aid in carrying out the provisions of Legislative Bill 292, Ninety-third Legislature, First Session, 1993.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 4. There is hereby appropriated (1) $19,400 from the Expense Fund for FY1992-93 and (2) $5,000 from the Expense Fund for FY1993-94 to the Public Employees Retirement Board, for Program 41, to aid in carrying out the provisions of Legislative Bill 292, Ninety-third Legislature, First Session, 1993.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The Crosby amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 121A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

EXPLANATION OF VOTE

Had I been present, I would have voted yes on Final Passage of LB 575.

(Signed) Jennie Robak

NOTICE OF COMMITTEE HEARING
Natural Resources

Governor Appointment Friday, April 30, 1993 1:00 p.m.
Dave Sands - Environmental Quality Council

(Signed) Chris Beutler, Chairperson

GENERAL FILE

LEGISLATIVE BILL 757. The Hall pending amendment, FA107, found in the Journal on page 1639, to the Landis pending amendment, FA97, found in the Journal on page 1627, was renewed.

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

Mr. Will moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Will requested a roll call vote on the Hall amendment.

Voting in the affirmative, 8:

Abboud	Baack	Day	Wesely	Will
Ashford	Beutler	Lindsay		

Voting in the negative, 21:

Coordsen	Hudkins	Moore	Schellpeper	Wehrbein
Crosby	Janssen	Pirsch	Schmitt	Wickersham
Dierks	Kristensen	Robak	Vrtiska	Witek
Elmer	Landis	Robinson	Warner	Withem
Fisher				

Present and not voting, 14:

Avery	Bohlke	Cudaback	Hohenstein	McKenzie
Bernard-Stevens	Bromm Byars	Hartnett Hillman	Horgan Lynch	Preister Schimek

Excused and not voting, 6:

Chambers	Hall	Jones	Pedersen	Rasmussen
Haberman				

The Hall amendment lost with 8 ayes, 21 nays, 14 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. Cudaback and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lindsay offered the following amendment to the Landis pending amendment:
FA114

Amend AM1188 to LB 757 as follows:

1. Add a new section after "employer" on page 7, line 17 that reads, "(3) Each safety committee shall meet not less than once each calendar month. Adequate notice of the time and place of the meeting shall be given to each member of the safety committee."

Messrs. Moore, Avery, and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?"

Mr. Withem moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

SPEAKER BAACK PRESIDING

The Lindsay amendment lost with 6 ayes, 24 nays, 9 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

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

Mr. Lindsay offered the following amendment to the Landis pending amendment:
FA115

Amend AM1188 to LB 757 as follows:

1. Strike starting with line 2 on page 7 through line 20 on page 7.

2. Insert a new section: Strike the new matter starting with line 27, page 50 through line 2 on page 52.

3. Renumber the remaining sections accordingly.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Lindsay amendment lost with 3 ayes, 16 nays, 20 present and not voting, and 10 excused and not voting.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 544A. Introduced by Moore, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 544, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 583. Placed on Select File as amended.
E & R amendment to LB 583:
AM5474

1. On page 1, strike line 2 and insert "44-4009, and 44-4040, Reissue Revised"; in line 16 after the comma insert "assessment associations"; and in line 17 after the second comma insert "investments,".

2. On page 2, line 1, after the third comma insert "continuing education, prelicensing requirements," and after the last comma insert "and"; strike beginning with the comma in line 2 through "insurance" in line 3 and insert "; to eliminate education requirements"; and in line 7 strike "and" and after the last comma insert "and 44-3909 to 44-3916,".

3. On page 4, line 6, strike the comma.

4. On page 9, line 5, after "may" insert an underscored comma.

5. On page 11, line 1, strike "act" and insert "section".

6. On page 26, line 17, strike "subdivision" and insert "subsection".

7. On page 31, line 14, strike "act" and insert "Life and Health Insurers Risk-Based Capital Act".

8. On page 46, line 9, strike the comma.

9. On page 50, line 6, strike "their" and insert "his or her".

10. On page 59, line 4, strike "Reissue"; and in lines 4 and 5 strike "of Nebraska, 1943" and insert "Supplement, 1992".

11. On page 92, line 2, after "Act" insert an underscored comma.

12. On page 102, line 7, strike "44-1640,"; and in line 10 after the second comma insert "44-1640,".

LEGISLATIVE BILL 583A. Placed on Select File.

LEGISLATIVE BILL 348. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5471.)

LEGISLATIVE BILL 110. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5473.)

LEGISLATIVE BILL 739. Placed on Select File as amended.
E & R amendment to LB 739:
AM5470

1. On page 2, line 22, strike "such fund" and insert "the Trail Development Assistance Fund".

LEGISLATIVE BILL 220. Placed on Select File as amended.
E & R amendment to LB 220:
AM5472

1. In the Standing Committee amendments, AM0756, on page 5, line 1, strike "Taxes" and insert "Property taxes"; and in line 4 strike "limitations" and insert "limitation".

2. On page 1, line 3, after the second "to" insert "change provisions relating to and"; in line 5 strike "and"; and in line 6 after "sections" insert "; and to declare an emergency".

Correctly Reengrossed

The following bill was correctly reengrossed: 364.

Correctly Engrossed

The following bills were correctly engrossed: 74, 280, 315, 478, 529, 539, 545, 547, 555, 582, 625, 652, and 781.

Enrollment and Review Change to LB 478

The following changes, required to be reported for publication in the Journal, have been made:
ER7253

1. On page 2, line 11, "be" has been struck, shown as stricken, and "is" inserted.

2. On page 12, line 26, "said" has been struck, shown as stricken, and "the" inserted.

Enrollment and Review Change to LB 547

The following changes, required to be reported for publication in the Journal, have been made:
ER7250

1. On page 1, line 1, "section 76-1004" has been struck and "sections 76-1004 and 76-1005" inserted; in line 3 "to eliminate a requirement for a written acknowledgement;" has been inserted after the semicolon; and in line 4 "section" has been struck and "sections" inserted.

2. On page 3, line 24, "is" has been struck and "are" inserted.

Enrollment and Review Change to LB 781

The following changes, required to be reported for publication in the Journal, have been made:
ER7254

1. On page 3, line 5, "the" has been inserted before "Legislature".

(Signed) Kurt Hohenstein, Chairperson

GENERAL FILE

LEGISLATIVE BILL 757. Mr. Abboud offered the following amendment to the Landis pending amendment, FA97:
FA116

At page 30, line 13, after "such", add "Sections 29 and 30";

At page 51, in Section 30, add a new paragraph;

"Failure by the employer to adopt and implement recommendations of the safety committee involving serious or imminent hazards shall constitute non-compliance with this Section."

Mmes. Robak and Witek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?"

Mr. Landis moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The motion to cease debate prevailed with 25 ayes, 3 nays, and 21 not voting.

The Abboud amendment lost with 5 ayes, 25 nays, 7 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Mr. Withem moved to suspend the rules, Rule 6, Section 3 and Rule 7, Section 3, and vote on the adoption of the second division of the Landis amendment without further amendment or debate.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?"

Mr. Withem moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

The Withem motion to suspend the rules prevailed with 34 ayes, 2 nays, 5 present and not voting, and 8 excused and not voting.

The second Landis amendment, FA97, was adopted with 32 ayes, 4 nays, 5 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

The third Landis amendment is as follows:
FA98

"Sec. 7. (1) The Nebraska Workers' Compensation Court may develop and implement an independent medical examiner system consistent with the requirements of this section. As part of such system, the compensation court may create, maintain, and periodically validate a list of health care providers that it finds to be the most qualified and to be highly experienced and competent in their specific fields of expertise and in the treatment of work-related injuries to serve as independent medical examiners from each of the health care specialties that the compensation court finds most commonly used by injured employees. The compensation court may establish a fee schedule for services rendered by independent medical examiners and may adopt and promulgate any rules and regulations considered necessary to carry out the purposes of this section.

(2) An independent medical examiner shall render medical findings on the medical condition of an employee and related issues as specified under this section. The independent medical examiner shall not be the employee's treating health care provider and shall not have treated the employee with respect to the injury for which the claim is being made or the benefits are being paid.

(3) If the parties to a dispute cannot agree on an independent medical examiner of their own choosing, the compensation court shall assign an independent medical examiner from the list of qualified examiners to render medical findings in any dispute relating to the medical condition of a claimant, including, but not limited to, whether the injured employee is able to perform any gainful employment temporarily or permanently, what physical

restrictions, if any, would be imposed on the employee's employment, whether the injured employee has reached maximum medical improvement, the existence and extent of any permanent physical impairment, and the reasonableness and necessity of any medical treatment previously provided, or to be provided, to the injured employee.

(4) The compensation court may adopt and promulgate rules and regulations pertaining to the procedures before the independent medical examiner, including the parties' ability to propound questions relating to the medical condition of the employee to be submitted to the independent medical examiner. In addition to the review of records and information, the independent medical examiner may examine the employee as often as the examiner determines necessary to render medical findings on the questions propounded by the parties or by the compensation court.

(5) The independent medical examiner shall submit a written report to the compensation court, the employer, and the employee stating the examiner's medical findings on the issues raised and providing a description of findings sufficient to explain the basis of those findings. The fee for the examination and report shall be paid by the employer.

(6) If the parties agree to use of a medical examiner, the examiner's findings shall be binding. If the compensation court assigns an independent medical examiner, it shall be a rebuttable presumption that the examiner's findings are correct.

(7) Any health care provider acting without malice and within the scope of the provider's duties as an independent medical examiner shall be immune from civil liability for making any report or other information available to the compensation court or for assisting in the origination, investigation, or preparation of the report or other information so provided.

4. On page 9, line 18; page 13, line 28; page 14, line 4; and page 48, line 12, after "examiner" insert "pursuant to section 7 of this act".

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Lindsay asked unanimous consent to print the following amendment to LB 757 in the Journal. No objections. So ordered.

FA117

Amend AM1188 to LB 757 by the following:

1. Add a new section:

"Palliative care shall not be compensable except when provided to a worker who has been determined to have a permanent total disability, when necessary to monitor administration of prescription medication required to maintain the worker in a medically stationary condition or to monitor the status of a prosthetic device."

Mrs. Hudkins asked unanimous consent to print the following amendment to LB 779 in the Journal. No objections. So ordered.

AM1512

1. Insert the following new sections:

"Sec. 3. That section 28-306, Revised Statutes Supplement, 1992, be amended to read as follows:

28-306. (1) A person who causes the death of another unintentionally while engaged in the operation of a motor vehicle in violation of the law of the State of Nebraska or in violation of any city or village ordinance commits motor vehicle homicide.

(2) Except as provided in subsection (3) of this section, motor vehicle homicide is a Class I misdemeanor.

(3)(a) If the proximate cause of the death of another is the operation of a motor vehicle in violation of section 39-669.01 or 39-669.03, motor vehicle homicide is a Class IV felony.

(b) If the proximate cause of the death of another is the operation of a motor vehicle in violation of section 39-669.07, motor vehicle homicide is a Class IV felony and the court shall, as part of the judgment of conviction, order the person not to drive any motor vehicle for any purpose for a period of at least sixty days and not more than fifteen years from the date ordered by the court and shall order that the operator's license of such person be revoked for the same period. The revocation shall not run concurrently with any jail term imposed.

(c) If the proximate cause of the death of another is the operation of a motor vehicle in violation of section 39-669.07, motor vehicle homicide is a Class III felony if the defendant has a prior conviction under section 39-669.07, a prior conviction under a city or village ordinance enacted pursuant to such section, or has completed a pretrial diversion program pursuant to section 3 of this act and the court shall, as part of the judgment of conviction, order the person not to drive any motor vehicle for any purpose for a period of at least sixty days and not more than fifteen years from the date ordered by the court and shall order that the operator's license of such person be revoked for the same period. The revocation shall not run concurrently with any

jail term imposed.".

2. On page 3, line 4, strike "shall have" and insert "and the court shall show on the record the reason for dismissal and" and after "offense" insert "shall be"; in line 6 after the underscored period insert:

"Prior to entering a pretrial diversion program pursuant to this section, a person shall be notified that such offense shall be considered in any penalty applied pursuant to section 28-306."; and in line 10 strike "is" and insert "and section 28-306, Revised Statutes Supplement, 1992, are".

3. Renumber the remaining sections accordingly.

Mrs. Hudkins asked unanimous consent to print the following amendment to LB 779 in the Journal. No objections. So ordered.

AM1511

1. Insert the following new section:

"Sec. 3. That section 39-669.07, Revised Statutes Supplement, 1992, be amended to read as follows:

39-669.07. (1) It shall be unlawful for any person to operate or be in the actual physical control of any motor vehicle:

(a) While under the influence of alcoholic liquor or of any drug;

(b) When such person has a concentration of ten-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood; or

(c) When such person has a concentration of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath.

(2) Any person who operates or is in the actual physical control of any motor vehicle while in a condition described in subsection (1) of this section shall be guilty of a crime and upon conviction punished as follows:

(a) If such person (i) has not had a conviction under this section in the eight years prior to the date of the current conviction, ~~or~~ (ii) has not been convicted under a city or village ordinance enacted pursuant to this section in the eight years prior to the date of the current conviction, or (iii) has not entered a pretrial diversion program pursuant to section 2 of this act in the eight years prior to the date of the current conviction such person shall be guilty of a Class W misdemeanor, and the court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle for any purpose for a period of six months from the date ordered by the court and shall order that the operator's license of such person be revoked for a like period. Such revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or

upon the date that any probation is revoked. Such revocation shall not run concurrently with any jail term imposed.

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order such person not to drive any motor vehicle for any purpose for a period of sixty days from the date of the order;

(b) If such person (i) has had one conviction under this section in the eight years prior to the date of the current conviction, ~~or~~ (ii) has been convicted once under a city or village ordinance enacted pursuant to this section in the eight years prior to the date of the current conviction, or (iii) has entered a pretrial diversion program pursuant to section 2 of this act in the eight years prior to the date of the current conviction such person shall be guilty of a Class W misdemeanor, and the court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle for any purpose for a period of one year from the date ordered by the court and shall order that the operator's license of such person be revoked for a like period. Such revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked. Such revocation shall not run concurrently with any jail term imposed.

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order such person not to drive any motor vehicle in the State of Nebraska for any purpose for a period of six months from the date of the order, and such order of probation shall include as one of its conditions confinement in the city or county jail for forty-eight hours; and

(c) If such person (i) has had two or more convictions under this section in the eight years prior to the date of the current conviction, (ii) has been convicted two or more times under a city or village ordinance enacted pursuant to this section in the eight years prior to the date of the current conviction, ~~or~~ (iii) has been convicted as described in subdivisions (i) and (ii) of this subdivision a total of two or more times in the eight years prior to the date of the current conviction, or (iv) has been convicted as described in subdivisions (i) and (ii) of this subdivision one or more times and has entered a pretrial diversion program pursuant to section 2 of this act in the eight years prior to the date of the current conviction, such person shall be guilty of a Class W misdemeanor, and the court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle in the State of Nebraska for any purpose for a period of fifteen years from the date ordered by the court and shall

order that the operator's license of such person be revoked for a like period. Such revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked. Such revocation shall not run concurrently with any jail term imposed.

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order such person not to drive any motor vehicle in the State of Nebraska for any purpose for a period of one year, and such order of probation shall include as one of its conditions confinement in the city or county jail for seven days.

(3) For each conviction under this section, the court shall as part of the judgment of conviction make a finding on the record as to the number of the defendant's prior convictions under this section and under a city or village ordinance enacted pursuant to this section in the eight years prior to the date of the current conviction. If the defendant has entered into and successfully completed a pretrial diversion program pursuant to section 2 of this act, the court shall enter such matter into the record upon dismissal of such case. The defendant shall be given the opportunity to review the record of his or her prior convictions, bring mitigating facts to the attention of the court prior to sentencing, and make objections on the record regarding the validity of such prior convictions.

(4) For purposes of this section, the eight-year period shall be computed from the date of the prior offense to the date of the offense which resulted in the current conviction and the terms conviction under this section and prior conviction shall include any conviction under this section as it existed at the time of such conviction regardless of subsequent amendments to such section.

(5) Any period of revocation imposed under this section shall be reduced by any period imposed under section 39-669.16. Any period of revocation imposed under this section shall not prohibit the operation of a motor vehicle under the terms and conditions of an employment driving permit issued pursuant to subsection (2) of section 39-669.16.

(6) Any person operating a motor vehicle on the highways or streets of this state while his or her operator's license has been revoked pursuant to subdivision (2)(c) of this section shall be guilty of a Class IV felony.

(7) Any city or village may enact ordinances in conformance with this section and section 39-669.08. Upon conviction of any person of a violation of such a city or village ordinance, the provisions of this section with respect to the license of such person to operate a motor vehicle shall be applicable the same as though it were a violation of this

section.

(8) Any person who has been convicted of driving while intoxicated for the first time or any person convicted of driving while intoxicated who has never been assessed for alcohol abuse shall, during a presentence evaluation, submit to and participate in an alcohol assessment. The alcohol assessment shall be paid for by the person convicted of driving while intoxicated. At the time of sentencing, the judge, having reviewed the assessment results, may then order the convicted person to follow through on the alcohol assessment results at the convicted person's expense in lieu of or in addition to any penalties deemed necessary.".

2. On page 3, line 6, after the period insert "Prior to entering a pretrial diversion program pursuant to this section, a person shall be notified that such offense shall be considered in any penalty applied pursuant to section 39-669.07 in any subsequent conviction under such section."; and in line 10 strike "is" and insert "and section 39-669.07, Revised Statutes Supplement, 1992, are".

3. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 50 fourth grade students and teachers from Seymour Elementary, Ralston; 15 junior high students and teacher from Lexington; 50 fourth grade students and teacher from Howard Elementary, Grand Island; Gene and Ila Mackey from Gretna; 30 fourth grade students and teacher from Trinity Christian, Omaha; 11 eighth grade students and teachers from East Catholic Elementary, St. Helena and Bow Valley; 28 fourth and fifth grade students and teacher from Amherst Elementary; and 44 fourth grade students and teacher from Wasmer Elementary, Grand Island.

The Doctor of the Day was Robert L. Wergin from Lincoln.

ADJOURNMENT

At 1:11 p.m., on a motion by Mr. Will, the Legislature adjourned until 9:00 a.m., Tuesday, April 27, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

OF THE

STATE OF NEBRASKA

Volume 2

NINETY-THIRD LEGISLATURE
FIRST SESSION

1993

Convened January 6, 1993 Adjourned June 8, 1993

LINCOLN, NEBRASKA

Compiled

Under the Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

printed on recycled paper

SIXTY-SIXTH DAY - APRIL 27, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

SIXTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 27, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Theodore Cook, St. Paul's Evangelical Lutheran Church, rural Falls City, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Dierks and Hall who were excused; and Messrs. Abboud, Ashford, Fisher, Haberman, Hartnett, Horgan, Kristensen, Lindsay, Moore, Wehrbein, Wesely, Mmes. Hillman, McKenzie, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-fifth day was approved.

UNANIMOUS CONSENT - Members Excused

Mrs. Crosby, Messrs. Hohenstein, and Avery asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 632. Placed on Select File as amended.
E & R amendment to LB 632:
AM5475

1. On page 1, line 1, strike "section 18-2737" and insert "sections 18-1737 and 18-1740"; in line 2 after "1992"

insert ", and sections 18-1738 and 18-1738.01, Revised Statutes Supplement, 1992, as amended by sections 3 and 4, respectively, Legislative Bill 112, Ninety-third Legislature, First Session, 1993"; in line 4 after the semicolon insert "to change provisions relating to issuance and duration of handicapped parking permits;"; and in line 5 strike "section" and insert "sections".

2. On page 2, line 1, strike "8" and insert "7"; and in line 27 after "or" insert an underscored comma.

3. On page 3, line 17, strike "violation" and insert "infraction".

4. On page 5, line 25, strike "traffic", show as stricken, and insert "handicapped parking".

LEGISLATIVE BILL 732. Placed on Select File as amended.
E & R amendment to LB 732:
AM5477

1. On page 3, line 18, reinstate the stricken "time" and strike "the time".

2. On page 10, line 14, strike "revenue sources" and insert "sources of revenue".

LEGISLATIVE BILL 139. Placed on Select File as amended.
E & R amendment to LB 139:
AM5476

1. On page 1, strike beginning with "provide" in line 2 through "certain" in line 5 and insert "authorize the Nebraska Brand Committee to contract with certain agencies or organizations to collect assessments on certain sales as prescribed; to eliminate provisions relating to collection of".

LEGISLATIVE BILL 447. Placed on Select File as amended.
E & R amendment to LB 447:
AM5479

1. Strike the original sections and all amendments thereto and insert the following new section:

"Section 1. The Department of Revenue shall on or before December 31, 1993, examine and document the incidence of a personal property tax system which subjects certain breeding livestock to property taxation based on its depreciated cost while other breeding livestock, as well as other livestock, is nondepreciable and exempt from property taxation.".

2. On page 1, strike beginning with "liens" in line 1 through line 5 and insert "revenue and taxation; to provide for a study of taxation of certain livestock.".

LEGISLATIVE BILL 121. Placed on Select File as amended.

(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5478.)

(Signed) Kurt A. Hohenstein, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 22, 1993, at 1:15 p.m., was the following bill: 575.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MESSAGE FROM THE GOVERNOR

April 22, 1993

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 27, 53, 187, 187A, 236, 306, 443, 561, 631, 789, and 471 were received in my office on April 19, 1993; engrossed Legislative Bills 267 and 831 were received on April 21, 1993; and engrossed Legislative Bill 575 was received on April 22, 1993.

These bills were signed by me on April 22, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

ATTORNEY GENERAL'S OPINION

Opinion No. 93031

DATE: April 22, 1993

SUBJECT: Disenfranchisement Based on Conviction of a Felony.

REQUESTED BY: Senator Kate Witek
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General

L. Jay Bartel, Assistant Attorney General

You have requested our opinion concerning the constitutionality of LB 76, a bill proposing to amend the state's election laws. The particular provision you refer to is subsection (2) of § 72, which would require court clerks to prepare a monthly abstract of each "final judgment served by the clerk convicting an elector of a felony", and forward the same to the election commissioner or county clerk of the elector's county of residence. You ask whether, pursuant to the proposed legislation, a person convicted of a felony would be qualified to vote, and, if so, whether a person would be disqualified from voting immediately upon a judgment of conviction and imposition of sentence, or if disqualification would not occur until after an appeal of a judgment of conviction or sentence was decided.

Neb. Const. art. VI, § 2, provides: "No person shall be qualified to vote who is non compos mentis, or who has been convicted of treason or felony under the laws of the state or of the United States, unless restored to civil rights." (Emphasis added). Presently, Nebraska's election laws contain a provision mirroring this constitutional language. Neb. Rev. Stat. § 32-1048 (1988).

In a previous opinion, this office addressed the meaning of language contained in various constitutional provisions disqualifying persons "convicted of {a} felony" from being electors (Neb. Const. art. VI, §2) or disqualifying persons from holding public office upon "conviction of a felony" (Neb. Const. art. III, § 23 (repealed, 1972); Neb. Const. art. XV, § 2). 1957-58 Rep. Att'y Gen. 367 (Opinion No. 217, dated March 21, 1958). In this opinion, we noted that

> the meaning of the term "convicted" or "conviction" depends upon the exact wording of the statutory or constitutional provision in which the term appears, and upon the type of situation to which the particular law applies; that is, whether it relates to the imposition of enhanced penalties for successive law violations, to disqualification or loss of a license for engaging in a trade or profession or for operating a motor vehicle, to a final order upon which appeal or error may be based, to the imposition of sentence, as well as to the loss of civil rights.

Id. at 369.

In State ex rel. Hunter v. Jurgensen, 135 Neb. 136, 280 N.W. 886 (1938), cert. denied 307 U.S. 643 (1939), the Court addressed whether the office of lieutenant governor was vacated under Neb. Const. art. III, § 23, by conviction of the holder of the office of a felony. The lieutenant governor had been found guilty, and, after a motion for new trial was denied, the court "entered its judgment in the case and sentenced him to imprisonment." Id. at 137, 280 N.W. at 887. The defendant prosecuted an error proceeding in the Nebraska Supreme Court. The Attorney General instituted a quo warranto action challenging the lieutenant governor's right to continue holding office, seeking a determination that the lieutenant governor's felony conviction created a vacancy in the office under Article III, § 23. The issue

presented was whether "the verdict of the jury and the order, judgment and sentence of the district court, from which verdict respondent ha{d} prosecuted a proceeding in error, {constituted} a "conviction of a felony" within the meaning of section 23, art. III of the Constitution of Nebraska?" Id. at 138, 280 N.W. at 887.

The Court concluded that respondent's office became vacant on the date of the district court's order of judgment and the imposition of sentence. The Court held that

> where a plea or verdict of guilty has been entered and the trial court has entered its judgment and sentenced the accused, there has been a conviction within the meaning of the term as used in the Constitution or statute providing that a public office shall become vacant upon conviction of a felony, and that such vacancy occurred notwithstanding the fact that a proceeding in error was taken or pending from such conviction.

Id. at 139, 280 N.W. at 888.

While the Jurgensen case dealt with the meaning of the language creating a vacancy in public office following "conviction of a felony" under former Article III, § 23, it is of assistance in construing the provision of Article VI, § 2, disqualifying persons from voting who have been "convicted of. . . {a} felony." Given the similarity between the language of these constitutional provisions, it appears that our Court, if asked to address the question, would likely conclude that one is "convicted of a felony" under Article VI, § 2, following the entry of a judgment of conviction of an offense constituting a felony and imposition of sentence, and that the prosecuting of an appeal would not prevent or suspend the disqualification from voting mandated by this constitutional provision.

This conclusion is in accord with the view of a majority of jurisdictions which have construed constitutional or statutory provisions requiring the disqualification of an elector or public officeholder as a result of a criminal "conviction" to apply immediately following entry of judgment and sentence, even though an appeal has been taken. See, e.g., Campbell v. State, 300 Ark. 570, 781 S.W.2d 14 (1989); State ex inf. Peach v. Goins, 575 S.W.2d 175 (Mo. 1978); State ex rel. Chavez v. Evans, 79 N.M. 578, 446 P.2d 445 (1968); State ex rel. Olson v. Langer, 65 N.D. 68, 256 N.W. 377 (1934). There is, however, authority to the contrary, holding that provisions disenfranchising persons "adjudged guilty" of or convicted of a felony require a "final adjudication" or a "final conviction", and that the pendency of appeal proceedings precludes such disqualification from voting from taking effect. See, e.g., Hayes v. Williams, 341 F. Supp. 182 (S.D. Tex. 1972); State ex rel. Heartsill v. County Election Board, 326 P.2d 782 (Okla. 1958).

With respect to your specific questions, it is clear that a person "who has been convicted of. . .{a} felony" is disqualified from voting under the plain language of Article VI, § 2. Furthermore, while it is not entirely clear, it appears that, based on the interpretation of similar language by the Nebraska Supreme Court in the Jurgensen case, the

Court would likely conclude that a person is "convicted" within the meaning Article VI, § 2, following the entry of judgment and sentencing, and, as such, the disqualification from voting provided would attach at this time, without regard to whether an appeal were taken.

Section 72 of LB 76 proposes to amend Nebraska's election statutes to provide, in part: "No person shall be qualified to vote or to register to vote who is non compos mentis or who has been finally convicted of treason or felony under the laws of the state or of the United States unless restored to civil rights. . . ." LB 76, § 72(1) (Emphasis added). This section further provides that "{t}he clerk of any court in which a person is convicted of a felony shall prepare an abstract each month of each final judgment served by the clerk convicting an elector of a felony", and that the clerk must file the abstract with the election commissioner or county clerk of the elector's county of residence within a specified time. LB 76, § 72(2) (Emphasis added).

To the extent that subsection (1) of § 72 uses the phrase "finally convicted" of a felony to determine when disenfranchisement occurs, this may contravene the provisions of Article VI, § 2, which requires disqualification from voting of a person "convicted" of a felony. The term "final conviction" has been construed to mean a conviction for which the defendant has exhausted all appellate remedies or as to which the time for appeal has expired. State v. Lynn, 5 Ohio St. 2d 106, 214 N.E.2d 226 (1966). See also Cunningham v. State, 815 S.W.2d 313 (Tex. Ct. App. 1991) (Conviction from which appeal has been taken is not "final conviction" for purposes of enhancement until conviction is affirmee by appellate court and that court's mandate of affirmance becomes final); Hayes v. Williams, 341 F. Supp. 182 (S.D. Tex. 1972); State ex rel. Heartsill v. County Election Board, 326 P.2d 782 (Okla. 1958). As noted previously, we believe that the Nebraska Supreme Court would, based on the Jurgensen case, construe the phrase "convicted of. . . {a} felony" in Article VI, § 2, to relate to the entry of judgment and sentence, without regard to whether an appeal is taken. Thus, if the term "finally convicted" is intended to require that disqualification from voting does not attach to one convicted of a felony until after the time for appeal has expired or an appeal has been decided, this would be contrary to the language of Article VI, § 2, and would therefore be unconstitutional.

In addition, subsection (2) of § 72 requires court clerks to prepare an abstract of each "final judgment. . .convicting an elector of a felony", and to file the same with the election commissioner or county clerk of the elector's county of residence. In the criminal context, the meaning of the phrase "final judgment" is susceptible to different interpretations. "Final judgment" in a criminal case, after entry of which the time for appeal begins to run, is the sentencing of the defendant. People v. Stewart, 79 Ill. Dec. 123, 101 Ill. 2d 470, 463 N.E.2d 677 (1984); In re Zach, 61 N.J. Super. 591, 161 A.2d 745 (1960). In certain contexts, however, a "final judgment" does not occur until all avenues of direct appeal are exhausted. Maryland State Bar

Ass'n, Inc. v. Kerr, 272 Md. 687, 326 A.2d 180 (1974) (A "final judgment" for purposes of rule authorizing final judgment of conviction of a crime to be conclusive proof of guilt for disciplinary proceedings is one that exists when all avenues of direct appeal from a judgment of conviction and sentence are no longer open); State v. McCluney, 280 N.C. 404, 185 S.E.2d 870 (1972) (Judgment is not final, within doctrine that when a criminal statute is expressly and unqualifiedly repealed after crime has been committed but before "final judgment" no punishment can be imposed, as long as case is pending on appeal). In this context, it appears that the term "final judgment" should be construed in its generally accepted sense, that being the time of sentencing of a defendant. If so construed, this provision of LB 76 would not be contrary to Article VI, § 2.

In conclusion, it is our opinion that the portion of subsection (1) of § 72 of LB 76 providing that a person "finally convicted" of a felony is disqualified to vote may run afoul of Neb. Const. art. VI, § 2, as it may be construed to suspend disenfranchisement until after an appeal of a conviction or sentence is exhausted. Based on the Jurgensen case, it appears that Article VI, § 2, would be construed by our supreme court to require that one is "convicted of. . . {a} felony" within the meaning of this constitutional provision following a judgment of conviction and imposition of sentence, without regard to the taking of an appeal. To the extent the language of § 72(1) of the bill may conflict with this interpretation, it would be unconstitutional. The portion of subsection (2) of § 72 of LB 76 referring to a "final judgment. . .convicting an elector of a felony" would not necessarily run afoul of Article VI, § 2, provided it is interpreted to refer to the entry of judgment and imposition of sentence. If it is interpreted to suspend the time for the taking effect of disqualification from voting of a person convicted of a felony until after the time for appeal has expired or an appeal is taken and decided, however, this portion of the bill may also run afoul of Article VI, § 2. Either potential defect could easily be cured by the adoption of language mirroring the constitutional provision, as is presently contained in Neb. Rev. Stat. § 32-1048 (1988), or other clarifying language.

Very truly yours,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

cc: Patrick O'Donnell
Clerk of Legislature
7-636-7.20

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

The Committee on Government, Military and Veterans Affairs desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Darrell Johnson - Crime Victims Reparations Committee

Vote: Aye: Senators Janssen, Pirsch, Robinson, Schimek, Schmitt, and Witek. Nay: none. Pass: none. Absent: Senators Cudaback and Haberman.

(Signed) DiAnna R. Schimek, Chairperson

REPORT

Received annual report from the Nebraska Department of Revenue on Charitable Gaming in compliance with section 9-1,101, R.R.S. 1943.

RESOLUTIONS

LEGISLATIVE RESOLUTION 25. Read. Considered.

Mr. Chambers offered the following amendment:
FA118

In the 2nd Resolve paragraph strike the following:

"and that normalization of relations with those countries of Southeast Asia be defended until such time as these issues are satisfactorily and adequately addressed."

The Chambers amendment lost with 14 ayes, 13 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Coordsen offered the following amendment:
FA119

In the 2nd "Resolve" paragraph after the words "and that" add "during the process of" and after the word "Asia" strike "be defended until such time as"

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

The Coordsen amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA120

In second "resolve", strike "future", and after "returned", insert "in the future"

The Chambers amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LR 25, as amended, was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 74. Read. Considered.

Mr. Beutler offered the following amendment:
AM1693

1. In Resolveds 1 and 2, after "should" insert ", with the support and participation of the United Nations and our major European allies,".

Mr. Chambers offered the following amendment to the Beutler pending amendment:
FA121

Amend Beutler amendment:
"and in no case shall the United States assume a disproportionate share of the financial and military burden associated with or resulting from any such undertakings"

Pending.

Mrs. Rasmussen asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Withem asked unanimous consent to bracket LR 74 until May 1, 1993.

Mr. Chambers objected.

Mr. Chambers withdrew his objection.

Mr. Withem asked unanimous consent to bracket LR 74 until May 1, 1993. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 544A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORT
Business and Labor

The Committee on Business and Labor desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Raymond F. Otter - Boiler Safety Code Advisory Board
Cindy Krom - Boiler Safety Code Advisory Board

Vote: Aye: Senators Abboud, Bromm, Schimek, and Vrtiska. Absent: Senators Chambers and Dierks.

(Signed) Chris Abboud, Chairperson

PROPOSED RULES CHANGE

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

Rule 3, Section 4, Select Committees

(e) Reference Committee

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

If a bill contains sections which increase or decrease the revenue collected by the state for the general fund or any cash fund, such sections shall be noted on the reference report with an "R" notation. The bill shall be referred to the committee which has subject matter jurisdiction without regard to the sections with an "R" notation.

Section 16. Report of Bill to Legislature.

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

(b) If a bill advanced to General File contains sections which increase or decrease the revenue collected by the state, either because these sections were noted by the Reference Committee or are part of a committee amendment, these sections shall be

removed from the bill and placed in a separate bill by the committee amendment. The bill shall bear the number of the original bill with the letter "R" added. The original bill is then advanced to General File and the "R" bill forwarded to the Revenue Committee for action.

The Revenue Committee may schedule a hearing on the "R" Bill to be held by the 50th day of the session in an odd numbered year, the 40th day of the session in an even numbered year, or 14 days after the bill is forwarded to the Revenue Committee, whichever is later. If a hearing is not held within these timelines, the bill shall be deemed advanced to General File without further action by the Revenue Committee. If the Revenue Committee does hold a hearing on the bill, it may advance, advance with committee amendments, or indefinitely postpone any "R" bill in the same manner as other bills as provided in this section.

If the "R" bill is advanced to General File through either action or inaction by the Revenue Committee, the "R" bill shall accompany the original bill through all stages of the legislative process. If the "R" bill is indefinitely postponed by the Revenue Committee, the original bill then moves through the legislative process without the revenue portions.

(Renumber (b) as (c)

(d) No bill shall be reported by the committee to be placed on General File unless the amendments and accompanying "R" bill; if any, are approved as to form and draftsmanship by the Bill Drafter.

Section 18. Committee Statement.

(a) The chairperson of each committee with the assistance of the legislative staff shall, when reporting a bill, submit with such bill a committee statement which shall contain, but need not be limited to, the following information:

(1) The one-line title and number of the bill;
(2) A roll call vote of final committee action taken on the bill;
(3) The date of the public hearing on the bill;
(4) A list of all individuals testifying for and against the bill and any organization they represent;
(5) A summary of the bill's purpose and a description of all major provisions for change in the bill as written and as amended by the committee;
(6) If committee amendments are to be introduced, a copy of the amendments and an explanation thereof;

(7) A summary of any "R" bill referred to the Revenue Committee.

Rule 5, Section 4 -

(c) No bill shall be introduced after the tenth legislative day of any session, except:

1. "A" bills, "R" bills, appropriation bills, and bills introduced at the request of the Governor may be introduced at any time;

2. A standing committee or special committee may request that the Legislature consider introduction of a bill. A vote of three-fifths of the elected members of the Legislature shall be required for such bill to be introduced, and a copy of the statement of intent for such bill must be placed on each member's desk before introduction of the bill is voted upon.

Rule 5, Section 6 -

(f) When any bill proposes adoption of a new program or change of an existing program either of which would require an appropriation to implement in the ensuing fiscal year, an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be prepared at the direction of the Chairperson of the Appropriations Committee. Such bill shall be placed on General File and considered as introduced by the introducer of the original bill or by the committee which offered the amendments creating the expenditure, and shall bear the number of the original bill with the letter "A" added, and shall accompany any accompanying "R" bill and the original bill through all stages of the legislative process. All bills for which an "A" bill is prepared shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading.

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

Referred to the Rules Committee.

RESOLUTION

LEGISLATIVE RESOLUTION 84. Introduced by Baack, 47.

WHEREAS, the week commencing June 7, 1993, has been designated by the National Management Association as "Management Week"; and

WHEREAS, the National Management Association is an organization committed to the promotion of the free enterprise system, management as a distinct profession, and the certification of managers; and

WHEREAS, the management profession has significantly contributed to the strength and vitality of this country's economy and in the future such skills will be particularly essential as we strive to strengthen the economy of the State of Nebraska; and

WHEREAS, there are two chapters of the National Management Association comprised of employees of the State of Nebraska; and

WHEREAS, the original chapter, the Nebraska State Government Chapter of the National Management Association, was chartered in 1984 with one hundred members and now has three hundred ten members representing forty-six state agencies, including the Legislative Council; and

WHEREAS, the Omaha State Government Chapter of the National Management Association was chartered in 1989 and now has fifty-six members representing five state agencies; and

WHEREAS, the Nebraska State Government Chapter and the Omaha State Government Chapter of the National Management Association will join with the Lincoln Human Resource Management Association, a chapter of the Society of Human Resource Management Associations, which was chartered in 1953 and now has two hundred twenty-five members, and with other private and public sector managers nationwide, to honor the role and achievements of managers in our society during "Management Week".

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

1. That the Legislature hereby declares the week commencing June 7, 1993, as "Management Week" in Nebraska and calls upon the citizenry to recognize and participate in the observance of this worthy occasion.

2. That copies of this resolution be sent to Harold L. Wheeler, President of the Nebraska State Government Chapter of the National Management Association, Dennis L. Donovan, President of the Omaha State Government Chapter of the National Management Association, and Dennis R. Seaman, President of the Lincoln Human Resource Management Association.

Laid over.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 815. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1699.)

LEGISLATIVE BILL 98. Placed on General File as amended. Standing Committee amendment to LB 98:
AM1502

1. Strike the original sections and insert the following new sections:

"Section 1. That section 77-2701, Revised Statutes Supplement, 1992, as amended by section 22, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, and section 69, Legislative Bill 138, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

77-2701. Sections 77-2701 to 77-27,135, ~~and~~ sections 24, 25, and 34 of this act, ~~and~~ section 70 of this act, and section 3 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967.

Sec. 2. That section 77-2702.03, Revised Statutes Supplement, 1992, as amended by section 23, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, be amended to read as follows:

77-2702.03. For purposes of sections 77-2702.03 to 77-2713, ~~and~~ sections 24 and 25 of this act, and section 3 of this act, unless the context otherwise requires, the definitions found in sections 77-2702.04 to 77-2702.23 and section 3 of this act shall be used.

Sec. 3. Beverage shall mean any product which is primarily intended to be consumed as a pure liquid by drinking. Beverage shall include, but not be limited to, coffee, tea, soft drinks, carbonated beverages, bottled flavored or sweetened water, or juice, whether sold in frozen, concentrated, granulated, dehydrated, powdered, or ready-to-drink form.

Sec. 4. That section 77-2704.10, Revised Statutes Supplement, 1992, be amended to read as follows:

77-2704.10. Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of:

(1) Meals and food products, including ~~soft drinks and~~ beverages and candy, for human consumption served by public or private schools, school districts, student organizations, or parent-teacher associations pursuant to an agreement with the proper school authorities, in an elementary or secondary school or at any institution of higher education, public or private, during the regular school day or at an approved function of any such school or institution, but such

exemption shall not apply to sales at any facility or function which is open to the general public, except that concession sales by elementary and secondary schools, public or private, shall be exempt;

(2) Meals and food products, including ~~soft drinks and~~ beverages and candy, for human consumption when sold by a church at a function of such church; and

(3) Meals and food products, including ~~soft drinks and~~ beverages and candy, for human consumption when served to patients and inmates of hospitals and other institutions licensed by the state for the care of human beings.

Sec. 5. That section 77-2704.24, Revised Statutes Supplement, 1992, be amended to read as follows:

77-2704.24. (1) Except as provided in subsection (2) of this section, sales ~~Sales~~ and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of food or food products for human consumption which are eligible for purchase with food coupons issued by the United States Department of Agriculture pursuant to regulations in effect on October 1, 1983, regardless of whether the retailer from which the foods are purchased is participating in the food stamp program. ~~For purposes of this section, food shall not include~~

(2) Sales tax shall be imposed on the gross receipts from the sale of meals prepared for immediate consumption on or off the premises of the retailer, ~~and shall not include~~ foods or food products sold through vending machines, and beverages except (a) beverages containing at least fifty percent fruit or vegetable juice by volume, (b) beverages which are dairy products or baby formulas, or (c) beverages actually purchased with food coupons issued by the United States Department of Agriculture.

Sec. 6. This act shall become operative on October 1, 1993.

Sec. 7. That original sections 77-2704.10 and 77-2704.24, Revised Statutes Supplement, 1992, section 77-2702.03, Revised Statutes Supplement, 1992, as amended by section 23, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, and section 77-2701, Revised Statutes Supplement, 1992, as amended by section 22, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, and section 69, Legislative Bill 138, Ninety-third Legislature, First Session, 1993, are repealed.".

LEGISLATIVE BILL 741. Placed on General File as amended.
Standing Committee amendment to LB 741:
AM1673

1. Strike the original sections and insert the following new sections:

"Section 1. That section 53-160, Revised Statutes Supplement, 1992, be amended to read as follows:

53-160. (1) For the purpose of raising revenue, a tax is imposed upon the privilege of engaging in business as a manufacturer or a wholesaler at ~~a rate of twenty-three~~ the following rates:

(a) Twenty-five cents per gallon on all beer;

(b) Eighty-five ~~seventy-five~~ cents per gallon for wine containing not more than fourteen percent but not less than five-tenths of one percent of alcohol by volume and one dollar and ~~thirty-five~~ fifty cents per gallon for wines and other dilute alcoholic beverages containing more than fourteen percent of alcohol by volume, except for wines produced in farm wineries;

(c) Five ~~five~~ cents per gallon for wine produced in farm wineries; and

(d) Three dollars and thirty cents ~~three dollars~~ per gallon on alcohol and spirits manufactured and sold by such manufacturer or shipped for sale in this state by such wholesaler in the course of such business.

The gallonage tax imposed by this subsection shall be imposed only on alcoholic liquor upon which a federal excise tax is imposed.

(2) Manufacturers or wholesalers of alcoholic liquor shall be exempt from the payment of the gallonage tax on such alcoholic liquor upon satisfactory proof, including bills of lading furnished to the commission by affidavit or otherwise as the commission may require, that such alcoholic liquor was manufactured in this state but shipped out of the state for sale and consumption outside this state.

(3) Dry wines or fortified wines manufactured or shipped into this state solely and exclusively for sacramental purposes and uses shall not be subject to the gallonage tax.

(4) The gallonage tax shall not be imposed upon any alcoholic liquor, whether manufactured in or shipped into this state, when sold to a licensed nonbeverage user for use in the manufacture of any of the following when such products are unfit for beverage purposes: Patent and proprietary medicines and medicinal, antiseptic, and toilet preparations; flavoring extracts, syrups, food products, and confections or candy; scientific, industrial, and chemical products, except denatured alcohol; or products for scientific, chemical, experimental, or mechanical purposes.

(5) The gallonage tax shall not be imposed upon the privilege of engaging in any business in interstate commerce or otherwise, which business may not, under the Constitution and statutes of the United States, be made the subject of taxation by this state.

(6) The gallonage tax shall be in addition to all

other occupation or privilege taxes imposed by this state or by any municipal corporation or political subdivision thereof.

(7) The commission shall collect the gallonage tax and shall account for and remit to the State Treasurer at least once each week all money collected pursuant to this section. If any alcoholic liquor manufactured in or shipped into this state is sold to a licensed manufacturer or wholesaler of this state to be used solely as an ingredient in the manufacture of any beverage for human consumption, the tax imposed upon such manufacturer or wholesaler shall be reduced by the amount of the taxes which have been paid as to such alcoholic liquor so used under the Nebraska Liquor Control Act. The net proceeds of all revenue arising under this section shall be credited to the General Fund.

Sec. 2. This act shall become operative on October 1, 1993.

Sec. 3. That original section 53-160, Revised Statutes Supplement, 1992, is repealed.".

LEGISLATIVE BILL 22. Placed on General File.

LEGISLATIVE BILL 595. Placed on General File as amended.
Standing Committee amendment to LB 595:
AM1672

1. Strike the original sections and insert the following new sections:

"Section 1. The Legislature finds and declares that:

(1) Cancer is a disease which strikes many Nebraska families and has an extremely detrimental effect on the lives of many Nebraskans and on the economy of this state;

(2) Cancer research is of utmost importance to Nebraskans in efforts to combat and control this serious disease;

(3) Nebraska is fortunate to have nationally recognized programs of cancer research in colleges of medicine located in Nebraska;

(4) The promotion of diversity of research has the greatest potential for significant advancement in finding the causes of cancer and the successful treatment of the disease; and

(5) It is in the best interests of the citizens of this state to strengthen existing cancer research programs and prevent duplication of research efforts by supporting and contracting with Nebraska colleges of medicine with existing programs to provide cancer research for the improvement of public health in Nebraska.

Sec. 2. That section 77-2602, Revised Statutes Supplement, 1992, as amended by section 1, Legislative Bill 9,

Ninety-second Legislature, Third Special Session, 1992, and section 1, Legislative Bill 11, Ninety-second Legislature, Third Special Session, 1992, be amended to read as follows:

77-2602. (1) Every person engaged in distributing or selling cigarettes at wholesale in this state shall pay to the Tax Commissioner of this state a special privilege tax. This shall be in addition to all other taxes. It shall be paid prior to or at the time of the sale, gift, or delivery to the retail dealer in the several amounts as follows: On each package of cigarettes containing not more than twenty cigarettes, ~~twenty-seven~~ twenty-nine cents per package; and on packages containing more than twenty cigarettes, the same tax as provided on packages containing not more than twenty cigarettes for the first twenty cigarettes in each package and a tax of one-twentieth of the tax on the first twenty cigarettes on each cigarette in excess of twenty cigarettes in each package. Commencing July 1, 1993, and continuing until July 1, 1994, the State Treasurer shall place the equivalent of sixteen cents of such tax less three million seven hundred fifty thousand dollars in the General Fund. Commencing July 1, 1994, and continuing until July 1, 2009, the State Treasurer shall place the equivalent of sixteen cents of such tax less three million dollars each fiscal year of proceeds of such tax in the General Fund. Commencing July 1, 2009, the State Treasurer shall place the equivalent of sixteen cents of such tax in the General Fund. For purposes of this section, the equivalent of a specified number of cents of the tax shall mean that portion of the proceeds of the tax equal to the specified number divided by ~~twenty-seven~~ twenty-nine. The State Treasurer shall distribute the remaining proceeds of such tax in the following order:

(a) First, beginning July 1, 1980, the State Treasurer shall place the equivalent of one cent of such tax in the Nebraska Outdoor Recreation Development Cash Fund;

(b) Second, beginning July 1, ~~1983~~ 1993, the State Treasurer shall place the equivalent of ~~one cent~~ three cents of such tax in the Department of Health Cash Fund to carry out sections 81-637 to 81-640;

(c) Third, the State Treasurer shall place in the University Buildings Renovation and Land Acquisition Fund the sum of one million seven hundred sixty-five thousand one hundred fifty-three dollars and in the State College Buildings Renovation and Land Acquisition Fund the sum of three hundred sixty-one thousand two hundred twenty-two dollars each year for fiscal year 1984-85 through fiscal year 1993-94. Such amounts are hereby appropriated and the unexpended balances existing in such funds at the end of each fiscal year or biennium through June 30, 1994, are hereby reappropriated. The money in such funds shall be used for payment of the costs

of building repair, remodeling, and renovation projects and equipment and land acquisition projects of the University of Nebraska and the Nebraska state colleges authorized by sections 85-1,111, 85-1,112, 85-322, and 85-323;

(d) Fourth, beginning July 1, 1988, the State Treasurer shall place the equivalent of one-half cent of such tax, but in any event not less than six hundred ninety-five thousand one hundred seventy-eight dollars, in the University Facility Improvement Fund and shall place the equivalent of one and one-half cents of such tax, but in any event not less than one million eight hundred fifty-seven thousand two hundred thirteen dollars, in the State College Facilities Improvement Fund for each fiscal year to carry out sections 85-1,116, 85-1,117, 85-324, and 85-325. The Legislature shall appropriate the sum of six hundred ninety-five thousand one hundred seventy-eight dollars each year for fiscal year 1988-89 through fiscal year 1997-98 or until all financial obligations incurred in the contracts entered into by the Board of Regents pursuant to section 85-1,117 are discharged, whichever occurs first. The Legislature shall appropriate the sum of one million eight hundred fifty-seven thousand two hundred thirteen dollars each year for fiscal year 1988-89 through fiscal year 1997-98 or until all financial obligations incurred in the contracts entered into by the Board of Trustees of the Nebraska State Colleges pursuant to section 85-325 are discharged, whichever occurs first. The State Treasurer shall transfer the unexpended balance existing in the University Facility Improvement Fund and the State College Facilities Improvement Fund on June 15 of each year to the General Fund;

(e) Fifth, the State Treasurer shall place two million eight hundred six thousand two hundred seventy dollars in the University Facilities Fund and one million two hundred five thousand ninety-eight dollars in the State College Facility Fund each fiscal year for fiscal year 1993-94 through fiscal year 1996-97 to carry out sections 85-1,113 and 85-1,114 and sections 5 and 6 of this act. The Legislature shall appropriate the sum of two million eight hundred six thousand two hundred seventy dollars from the University Facilities Fund to the Board of Regents of the University of Nebraska each year for fiscal year 1993-94 through fiscal year 1996-97 or until all financial obligations incurred in contracts entered into by the board pursuant to section 85-1,114 are discharged, whichever occurs first. The Legislature shall appropriate the sum of one million two hundred five thousand ninety-eight dollars from the State College Facility Fund to the Board of Trustees of the Nebraska State Colleges each year for fiscal year 1993-94 through fiscal year 1996-97 or until all financial obligations

incurred in contracts entered into by the board pursuant to section 6 of this act are discharged, whichever occurs first. The State Treasurer shall transfer any unobligated balance existing in the University Facilities Fund and the State College Facility Fund to the General Fund on June 15 of each year;

(f) Sixth, the State Treasurer shall place the difference between the equivalent of eleven cents of such tax and the sum of the amounts distributed pursuant to subdivisions (a) through (e) of this subsection in a special fund to be known as the Nebraska Capital Construction Fund, and disbursements from such fund shall be as the Legislature shall from time to time provide; and

(g) Seventh, beginning July 1, 1993, and continuing until January 1, 1994, the State Treasurer shall place in the Municipal Infrastructure Redevelopment Fund the sum of two million two hundred fifty thousand dollars to carry out the Municipal Infrastructure Redevelopment Fund Act. Beginning January 1, 1994, and continuing until July 1, 1994, the State Treasurer shall place in the fund the sum of one million five hundred thousand dollars to carry out the act. Beginning July 1, 1994, and continuing until July 1, 2009, the State Treasurer shall place in the fund the sum of three million dollars each fiscal year to carry out the act. The Legislature shall appropriate the sum of three million seven hundred fifty thousand dollars for fiscal year 1993-94. The Legislature shall appropriate the sum of three million dollars each year for fiscal year 1994-95 through fiscal year 2008-09.

(2) The Legislature hereby finds and determines that the projects funded from the University Buildings Renovation and Land Acquisition Fund, the State College Buildings Renovation and Land Acquisition Fund, the University Facility Improvement Fund, the State College Facilities Improvement Fund, the University Facilities Fund, the State College Facility Fund, and the Municipal Infrastructure Redevelopment Fund are of critical importance to the State of Nebraska. It is the intent of the Legislature that the allocations and appropriations made by the Legislature to such funds or, in the case of allocations for the Municipal Infrastructure Redevelopment Fund, to the particular municipality's account not be reduced until all contracts and securities relating to the construction and financing of the projects or portions of the projects funded from such funds or accounts of such funds are completed or paid or, in the case of the Municipal Infrastructure Redevelopment Fund, the earlier of such date or July 1, 2009, and that until such time any reductions in the cigarette tax rate made by the Legislature shall be simultaneously accompanied by equivalent reductions in the amount dedicated to the General Fund from cigarette tax

revenue. Any provision made by the Legislature for distribution of the proceeds of the cigarette tax for projects or programs other than those to (a) the General Fund, (b) the Nebraska Outdoor Recreation Development Cash Fund, (c) the Department of Health Cash Fund, (d) the University Buildings Renovation and Land Acquisition Fund and the State College Buildings Renovation and Land Acquisition Fund, (e) the University Facility Improvement Fund and the State College Facilities Improvement Fund, (f) the University Facilities Fund and the State College Facility Fund, and (g) the Municipal Infrastructure Redevelopment Fund shall not be made a higher priority than or an equal priority to any of the programs or projects specified in subdivisions (a) through (g) of this subsection.

Sec. 3. That section 81-638, Revised Statutes Supplement, 1992, be amended to read as follows:

81-638. (1) The Legislature shall appropriate for each year from the Department of Health Cash Fund to the Department of Health an amount derived from one cent of the cigarette tax imposed by section 77-2602, less any amount appropriated from the fund specifically to the University of Nebraska Eppley Institute for Research in Cancer and Allied Diseases. The director shall, after deducting expenses incurred in the administration of such funds, distribute such funds exclusively for grants and contracts for research of cancer and smoking diseases, for funding the cancer registry prescribed in sections 81-642 to 81-650, and for associated expenses of the Department of Health due to the establishment and maintenance of such cancer registry. ~~Not more than twenty percent of the remainder of the amount generated by one cent of the cigarette tax imposed by section 77-2602, reduced by the amount appropriated from such amount for the University of Nebraska Eppley Institute for Research in Cancer and Allied Diseases, shall be used~~ Not more than two hundred thousand dollars shall be appropriated for funding the cancer registry and associated expenses. The University of Nebraska may receive such grants and contracts, and other postsecondary institutions having colleges of medicine located in the State of Nebraska may receive such contracts.

(2) The Legislature shall appropriate for each year from the Department of Health Cash Fund to the Department of Health for cancer research an amount derived from two cents of the cigarette tax imposed by section 77-2602 to be used exclusively for grants and contracts for research on cancer and smoking diseases. No amount shall be appropriated or used pursuant to this subsection for the operation and associated expenses of the cancer registry. Not more than one-half of the funds appropriated pursuant to this subsection shall be distributed to the University of Nebraska Medical Center for

research in cancer and allied diseases and the University of Nebraska Eppley Institute for Research in Cancer and Allied Diseases. The remaining funds available pursuant to this subsection shall be distributed for contracts with other postsecondary educational institutions having colleges of medicine located in Nebraska which have cancer research programs for the purpose of conducting research in cancer and allied diseases.

(3) Any contract between the Department of Health and another postsecondary educational institution for cancer research under subsection (2) of this section shall provide that:

(a) Any money appropriated for such contract shall only be used for cancer research and shall not be used to support any other program in the institution;

(b) Full and detailed reporting of the expenditure of all funds under the contract is required. The report shall include, but not be limited to, separate accounting for personal services, equipment purchases or leases, and supplies. Such reports shall be made available to the Legislature; and

(c) No money appropriated for such contract shall be spent for travel, building construction, or any other purpose not directly related to the research that is the subject of the contract.

Sec. 4. This act shall become operative on July 1, 1993.

Sec. 5. That original section 81-638, Revised Statutes Supplement, 1992, and section 77-2602, Revised Statutes Supplement, 1992, as amended by section 1, Legislative Bill 9, Ninety-second Legislature, Third Special Session, 1992, and section 1, Legislative Bill 11, Ninety-second Legislature, Third Special Session, 1992, are repealed.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Renumber the remaining sections accordingly.

(Signed) Jerome Warner, Chairperson

Natural Resources

LEGISLATIVE BILL 203. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1677.)

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 345 in the Journal. No objections. So ordered.

AM1664

(Amendments to Standing Committee amendments, AM0210)

1. Insert the following new sections:

"Sec. 9. That section 77-684, Revised Statutes Supplement, 1992, be amended to read as follows:

77-684. The Tax Commissioner shall each year establish a tax rate for purposes of taxation against the taxable value as provided in sections 77-682 and 77-683 at a rate which shall be equal to the total property taxes levied in the state divided by the total taxable value of all taxable property in the state for the current tax year. When such tax rate has been determined, the Tax Commissioner shall send to each car line company a statement showing the taxable value, the tax rate, and the amount of the tax and a statement that such tax is due and payable to the Tax Commissioner on December 31 next following the levy thereof. The Tax Commissioner shall remit the tax collected, less a three-percent collection fee, to the State Treasurer for distribution among the taxing subdivisions in ~~the manner prescribed for distribution of railroad value pursuant to section 77-604~~ proportion to all railroad taxes levied by taxing subdivisions. The collection fee shall be remitted to the State Treasurer for credit to the Tax Commissioner Revolving Fund.

Sec. 72. That section 21, Legislative Bill 346, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

Sec. 21. (1) Rental companies engaged in the business of renting private passenger motor vehicles used to carry fifteen passengers or less for periods of thirty-one days or less shall collect, at the time the vehicle is rented in Nebraska, a fee of four and one-half percent of each rental contract amount, not including sales tax. For purposes of this section, a vehicle is rented in Nebraska if it is picked up by the renter in Nebraska. The fee shall be computed in accordance with the method used for the sales tax imposed by the state. The fee shall not be subject to sales tax. The fee shall be noted in the rental contract and collected in accordance with the terms of the contract. The fee shall be retained by the vehicle owner or the rental company engaged in the business of renting private passenger motor vehicles. Fees collected pursuant to this section ~~may~~ shall be used ~~only~~ by the vehicle owner or the rental company for reimbursement of the amount of ~~personal property~~ motor vehicle taxes imposed

and paid in Nebraska upon the vehicles by the vehicle owner or rental company.

(2) On February 15 of each year, the fees imposed by this section for the preceding calendar year, to the extent the fees exceed the ~~personal property~~ motor vehicle taxes imposed and paid in Nebraska upon the vehicles for the preceding calendar year, shall be due and payable to the county treasurer of the county where the transactions occurred. The fee shall be remitted ~~in the form~~ on forms prescribed by the county treasurer. The county shall allocate and distribute such proceeds in the same manner as the proceeds from motor vehicle taxes are allocated and distributed pursuant to section 77-1240.01. The revenue received by the county under this section may be expended for any lawful purpose.

(3) The revenue received by the county under this section shall be included and considered as proceeds of motor vehicle taxes for purposes of any growth limitation on budgets of political subdivisions funded by property taxes.

(4) The fee imposed under this section shall be in addition to any other tax authorized by law to be levied on the business activities described in this section and shall be in addition to the sales tax imposed by the state or any municipality.

(5) The county treasurer, county board, and county sheriff may use any method specified in Chapter 77, article 17, for the collection of property taxes to collect the fee imposed by this section.".

2. On page 12, strike beginning with "taxable" in line 24 through "1993" in line 25 and insert "changes that become final on or after the effective date of this act".

3. On page 13, line 3, after the semicolon insert "in line 6 after the first comma insert 'and'; strike beginning with 'and' in line 6 through the last comma in line 9;".

4. Strike amendment 3 and insert the following new amendments:

"1. Strike original section 59.

4. On page 30, line 23, strike 'tangible personal' and show as stricken.

5. On page 33, line 4, after 'item' insert 'the sale of which is'; after line 15 insert the following new subsection:

'(3) The selling price of a maintenance agreement shall not have to be separately stated and may be included as a part of the selling price of the item covered.'; in line 17 after 'under' insert 'subsection (1) of'; and in line 18 strike 'section' and insert 'subsection'.

9. On page 69, line 28; and page 70, lines 1

through 3, strike the new matter.

10. On page 78, line 23, after the second 'performed' insert 'substantially' and after 'state' insert an underscored comma; and in lines 23 through 25 strike the new matter.".

5. Correct the repealer and operative date provisions so that section 77-684 becomes operative on the effective date of this act and section 21, Legislative Bill 346, becomes operative on January 1, 1994.

6. Renumber the remaining sections and amendments accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 837. Introduced by Wesely, 26, Baack, 47, Landis, 46, at the request of the Governor.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend sections 71-147 and 71-148, Revised Statutes Supplement, 1992; to change provisions relating to disciplinary actions; to redefine a term; to repeal the original sections; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 757. The Landis pending amendment, FA98, found in the Journal on page 1690, was renewed.

MRS. CROSBY PRESIDING

Mr. Will offered the following amendment to the Landis pending amendment:
FA122

Amend AM1188

1) Insert on page 1, line 9, after "injuries" the following text: "Subject to the approval of an administrative panel composed of three representatives each from the medical profession, labor organizations, and management/business organizations, who are to be appointed by the Governor,"

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

SPEAKER BAACK PRESIDING

The Will amendment lost with 7 ayes, 21 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Chambers moved to reconsider the Will amendment, FA122, found in this day's Journal.

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Landis moved to invoke cloture on LB 757.

Mr. Lindsay requested a point of order on whether the Landis motion to invoke cloture is in order because he has a motion filed to reconsider the Abboud amendment to the Landis amendment.

The Chair ruled the cloture motion takes precedence and the Lindsay request is out of order at this time.

The Chambers motion to reconsider the Will amendment lost with 5 ayes, 27 nays, 13 present and not voting, and 4 excused and not voting.

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

Mr. Landis moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Mr. Abboud requested a roll call vote on the Landis motion to invoke cloture.

Voting in the affirmative, 35:

Baack	Cudaback	Horgan	Moore	Vrtiska
Beutler	Elmer	Hudkins	Pedersen	Warner
Bohlke	Fisher	Janssen	Pirsch	Wehrbein
Bromm	Haberman	Jones	Robak	Wesely
Byars	Hartnett	Kristensen	Robinson	Wickersham
Coordsen	Hillman	Landis	Schellpeper	Witek
Crosby	Hohenstein	McKenzie	Schmitt	Withem

Voting in the negative, 5:

Abboud	Lindsay	Lynch	Schimek	Will

Present and not voting, 4:

Avery	Bernard-Stevens	Chambers	Preister

Excused and not voting, 5:

Ashford Day Dierks Hall Rasmussen

The Landis motion for cloture prevailed with 35 ayes, 5 nays, 4 present and not voting, and 5 excused and not voting.

Mr. Chambers moved to reconsider the Landis motion to invoke cloture.

The Chair ruled the Chambers motion to reconsider is out of order.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

The Chair ruled the Chambers motion to overrule the Chair is out of order.

Advanced to E & R for review with 37 ayes, 3 nays, 4 present and not voting, and 5 excused and not voting.

Mr. Chambers moved to reconsider the vote on the advancement of LB 757.

MOTION - Recess

Mr. Withem moved to recess until 1:30 p.m.

Mr. Chambers requested a point of order on whether a motion to recess has precedence over a motion to reconsider.

The Chair ruled a motion to recess has precedence over a motion to reconsider.

VISITORS

Visitors to the Chamber were 22 fourth grade students and teacher from Omaha Christian Academy, Omaha; 22 fourth grade students and teacher from Seward Elementary; 21 fourth grade students and sponsor from Williams Elementary, Columbus; eight third through sixth grade students and teacher from Midlands Level III, Omaha; Walt Whitman and Company representing the Great Plains Chatauqua; 48 fourth grade students from Alcott School, Hastings; and Mr. and Mrs. Fran Hunt from Kearney and Dana Wilhoney.

RECESS

At 12:09 p.m., on a motion by Mr. Withem, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Dierks and Hall who were excused; and Messrs. Abboud, Beutler, Coordsen, Landis, Moore, Mmes. Bohlke, and Robak who were excused until they arrive.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 798A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 798, Ninety-third Legislature, First Session, 1993; to reduce an appropriation; and to state intent.

LEGISLATIVE BILL 804A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 804, Ninety-third Legislature, First Session, 1993; to reduce appropriations; and to declare an emergency.

LEGISLATIVE BILL 805A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 805, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 808A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 808, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 348A. Introduced by Withem, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 348, Ninety-third Legislature, First Session, 1993; to reduce appropriations; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 805 in the Journal. No objections. So ordered.

AM1694

(Amendments to Standing Committee amendments, AM1173)

1. On page 1, line 9, before the period insert "; and in line 18 after 'fees' insert ', except that the funds raised by the surcharge pursuant to subdivision (h) of this subsection shall be credited to the General Fund' ".

Mr. Lindsay asked unanimous consent to print the following amendment to LB 757 in the Journal. No objections. So ordered.

AM1703

(Amendments to AM1188)

1. On page 1, line 6, strike "periodically validate" and insert "annually review and, if necessary, revise"; in line 7 after "providers" insert ", which shall be equally representative of all geographic areas of the state as provided herein,"; in line 9 after "injuries" insert ".

(2) The compensation court shall divide the state into ten geographic regions of approximately equal area. For each such region, the compensation court shall create a separate list of health care providers that are the most qualified, highly experienced, and competent in their specific fields of expertise and in the treatment of work related injury.

(3) The selection of the health care providers shall be subject to the approval of an administrative selection panel composed of three representatives each from the Nebraska State Medical Association, the employer interests, and the employee interests. The members of such panel shall be appointed by the Governor. The health care providers so selected are"; strike beginning with "that" in line 11 through "commonly" in line 12; in line 12 strike "The" and insert "After consulting with the administrative selection panel, the"; in line 16 after "section" insert "pursuant to the Administrative Procedure Act"; in line 17 strike "(2)" and insert "(4)"; in lines 18 and 19 strike "and related issues"; in line 21 strike "and" and insert an underscored comma; in line 23 after "paid" insert ", and shall not be the employer's health care provider or a member of the employer's managed health care program"; in line 24 strike "(3)" and insert "(5) Parties to a dispute, who are represented by counsel, may agree upon an independent medical examiner who does not necessarily have to be a member of the compensation court's independent medical examiner system.".

2. On page 2, strike beginning with the second

"medical" in line 4 through "the" in line 11; in line 14 strike "(4)" and insert "(6)"; in line 23 after the underscored period insert "The rules and regulations of the Workers' Compensation Court relating to procedures before the independent medical examiner shall be adopted and promulgated pursuant to the Administrative Procedure Act."; and in line 24 strike "(5)" and insert "(7)".

3. On page 3, line 3, strike "(6)" and insert "(8)" and after "a" insert "particular"; in line 4 strike beginning with the first "the" through "binding" and insert "it shall be a rebuttable presumption that the examiner's findings are correct"; strike beginning with "it" in line 5 through "correct" in line 7 and insert "no such presumption shall apply"; and in line 8, strike "(7)" and insert "(9)" and strike "without malice" and insert "with reasonable care".

ATTORNEY GENERAL'S OPINION

Opinion No. 93032

DATE: April 23, 1993

SUBJECT: Whether funding for the expenses incurred by the Secretary of State in connection with his service on the Nebraska Brand Committee should be placed in the Brand Committee budget or the budget of the Secretary of State.

REQUESTED BY: Senator Scott Moore
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

On behalf of the Appropriations Committee of the Legislature, you have requested our opinion as to whether funding for reimbursement of the expenses incurred by the Secretary of State as a result of his duties on the Nebraska Brand Committee (Brand Committee) should be placed in the budget of the Brand Committee or in the budget of the Secretary of State. As is discussed below, we believe that the Appropriations Committee has the discretion to recommend placement of the funds in question in either budget.

The responsibilities of the Brand Committee are set out generally in Neb. Rev. Stat. §§ 54-101 to 54-169 (1988, Cum. Supp. 1992). Under Section 54-153, the Nebraska Secretary of State is the chairperson of the Brand Committee, and four additional members of that committee are appointed by the Governor.

Section 54-140 provides as follows with respect to expenses incurred by members of the Brand Committee:

> The appointed members of the committee shall be paid their actual and necessary traveling expenses in attending meetings of the committee or in performing any other duties that are prescribed in sections 54-101 to 54-168 and 54-415, as provided for in sections 81-1174 to 81-1177 for state employees.

(emphasis added). In addition to Section 54-140, the statutes dealing generally with reimbursement of expenses, Neb. Rev. Stat. §§ 81-1174 to 81-1182 (1987, Cum. Supp. 1992), authorize reimbursement of expenses incurred by the members of committees created by statute (such as the Secretary of State in this instance), and establish procedures for payment of those expenses. Since Section 54-140 appears to apply only to appointed members of the Brand Committee, and since the Secretary of State would be allowed expenses under the more general reimbursement statutes, you asked which budget should receive the funding for the expenses of the Secretary of State.

There are some statutes which deal with the expenses of members of statutory bodies which also specifically set out from which appropriation those expenses should be paid. For example, Neb. Rev. Stat. § 39-2202 (1988), dealing with the Nebraska Highway Bond Commission, states:

> All members of the {Highway Bond} commission shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members as provided in sections 81-1174 to 81-1177 for state employees. Such compensation shall be paid out of the appropriation for the State Highway Commission.

(emphasis added). However, neither Section 54-140 nor Sections 81-1174 to 81-1182 contain such specific directions for the appropriation of expenses incurred by members of the Brand Committee. In addition, we believe that the language of Section 54-140 dealing with the expenses of appointed members of the Brand Committee simply authorizes payment of the expenses incurred by those individuals. It does not require that only those individuals may be paid from the Brand Committee's budget.

It is clear that the Legislature has plenary or absolute power over appropriations. State ex rel. Meyer v. State Board of Equalization and Assessment, 185 Neb 490, 176 N.W.2d 920 (1970). As a result, the Legislature may make appropriations with those conditions and those restrictions as it wishes within constitutional limitations. Id. Given the Legislature's authority over appropriations and the absence of any specific direction in existing statutes, we believe that the Appropriations Committee may use its discretion and recommend placement of the funding for the expenses of the Secretary of State in either the budget of the Brand Committee or the budget of the Secretary of State.

Sincerely yours,
DON STENBERG
Attorney General

(Signed) Dale A. Comer
Assistant Attorney General

cc: Patrick O'Donnell
Clerk of the Legislature
05OP004.493

SELECT FILE

LEGISLATIVE BILL 629. The Chambers pending amendment, FA78, found in the Journal on page 1492, was renewed.

Mr. Hohenstein offered the following amendment to the Chambers pending amendment:
FA123

Amend Chambers amendment, to add after "confidential.",
"except that reports of child abuse made during the mediation process shall be reported to the District Judge, and an in camera hearing shall be held to determine whether the reports are founded and if further investigation is merited."

Mr. Bromm moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hohenstein amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

The Chambers amendment, as amended, was adopted with 25 ayes, 3 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Ashford offered the following amendment:
AM1725

1. On page 6, line 26, after "court" insert ". Prior to the commencement of mediation, the parties to mediation shall be notified by the mediator that evidence of any abuse shall be reported pursuant to state and federal law".

2. In the Ashford amendment, AM1409:

(a) On page 2, strike beginning with "line" in line 20 through "in" in line 21; in line 21 after "25" insert a comma; and strike beginning with the semicolon in line 22 through line 27 and insert a period; and

(b) On page 3, strike lines 1 through 5.

Mr. Chambers requested a division of the question on the Ashford amendment.

The Chair sustained the division of the question.

The first Ashford amendment is as follows:
FA124

1. On page 6, line 26, after "court" insert ". Prior to the commencement of mediation, the parties to mediation shall be notified by the mediator that evidence of any abuse shall be reported pursuant to state and federal law".

The first Ashford amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

The second Ashford amendment is as follows:
FA125

2. In the Ashford amendment, AM1409:
(a) On page 2, strike beginning with "line" in line 20 through "in" in line 21; in line 21 after "25" insert a comma; and strike beginning with the semicolon in line 22 through line 27 and insert a period; and
(b) On page 3, strike lines 1 through 5.

The second Ashford amendment lost with 0 ayes, 17 nays, 30 present and not voting, and 2 excused and not voting.

Mr. Bromm offered the following amendment:
FA126

Amend the Ashford amendment (FA124) by striking in lines 4-5 the words "pursuant to state and federal law" and insert "to the District Judge to carry out the procedures set forth in the Hohenstein amendment.

Mr. Bromm withdrew his amendment.

Mr. Ashford offered the following amendment:
FA127

Amend the Ashford amendment FA124
after the word "reported" strike the rest of the sentence and insert: "to the District Judge who shall hold a hearing in camera to determine whether the reports are founded and if further investigation is merited.

The Ashford amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 235. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5482.)

LEGISLATIVE BILL 231. Placed on Select File as amended.
E & R amendment to LB 231:
AM5480

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Upon request of an Indian tribe having jurisdiction over Indian lands in Nebraska, the Governor or his or her designated representative or representatives shall, pursuant to 25 U.S.C. 2710 of the federal Indian Gaming Regulatory Act, negotiate with such Indian tribe in good faith for the purpose of entering into a tribal-state compact governing the conduct of Class III gaming as defined in the act. A compact which is negotiated pursuant to this section shall be executed by the Governor without ratification by the Legislature.

Sec. 2. It shall be the policy of this state that any compact negotiated pursuant to section 1 of this act shall:

(1) Protect the health, safety, and welfare of the public;

(2) Promote tribal economic development, tribal self-sufficiency, and strong tribal government;

(3) Insure that all activities allowed under the compact are conducted fairly and honestly by the operators and players of such activities;

(4) Insure that the profits derived from activities allowed under the compact are accurately reported and transferred to the rightful parties and used for the purposes intended;

(5) Insure that the expenses of activities allowed under the compact are legitimately incurred and accurately reflect the value of the property obtained or the service rendered;

(6) Insure the honesty and financial integrity of all activities conducted under the compact and insure that such activities are completely and fairly regulated on an ongoing basis to prevent any criminality or the potential for any criminality and to shield such activities from any involvement by organized crime or other corrupting influences; and

(7) Prohibit Class III forms of gaming as defined in 25 U.S.C. 2703 of the federal Indian Gaming Regulatory Act, as of the effective date of this act, conducted on tribal lands except those specific types and methods of gaming currently

permitted by Nebraska statutes.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, lines 1 and 2, strike "gambling" and insert "gaming"; and strike line 4 and insert "and to declare an emergency.".

LEGISLATIVE BILL 500. Placed on Select File as amended.
E & R amendment to LB 500:
AM5484

1. In the Rasmussen-Lindsay amendment, AM1585, on page 3, line 5, after "any" insert "provision".

2. In the Standing Committee amendments, AM0624:

a. On page 1, line 24, strike beginning with "line" through "insert"; and

b. On page 2, line 1, strike " 'act'; and in".

3. On page 1, line 1, strike "family support" and insert "families"; in line 7 strike "provide an" and insert "state intent; to provide for access to records and for emergency decisions by parents as prescribed; to require certain statements in court decrees relating to families; to provide"; and in line 8 strike "date" and insert "dates".

4. On page 10, line 10, before "is" insert "of this section".

LEGISLATIVE BILL 500A. Placed on Select File.
LEGISLATIVE BILL 507. Placed on Select File.

LEGISLATIVE BILL 724. Placed on Select File as amended.
E & R amendment to LB 724:
AM5483

1. In the Standing Committee amendments, AM0729:

a. On page 5, line 18, strike "of";

b. On page 10, line 24, after "city" insert "on or";

c. On page 12, line 21, strike "can" and insert "may";

d. On page 13, line 22, after "and" insert an underscored comma;

e. On page 15, line 4, after "of" insert "a" and after "or" insert "the";

f. On page 16, line 20; page 18, line 27; and page 30, line 13, strike the comma and show as stricken;

g. On page 17, line 3, after the stricken matter insert "the"; in line 11 strike the comma; and in line 12 after "or" insert an underscored comma;

h. On page 18, line 21; and page 19, line 10, strike ", or" and insert "or,";

i. On page 21, line 1; and page 24, line 18, strike

the comma;

j. On page 23, line 9, strike "(8)" and insert "(9)"; and in line 18 after "value" insert "of the";

k. On page 30, line 9, strike "first-class" and show as stricken and after "city" insert "of the first class"; and

l. On page 31, line 4, after the comma insert "as amended,".

2. On page 1, line 8, after the first "change" insert "contributions and".

LEGISLATIVE BILL 697. Placed on Select File as amended.
E & R amendment to LB 697:
AM5481

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 81-117, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-117. (1) No head of a department, deputy or assistant to a head of a department, or chief of a division, bureau, or comparable organizational element ~~or employee therein employed at a fixed compensation~~ shall be paid for any extra services, or granted compensatory time unless expressly authorized by law.

(2) Employees who have had at least one year of continuous employment with the state as hourly employees, excluding those employees considered to be exempt under the Fair Labor Standards Act, 29 U.S.C. 201 et seq., as amended, shall be guaranteed forty hours work each week. ~~; PROVIDED, that when any employee is required to work more than forty hours in any week he or she may, in the discretion of the department head, be granted compensatory time off at the rate of one and one-half times the hours worked in excess of forty in subsequent weeks when his or her duties will permit, or be paid a sum equivalent to one and one-half times his or her hourly pay or his or her monthly pay prorated on an hourly basis for such overtime hours.~~

~~(2) No state agency, engaged in the operation of a hospital or an establishment which is an institution primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises, shall be deemed to have violated sections 81-117 to 81-117.02 if a period of eight hours per day or eighty hours per fourteen consecutive calendar days is established for purposes of determining overtime compensation. Regular employees working on the hourly basis shall be paid wages equivalent to their regular wages for the usual number of work hours for days declared by statutory act or proclamation of the President of the United States or the Governor to be holidays; PROVIDED, employees who have had at least one year of continuous employment with the~~

~~state as hourly employees shall be guaranteed forty hours work each week.~~

~~(3) No state agency shall be deemed to have violated sections 81-117 to 81-117.02 with respect to employment in fire protection activities, law enforcement activities, including security personnel at correctional institutions, or agricultural activities, if (a) in a work period of twenty-eight consecutive days the employee receives, for four tours of duty which in the aggregate exceed two hundred hours, or (b) in the case of such employees to whom a work period of at least seven but less than twenty-eight days applies, in such work periods the employee receives, for four tours of duty which in the aggregate exceed the number of hours which bear the same ratio to the number of consecutive days of work period as two hundred hours bears to twenty-eight days, compensation at a rate not less than one and one-half times the regular rate at which the employee is paid for all hours in excess of subdivisions (a) and (b) of this subsection.~~

Sec. 2. That section 81-1317, Revised Statutes Supplement, 1992, be amended to read as follows:

81-1317. Except as may be prohibited by the Industrial Relations Act or the State Employees Collective Bargaining Act and except for the pay increases provided by the Legislature, the Director of Personnel shall have authority to establish programs and otherwise adjust terms and conditions of employment for ~~FY1991-92 and FY1992-93~~ FY1993-94 and FY1994-95 for employees not covered by collective-bargaining agreements, including terms and conditions of employment which may not be specifically provided or may otherwise be provided by law, in order to make such terms and conditions of employment more consistent with those of such covered employees or otherwise address changes arising out of collective bargaining.

Sec. 3. That section 81-1317.01, Revised Statutes Supplement, 1992, be amended to read as follows:

81-1317.01. Except for employees of the University of Nebraska and the state colleges and except as may be prohibited by the Industrial Relations Act or the State Employees Collective Bargaining Act, terms and conditions of employment which may otherwise be provided by law for employees not covered under the State Personnel System may be adjusted by the employer-representative as defined in section 81-1371 for ~~FY1991-92 and FY1992-93~~ FY1993-94 and FY1994-95 to address changes arising out of collective bargaining.

Sec. 4. That section 81-1323, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1323. The sick leave account shall be balanced as of 11:59 p.m. Central Standard Time on December 31 each calendar year. Sick leave shall be cumulative for not more

than one thousand four hundred forty hours.

Sec. 5. That section 81-1328, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1328. State employees shall, during each year of continuous employment, be entitled to ninety-six working hours of vacation leave with full pay.

State employees who complete five years of continuous employment by the state shall be entitled to one hundred twenty hours of vacation leave during their sixth year of employment and shall thereafter be entitled to eight additional hours of vacation leave with full pay for each additional year of continuous state employment up to a maximum of two hundred hours of vacation leave a year. Vacation leave shall be earned in accordance with the following schedule:

During 1st year of continuous employment ..... 96 hours per year
During 2nd year of continuous employment ..... 96 hours per year
During 3rd year of continuous employment ..... 96 hours per year
During 4th year of continuous employment ..... 96 hours per year
During 5th year of continuous employment ..... 96 hours per year
During 6th year of continuous employment ..... 120 hours per year
During 7th year of continuous employment ..... 128 hours per year
During 8th year of continuous employment ..... 136 hours per year
During 9th year of continuous employment ..... 144 hours per year
During 10th year of continuous employment ..... 152 hours per year
During 11th year of continuous employment ..... 160 hours per year
During 12th year of continuous employment ..... 168 hours per year
During 13th year of continuous employment ..... 176 hours per year
During 14th year of continuous employment ..... 184 hours per year
During 15th year of continuous employment ..... 192 hours per year
During 16th year of continuous employment ..... 200 hours per year
After 16th year of continuous employment ..... 200 hours per year

Employees who are regularly employed less than forty

hours a week shall be entitled to vacation leave proportionate to their regular workweek. Any employee who has been employed by the Legislature or Legislative Council shall, for vacation leave entitlement purposes, be credited with one continuous year of employment for each two hundred sixty working days such employee was employed by the Legislature or Legislative Council.

As used in this section, state employee shall mean any person or officer employed by the state including the head of any department or agency, except when such a head is a board or commission, and who works a full-time or part-time schedule on an ongoing basis.

For ~~the~~ purposes of this section, an employee who has terminated ~~his~~ employment with the state for any reason other than disciplinary and who returns to state employment within one year from the date of termination shall have his or her service for vacation leave entitlement computed by combining prior continuous service with current continuous service disregarding the period of absence, except that an employee who has retired or voluntarily terminated in lieu of retirement shall, if he or she returns to state employment, be considered a new employee for the purpose of vacation leave entitlement.

The vacation leave account of each employee shall be balanced as of 11:59 p.m. Central Standard Time on December 31 each calendar year. Each employee shall be entitled to have accumulated as of ~~December 31 of each calendar year~~ such time the number of hours of vacation leave which he or she earned during that calendar year. Hours of vacation leave accumulated in excess of that number shall be lost. Any employee shall be entitled to use any vacation time as soon as it has accrued. Any vacation time not used within one calendar year following the calendar year during which the time accrued shall be lost. In special and meritorious cases, ~~where~~ when to limit the annual leave to the period therein specified would work a peculiar hardship, such leave may be extended in the discretion of the Governor, or in situations involving employees of the Legislature, in the discretion of the Executive Board of the Legislative Council.

Each employee, upon retirement, dismissal, or voluntary separation from state employment, shall be paid for unused accumulated vacation leave. Upon the death of an employee, his or her beneficiary shall be paid for ~~his~~ unused accumulated vacation leave.

A permanent employee who is transferred from one agency to another shall have his or her accrued vacation leave transferred to the receiving agency.

The Director of Personnel shall adopt and promulgate such rules and regulations as are necessary to administer this

section.

Sec. 6. That section 84-108.01, Revised Statutes Supplement, 1992, be amended to read as follows:

84-108.01. The observances provided for in sections 84-104.05, 84-104.08, 84-104.09, 84-107, and 84-108 shall not include provisions for such days to be declared paid holidays pursuant to subsection ~~(3)~~ (2) of section 84-1001.

Sec. 7. That section 84-1001, Reissue Revised Statutes of Nebraska, 1943, as amended by section 30, Legislative Bill 14, Ninety-second Legislature, Third Special Session, 1992, be amended to read as follows:

84-1001. (1) All state officers and heads of departments and their deputies, assistants, and employees, except permanent part-time employees, temporary employees, ~~and~~ members of any board or commission not required to render full-time service, and those employees considered to be exempt under the Fair Labor Standards Act, 29 U.S.C. 201 et seq., as amended, shall render not less than forty hours of labor each week except any week in which a paid holiday may occur.

~~(2) Regular work by such employees shall not be performed on paid holidays, Saturdays, or Sundays except in case of an emergency or when otherwise ordered or deemed essential by the Governor.~~

~~(3)~~ (2) For purposes of this section, paid holidays shall include all of the days enumerated in section 25-2221 and all days declared by law or proclamation of the President or Governor to be holidays.

~~(4)~~ (3) All such holidays shall be paid holidays except as provided in subsection ~~(5)~~ (4) of this section. For purposes of this section, employees shall include permanent and temporary employees. A permanent employee shall mean an employee in a regular full-time or part-time position who works a full-time or part-time schedule on an ongoing basis, and a temporary employee shall mean an employee appointed to a full-time or part-time position for a limited period of time to accomplish a specific task. If any such holiday falls on Sunday, the following Monday shall be a holiday. If any such holiday falls on Saturday, the preceding Friday shall be a holiday.

~~(5)~~ (4) Employees who are required to work on any holiday shall be granted either a workday of compensatory time off or be paid for the time worked in accordance with existing state and federal statutes, except that temporary employees shall not be eligible for paid holidays and if required to work on a holiday shall be paid for the time worked at their normal rate of pay. Permanent part-time employees shall be eligible for paid holidays on a pro rata basis. In order to receive pay for such holiday an employee, whether part time or full time, must not have been absent without pay on the

workday immediately preceding or immediately following the holiday unless excused by his or her supervisor. The Director of Personnel shall adopt and promulgate such rules and regulations as are necessary to administer this section.

(5) The Governor shall have authority, after conferring with the employing officers concerned and with the employees, to make this section effective with respect to employment with any board, commission, department, or institution.

Sec. 8. That original sections 81-117, 81-1323, and 81-1328, Reissue Revised Statutes of Nebraska, 1943, sections 81-1317, 81-1317.01, and 84-108.01, Revised Statutes Supplement, 1992, and section 84-1001, Reissue Revised Statutes of Nebraska, 1943, as amended by section 30, Legislative Bill 14, Ninety-second Legislature, Third Special Session, 1992, and also sections 81-117.01, 81-117.02, and 84-1002 to 84-1004, Reissue Revised Statutes of Nebraska, 1943, and section 84-1005, Revised Statutes Supplement, 1992, are repealed.".

2. On page 1, strike beginning with the comma in line 10 through the comma in line 11 and insert "; to transfer and eliminate provisions relating to work requirements".

LEGISLATIVE BILL 587. Placed on Select File as amended.
E & R amendment to LB 587:
AM5486

1. On page 2, line 1, after the semicolon insert "to provide an operative date for the Campaign Finance Limitation Act;"; in line 3 strike "and"; and in line 4 after "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 429. Placed on Select File as amended.
E & R amendment to LB 429:
AM5485

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 71-1,133, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,133. For purposes of the Uniform Licensing Law, the practice of optometry is defined as being one or a combination of the following, without the use of surgery:

(1) The examination of the human eye to diagnose, treat, or refer for consultation or treatment any abnormal condition of the human eye or lid;

(2) The employment of instruments, devices, ~~topical ocular~~ pharmaceutical agents, excluding antiglaucoma agents, and procedures intended for the purpose of investigating, examining, diagnosing, or correcting visual defects or abnormal conditions of the human eye or lid or for the removal

of superficial eyelid, conjunctival, and corneal foreign bodies; or

(3) The prescribing and application of lenses, devices containing lenses, prisms, contact lenses, ophthalmic devices excluding laser surgery, orthoptics, vision training, ~~topical ocular~~ pharmaceutical agents, ~~which treat eye infection, inflammation, and superficial abrasions,~~ and prosthetic devices to correct, relieve, or treat defects or abnormal conditions of the human eye or lid.

Sec. 2. That section 71-1,135.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,135.01. For ~~the~~ purposes of the Uniform Licensing Law, unless the context otherwise requires:

(1) Pharmaceutical agents, for diagnostic purposes, shall mean anesthetics, cycloplegics, and mydriatics; and

(2) Pharmaceutical agents, for therapeutic purposes, shall mean topical ophthalmic pharmaceutical agents which treat eye infection, inflammation, and superficial abrasions, or oral analgesics, including oral analgesics enumerated in Schedules III and IV of section 28-405 necessary to treat conditions of the eye and visual system, or oral pharmaceutical agents for the treatment of infections of the eye and visual system, or oral anti-inflammatory agents to treat conditions of the eye and visual system excluding steroids.

Sec. 3. That section 71-1,135.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,135.04. In issuing a license of renewal, the board shall state whether such person licensed in the practice of optometry has been certified to use ~~topical ocular~~ pharmaceutical agents pursuant to section 71-1,135.02 and shall determine an appropriate means to further identify those persons who are certified in the diagnostic use of such agents as provided in subdivision (2) of section 71-1,133 or therapeutic use of such agents as provided in subdivision (3) of section 71-1,133.

Sec. 4. That section 71-1,135.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,135.05. The Legislature finds and declares:

(1) That the scope of teaching and practice of optometry has changed and that it is in the public interest that any person seeking initial licensure as an optometrist and having graduated from an accredited optometry school after August 25, 1989, in addition to any other requirements of the Uniform Licensing Law, demonstrate adequate knowledge and training in all areas of the practice of optometry as defined in section 71-1,133 and satisfactorily complete the educational requirements set forth in section 71-1,135.02; and

(2) That it is in the public interest that no

optometrist licensed pursuant to the Uniform Licensing Law use ~~topical ocular~~ pharmaceutical agents for diagnostic or therapeutic purposes unless he or she has taken the examination prescribed in section 71-1,135 after August 25, 1989, or unless he or she is certified pursuant to section 71-1,135.02.

Sec. 5. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 6. That original sections 71-1,133, 71-1,135.01, 71-1,135.04, and 71-1,135.05, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. On page 1, line 3, after the second semicolon insert "to change provisions relating to the use of pharmaceutical agents;".

(Signed) Kurt A. Hohenstein, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 110A. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 110, Ninety-third Legislature, First Session, 1993.

RESOLUTION

LEGISLATIVE RESOLUTION 85. Introduced by Byars, 30.

WHEREAS, William Wilson Cook, Sr., was an outstanding citizen of the City of Beatrice, serving as the third-generation President and Chairman of the Board of Beatrice National Bank and Trust Company and affiliate banks, Mayor of Beatrice, and President of the Beatrice School Board; and

WHEREAS, William Wilson Cook, Sr., was an outstanding citizen of the State of Nebraska serving for fifteen years as a member and past chairman of the Nebraska Aeronautics Commission, Member and past chairman of the Board of Regents, trustee of the former John J. Pershing College of Beatrice, and past president of the Nebraska Bankers Association; and

WHEREAS, William Wilson Cook, Sr., was an outstanding American serving as a past National Director of the U.S. Jr. Chamber of Commerce, a member of the National Advisory Council of the Small Business Administration, and a Delegate to the 1968 Republican National Convention; and

WHEREAS, William Wilson Cook, Sr., was a great humanitarian and a great human being, always ready to help others in any way he could; and

WHEREAS, his leadership, friendship, and good humor will be sorely missed.

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

1. That the Legislature expresses its sympathy to the family of William Wilson Cook, Sr.

2. That a copy of this resolution be given to the family of William Wilson Cook, Sr.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion No. 93033

DATE: April 27, 1993

SUBJECT: Constitutionality of LB 231 - Authorization of Governor to Negotiate and Enter Into Tribal-State Compacts Governing Indian Gaming.

REQUESTED BY: Senator Chris Beutler
Senator Brad Ashford
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion regarding the constitutionality of LB 231, as amended. Section 1 of LB 231, as amended, provides:

> Upon request of an Indian tribe having jurisdiction over Indian lands in Nebraska, the Governor or his or her designated representative or representatives shall, pursuant to 25 U.S.C. 2710 of the federal Indian Gaming Regulatory Act, negotiate with such Indian tribe in good faith for the purpose of entering into a tribal-state compact governing the conduct of Class III gaming as defined in the act. A compact which is negotiated pursuant to this section shall be executed by the Governor without ratification by the Legislature.

The initial question you ask us to address is "whether LB 231, as amended, violates the doctrine of separation of powers in Article II of the Nebraska Constitution by allowing the Governor to execute a tribal-state compact governing the conduct of gambling on Indian lands in Nebraska without ratification by the Legislature."

"The powers of the government of this state are divided into three distinct departments, the legislative, executive and judicial, and no

person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted." Neb. Const. art. II, § 1. "The language of article II prohibits one branch of government from encroaching on the duties and prerogatives of the others or from improperly delegating its own duties and prerogatives." State ex rel. Spire v. Conway, 238 Neb. 766, 773, 472 N.W.2d 403, 408 (1991).

As a general rule, the Legislature may not delegate its legislative powers. Smithberger v. Banning, 129 Neb. 651, 262 N.W. 492 (1935). The Legislature may, however, grant general powers to an official or agency and delegate the power to enact rules and regulations concerning the details of the legislative purpose. Gillette Dairy, Inc. v. Nebraska Dairy Products Board, 192 Neb. 89, 219 N.W.2d 214 (1974). A delegation of legislative authority is not unconstitutional where the Legislature has provided reasonable limitations and standards for carrying out delegated duties. Ewing v. Scotts Bluff County Bd. of Equal., 227 Neb. 798, 420 N.W.2d 685 (1988). The approval of a tribal-state gaming compact appears to constitute a determination of public policy requiring legislative action. The question remains, however, as to whether the authority to enter into such a compact and bind the State may be delegated by the Legislature to the Governor (or his or her designated representative), and, if so, whether the provisions of LB 231 constitute a proper delegation of such authority.

In State ex rel. Stephan v. Finney, 251 Kan. 559, 836 P.2d 1169 (1992), the Supreme Court of Kansas addressed the question of whether the Governor of Kansas "ha{d} the authority independent of statute to negotiate {a tribal-state gaming} compact . . . and bind the State to its terms?" The Court answered this question in the negative, holding that "the Governor had the authority to enter into negotiations with the Kickapoo Nation, but, in the absence of an appropriate delegation of power by the Kansas Legislature or legislative approval of the compact, the Governor has no power to bind the State to the terms thereof." Id. at ___, 836 P.2d at 1185. (Emphasis added).

In our opinion, LB 231 does not violate the separation of powers requirement in Neb. Const. art. II, § 1, by impermissibly delegating legislative power to the executive branch. The provisions of the Indian Gaming Regulatory Act, 25 U.S.C. §§ 2701 to-2721 {the "Act"} do not specify the procedures involved in negotiating and executing a tribal-state compact. With respect to the authorization of Class III gaming on Indian lands, § 11 of the Act (25 U.S.C. § 2710) provides that an Indian tribe shall request the "State in which such lands are located to enter into negotiations for the purpose of entering into a Tribal-State compact governing the conduct of gaming activities." "Upon receiving such a request, the State shall negotiate with the Indian tribe in good faith to enter into such a compact." 25 U.S.C. § 2710(d)(3)(A). The Act further provides that "{a}ny State and Indian tribe may enter into a Tribal-State compact governing gaming activities on the Indian lands of an Indian tribe, but such compacts shall take effect only when notice of approval by the Secretary {of Interior} of

such compact has been published by the Secretary in the Federal Register." 25 U.S.C. § 2710(d)(3)(B). As the Act does not specify in what manner a "State" must negotiate or enter into tribal-state compacts for Class III gaming on Indian lands, the question of how such an agreement is reached (and who may bind a state to such an agreement) is a question determined by state law. As the Court noted in Finney, the Governor lacked authority to bind the State of Kansas to a compact, in part because of "the absence of an appropriate delegation of power by the Kansas Legislature". 251 Kan. at ___, 836 P.2d at 1185. To the extent that LB 231 simply provides "an appropriate delegation" of the power to negotiate and execute tribal-state compacts to the Governor or his or her designated representative, we do not believe that the bill improperly delegates legislative power to the executive department in violation of Neb. Const. art. II, § 1. Indeed, other states have adopted similar legislation authorizing an executive branch official to enter into tribal-state compacts under IGRA. E.g. Iowa Code Ann. § 10 A. 104.10 (West Supp. 1989); Wis. Stat. Ann. § 14.035 (West Supp. 1992).

Nor do we believe that the bill lacks adequate standards to guide the Governor's exercise of the power granted. Section 2 of the bill as amended includes numerous statements of policy by the Legislature which are intended to guide the terms of any compact negotiated pursuant to the Act. In view of the modern tendency "to be more liberal in permitting grants of discretion to an administrative agency in order to facilitate the administration of laws as the complexity of economic and governmental conditions increases", State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445, 465, 283 N.W.2d 12, 24 (1979) (quoting 1 Am. Jur. 2d Administrative Law § 118), we cannot conclude that the bill's provisions fail to provide adequate guidance to the Governor in exercising the authority granted.

In addition, you have asked us to "address the related question of whether the compact dated December 4, 1990 between the Department of Revenue and the Omaha Tribe may be executed without the express approval of the Legislature." This office, in a letter to former State Tax Commissioner John Boehm, concluded that the State Tax Commissioner possessed statutory authority to negotiate and enter into tribal-state compacts for Indian gaming under the IGRA on behalf of the state. This opinion was based principally on legislation authorizing public agencies (including agencies or departments of the state) to enter into State-Tribal Cooperative Agreements. Neb. Rev. Stat. §§ 13-1501 to -1509 (1991). Consistent with this opinion, the Tax Commissioner entered into a Class III gaming compact with the Omaha Tribe on December 4, 1990. While this opinion refers to such agreements being "submitted to the Legislature for ratification", the compact with the Omaha Tribe has apparently not been ratified by the Legislature.

It is not at all clear, however, that legislative ratification is necessary to make the compact effective. If, in fact, §§ 13-1501 to -1509, while general in terms, are construed to contain a proper delegation of authority to the appropriate public agency (in this case,

the Department of Revenue) to enter into agreements with Indian tribes, including tribal-state gaming compacts, then it appears that legislative ratification of the compact with the Omaha Tribe is not required. This is, however, a relatively murky area. Section 3 of LB 231 is obviously intended to clarify the validity of the compact between the State and the Omaha Tribe. Enactment of this portion of the bill would thus remove any question as to the validity of this compact.

Very truly yours,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of Legislature
7-639-7.20

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 669 in the Journal. No objections. So ordered.

AM1710

(Amendments to AM1080)

1. On page 32, line 27, after "health" insert "and coursework in psychotherapy and the assessment of mental disorders".

Mr. Pedersen asked unanimous consent to print the following amendment to LB 669 in the Journal. No objections. So ordered.

AM1679

(Amendments to Standing Committee amendments, AM1080

1. On page 35, line 18, after "facilities" insert ". Nothing in this subdivision shall be construed to prevent charitable and religious organizations; the clergy; governmental agencies; hospitals; health clinics; home health agencies; schools; shelters for the homeless; shelters for the urgent care of victims of sexual assault, child abuse, elder abuse, or domestic violence; nursing homes; or correctional facilities from providing supportive contacts to assist individuals and groups with adjustment to crisis, transition, economic change, or personal or a family member's health condition if such persons or organizations do not represent themselves to be social workers".

2. On page 37, strike beginning with the period in line 12 through "certified" in line 14.

Mr. Coordsen asked unanimous consent to print the following amendment to LB 420 in the Journal. No objections. So ordered.

AM1713

1. Insert the following new sections:

"Sec. 2. That section 60-463, Revised Statutes Supplement, 1992, be amended to read as follows:

60-463. For purposes of the Motor Vehicle Operator's License Act, the definitions found in sections 60-464 to 60-478 and sections 3 and 13 of this act shall be used.

Sec. 3. Restricted commercial driver's license shall mean a class of commercial driver's license issued in accordance with the requirements of the Motor Vehicle Operator's License Act.

Sec. 4. That section 60-480, Revised Statutes Supplement, 1992, be amended to read as follows:

60-480. Operators' licenses issued by the Department of Motor Vehicles pursuant to the Motor Vehicle Operator's License Act shall be classified as follows:

(1) Class O license. The operator's license which authorizes the person to whom it is issued to operate on highways any motor vehicle except a commercial motor vehicle or motorcycle;

(2) Class M license. The operator's license or endorsement on a Class O license or commercial driver's license which authorizes the person to whom it is issued to operate a motorcycle on highways;

(3) CDL-commercial driver's license. The operator's license which authorizes the person to whom it is issued to operate a class of commercial motor vehicles or any motor vehicle, except a motorcycle, on highways;

(4) RCDL-restricted commercial driver's license. The class of commercial driver's license which when held with an annual seasonal authorization permit authorizes a seasonal commercial motor vehicle operator as defined in section 13 of this act to operate any Class B Heavy Straight Vehicle or Class C Small Vehicle commercial motor vehicle for farm-related or ranch-related service industry as defined in such section purposes within one hundred fifty miles of employer's place of business or the farm or ranch currently being served as provided in such section or any other motor vehicle, except a motorcycle, on highways;

(5) SCP-school permit. A permit issued to a student between fourteen and sixteen years of age for the purpose of driving to and from school in accordance with the requirements of section 60-4,124;

~~(5)~~ (6) FMP-farm permit. A permit issued to a person for purposes of operating farm tractors and other

motorized implements of farm husbandry on highways in accordance with the requirements of section 60-4,126;

~~(6)~~ (7) LPC-learner's permit. A permit issued to a person at least sixteen years of age which when held in conjunction with a Class O license or commercial driver's license authorizes the person to operate a commercial motor vehicle for learning purposes when accompanied by a person who is at least twenty-one years of age;

~~(7)~~ (8) LPD-learner's permit. A permit issued to a person at least fifteen years of age which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, for learning purposes when accompanied by a Nebraska-licensed operator who is at least nineteen years of age;

~~(8)~~ (9) LPE-learner's permit. A permit issued to a person at least fourteen years of age which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, while learning to drive in preparation for application for a school permit; ~~and~~

~~(9)~~ (10) EDP-employment driving permit. A permit issued to a person which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, pursuant to the requirements of sections 60-4,129 and 60-4,130; and

(11) SEP-seasonal permit. A permit issued to a person who holds a restricted commercial driver's license authorizing the person to operate a commercial motor vehicle, as prescribed by section 13 of this act, for no more than one hundred eighty consecutive days in any twelve-month period. The seasonal permit shall be valid and run from the date of original issuance of the permit for one hundred eighty days and from the date of annual revalidation of the permit.

Sec. 10. That section 60-4,148, Revised Statutes Supplement, 1992, be amended to read as follows:

60-4,148. All commercial drivers' licenses shall be issued by the Department of Motor Vehicles as provided in section 60-4,149. Successful applicants shall pay to the county treasurer a fee of forty dollars for an original or renewal commercial driver's license, except that the fee for a commercial driver's license which will be valid for one year or less shall be fourteen dollars, the fee for a commercial driver's license which will be valid for more than one year but less than two years shall be twenty-two dollars, and the fee for a commercial driver's license which will be valid for ~~more than~~ two years or more but less than three years shall be thirty-two dollars. Any person making application to add or remove a class of commercial motor vehicle, any endorsement, or any restriction to or from a previously issued and outstanding commercial driver's license shall pay a fee of five dollars. The fee for an original or renewal seasonal

permit to revalidate the restricted commercial motor vehicle operating privilege to a previously issued and outstanding restricted commercial driver's license shall be five dollars. One dollar and seventy-five cents of the fees for each original, renewal, duplicate, or replacement commercial driver's license or restricted commercial driver's license and twenty-five cents of each of the original and renewal fees for LPC-learner's permits and seasonal permits shall be credited to the general fund of the county and shall be included by the county treasurer in his or her report of fees as provided by law. The balance of the fees provided for by this section shall be remitted by the county treasurer to the State Treasurer for credit to the General Fund.

Sec. 11. That section 60-4,151, Revised Statutes Supplement, 1992, be amended to read as follows:

60-4,151. (1) The commercial driver's license shall be conspicuously marked Nebraska Commercial Driver's License, shall be, to the maximum extent practicable, tamper proof, and shall include the following information:

~~(1)~~ (a) The name and residential address of the holder;

~~(2)~~ (b) The holder's color photograph;

~~(3)~~ (c) A physical description of the holder, including sex, height, weight, and eye and hair colors;

~~(4)~~ (d) The holder's date of birth;

~~(5)~~ (e) The holder's signature;

~~(6)~~ (f) The class of commercial motor vehicle or vehicles which the holder is authorized to operate, including any endorsements or restrictions;

~~(7)~~ (g) The dates between which the commercial driver's license is valid; and

~~(8)~~ (h) The anatomical gift information specified in section 60-494.

(2) The restricted commercial driver's license shall be conspicuously marked Nebraska Restricted Commercial Driver's License and shall be, to the maximum extent practicable, tamper and forgery proof. The restricted commercial driver's license shall contain such additional information as deemed necessary by the director.

(3) The seasonal permit shall contain such information as deemed necessary by the director but shall include the time period during which the commercial motor vehicle operating privilege is effective. The seasonal permit shall be valid only when held in conjunction with a restricted commercial driver's license.

Sec. 12. That section 60-4,169, Revised Statutes Supplement, 1992, be amended to read as follows:

60-4,169. Whenever it comes to the attention of the director that any person when operating a commercial motor

vehicle has, based upon the records of the director, been convicted of or administratively determined to have committed an offense for which disqualification is required pursuant to section 60-4,168 or section 13 of this act, the director shall summarily revoke (1) the commercial driver's license and privilege of such person to operate a commercial motor vehicle in this state or (2) the privilege, if such person is a nonresident, of operating a commercial motor vehicle in this state. Any revocation ordered by the director pursuant to this section shall commence on the date of the signing of the order of revocation or the date of the release of such person from the jail or Department of Correctional Services adult correctional facility, whichever is later.

Sec. 13. (1) Any resident of this state who is a seasonal commercial motor vehicle operator for a farm-related or ranch-related service industry may make application for a restricted commercial driver's license. A restricted commercial driver's license shall authorize the holder to operate any Class B Heavy Straight Vehicle commercial motor vehicle or any Class B Heavy Straight Vehicle or Class C Small Vehicle commercial motor vehicle required to be placarded pursuant to section 75-364 when the hazardous material being transported is (a) diesel fuel in quantities of one thousand gallons or less, (b) liquid fertilizers in vehicles or implements of husbandry with total capacities of three thousand gallons or less, or (c) solid fertilizers that are not transported or mixed with any organic substance within one hundred fifty miles of the employer's place of business or the farm or ranch being served.

(2) Any applicant for a restricted commercial driver's license or seasonal permit shall be eighteen years of age or older and shall have possessed a valid operator's license during the twelve-month period immediately preceding application and shall demonstrate, in a manner to be prescribed by the director, that:

(a) If the applicant has possessed a valid operator's license for two or more years, that in the two-year period immediately preceding application the applicant:

(i) Has not possessed more than one operator's license at one time;

(ii) Has not been subject to any order of suspension, revocation, or cancellation of any type;

(iii) Has no convictions involving any type or classification of motor vehicle of the disqualification offenses enumerated in section 60-4,168; and

(iv) Has no convictions for traffic law violations that are accident-connected and no record of at-fault accidents; and

(b) If the applicant has possessed a valid

operator's license for more than one but less than two years, the applicant shall demonstrate that he or she meets the requirement prescribed in subdivision (a) of this subsection for the entire period of his or her driving record history.

(3) The commercial motor vehicle operating privilege as conferred by the restricted commercial driver's license shall be valid for four years if annually revalidated by the seasonal permit which shall be valid for no more than one hundred eighty consecutive days in any twelve-month period. To revalidate the applicant shall meet the requirements of subdivision (2) of this section and shall designate a time period he or she desires the restricted commercial motor vehicle operating privilege to be valid. The time period designated by the applicant shall appear and be clearly indicated on the seasonal permit. A seasonal permit shall not be issued to any person more than once in any twelve-month period. The holder of a restricted commercial driver's license shall operate commercial motor vehicles in the course or scope of his or her employment within one hundred fifty miles of the employer's place of business or the farm or ranch currently being served.

(4) Any person who violates any provision of this section shall, upon conviction, be guilty of a Class III misdemeanor. In addition to any penalty imposed by the court, the director shall also revoke such person's restricted commercial driver's license and shall disqualify such person from operating any commercial motor vehicle in Nebraska for a period of five years.

(5) The Department of Motor Vehicles shall adopt and promulgate rules and regulations to carry out the requirements of this section.

(6) For purposes of this section:

(a) Agricultural chemical business shall mean any business that transports agricultural chemicals predominately to or from a farm or ranch;

(b) Farm-related or ranch-related service industry shall mean any custom harvester, retail agricultural outlet or supplier, agricultural chemical business, or livestock feeder which operates commercial motor vehicles for the purpose of transporting agricultural products, livestock, farm machinery and equipment, or farm supplies to or from a farm or ranch;

(c) Retail agricultural outlet or supplier shall mean any retail outlet or supplier that transports either agricultural products, farm machinery, farm supplies, or both, predominately to or from a farm or ranch; and

(d) Seasonal commercial motor vehicle operator shall mean any person who, exclusively on a seasonal basis, operates a commercial motor vehicle for a farm-related or ranch-related service industry.".

2. On page 2, lines 3, 8, and 23; and page 3, line 7, strike "section 6" and insert "sections 9 and 13".
3. On page 3, line 10, after "licenses" insert "and restricted commercial driver's license".
4. On page 6, line 7, after the first comma insert "60-463, 60-480,"; in line 7 after the fourth comma insert "60-4,148, 60-4,151, 60-4,169,".
5. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 627. E & R amendment, AM5453, printed separately from the Journal and referred to on page 1510, was adopted.

Mr. Abboud renewed his pending amendment, AM1375, found in the Journal on page 1526.

The Abboud amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Messrs. Janssen and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Ashford asked unanimous consent to replace his pending amendment, AM1549, found in the Journal on page 1633, with a substitute amendment. No objections. So ordered.

Mr. Ashford withdrew his pending amendment, AM1549, found in the Journal on page 1633.

Mr. Ashford reoffered the Ashford-Hohenstein-Schellpeper amendment, AM1296, found in the Journal on page 1395 and considered on page 1430, as a substitute amendment.

Mr. Bernard-Stevens offered the following amendment to the Ashford et al. pending amendment:
FA128
Amend AM1296
1. to strike in line 7 the words "or negligently" and add "and" between knowingly and intentionally."
2. to strike lines 17-20

The Bernard-Stevens amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

MRS. CROSBY PRESIDING

Mr. Chambers offered the following amendment to the Ashford et al. pending amendment:

FA129

To amend Ashford amendment (AM1296)

In line 5 put colon after "following" and strike remaining language through line 6.

The Chambers amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Avery offered the following amendment to the Ashford et al. pending amendment:

FA130

To amend Ashford et al. amendment, AM1296

Line 2 "Section 1. after (1) delete "a" and insert any. Then after "who" insert "also may be" and delete "is".

Mr. Janssen asked unanimous consent to be excused. No objections. So ordered.

Mr. Avery withdrew his amendment.

The Ashford et al. amendment, as amended, lost with 2 ayes, 18 nays, 25 present and not voting, and 4 excused and not voting.

Mr. Abboud offered the following amendment:

FA131

Amendments to LB 627, AM5453

1. On page 3, line 26, strike "1996" and insert "1997".
2. On page 7, line 24, strike "1996" and insert "1997".

Mr. Abboud withdrew his amendment.

Mrs. Witek offered the following amendment:

AM1486

(Amendments to E & R amendments, AM5453)

1. Insert the following new sections:

"Section 1. That section 28-105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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

Class I felony.....Death

Class IA felony.....Life imprisonment

Class IB felony.....Maximum-life imprisonment
Minimum-ten years imprisonment

Class IC felony.....Maximum-fifty years imprisonment
Mandatory minimum-five years imprisonment

Class ID felony.....Maximum-fifty years imprisonment

Mandatory minimum-three years imprisonment
Class II felony.....Maximum-fifty years imprisonment
Minimum-one year imprisonment
Class III felony.....Maximum-twenty years imprisonment, or twenty-five thousand dollars fine, or both
Minimum-one year imprisonment
Class IV felony....Maximum-five years imprisonment, or ten thousand dollars fine, or both
Minimum-none

(2) All sentences of imprisonment for Class IA, IB, IC, ID, II, and III felonies and sentences of one year or more for Class IV felonies shall be served in institutions under the jurisdiction of the Department of Correctional Services. Sentences of less than one year shall be served in the county jail except as provided in this subsection. If the department certifies that it has programs and facilities available for persons sentenced to terms of less than one year, the court may order that any sentence of six months or more be served in any institution under the jurisdiction of the department. Any such certification shall be given by the department to the State Court Administrator, who shall forward copies thereof to each judge having jurisdiction to sentence in felony cases.

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

(4) A person convicted of a felony for which a mandatory minimum sentence is prescribed shall not be eligible for probation.

Sec. 23. That section 83-1,107, Revised Statutes Supplement, 1992, be amended to read as follows:

83-1,107. (1) The chief executive officer of a facility shall reduce the term of a committed offender by six months for each year of the offender's term and pro rata for any part thereof which is less than a year. The total of all such reductions shall be credited from the date of sentence, which shall include any term of confinement prior to sentence and commitment as provided pursuant to section 83-1,106, and shall be deducted:

(a) From the minimum term, to determine the date of eligibility for release on parole, except that no such reductions shall be applied to the mandatory minimum terms imposed for Class IB, IC, and ID felonies or to a minimum term imposed on a habitual criminal pursuant to section 29-2221; and

(b) From the maximum term, to determine the date when discharge from the custody of the state becomes mandatory.

(2) While the offender is in the custody of the

department, reductions of such terms may be forfeited, withheld, and restored by the chief executive officer of the facility with the approval of the director after the offender has been consulted regarding the charges of misconduct.

(3) While the offender is in the custody of the board, reductions of such terms may be forfeited, withheld, and restored by the administrator with the approval of the director after the offender has been consulted regarding the charges of misconduct or breach of the conditions of parole. In addition, the board may recommend such forfeitures of good time to the director.

(4) Good time or other reductions of sentence granted under the provisions of any law prior to July 15, 1992, may be forfeited, withheld, or restored in accordance with the terms of the Nebraska Treatment and Corrections Act.

Sec. 24. That section 83-1,110, Revised Statutes Supplement, 1992, be amended to read as follows:

83-1,110. (1) ~~Every~~ Except as provided in subsection (3) of this section, every committed offender shall be eligible for release on parole upon completion of the minimum term less good time. A committed offender shall be eligible for parole prior to the expiration of the minimum term whenever the sentencing judge or the judge's successor in office gives approval for the parole of such offender.

(2) ~~Every~~ Except as provided in subsection (3) of this section, every committed offender sentenced to consecutive terms, whether received at the same time or at any time during the original sentence, shall be eligible for release on parole when the offender has served the total of the minimum terms, less good time. The maximum terms shall be added to compute the new maximum term which, less good time, shall determine the date when discharge from the custody of the state becomes mandatory.

(3) A committed offender who has received a disciplinary action for drug or alcohol abuse pursuant to sections 83-4,109 to 83-4,123 shall not be eligible for parole for twelve months following the imposition of the disciplinary action. The department shall conduct periodic random drug and alcohol testing of committed offenders who have reached their parole eligibility dates or are within one year of such date to assist the board in the enforcement of this subsection.

Sec. 25. That section 83-1,116, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,116. (1) When a committed offender is released on parole, the ~~Board of Parole~~ board shall require as ~~a condition of his parole that he~~ conditions of parole that the offender refrain from engaging in criminal conduct and submit to periodic testing for drug and alcohol abuse. The board may also require, either at the time of ~~his~~ the offender's release

on parole or at any time while ~~he~~ the offender remains on parole, that ~~he~~ the offender conform to any of the following conditions of parole:

(a) Meet ~~his~~ specified family responsibilities;

(b) Devote himself or herself to an approved employment;

(c) Remain in the geographic limits fixed in ~~his~~ the certificate of parole, unless granted written permission to leave such limits;

(d) Report, as directed, to his or her district parole officer;

(e) Reside at the place fixed in ~~his~~ the certificate of parole and notify his or her district parole officer of any change in ~~his~~ address or employment;

(f) Submit himself or herself to available medical, psychological, psychiatric, or other treatment;

(g) Refrain from associating with persons known to ~~him~~ the offender to be engaged in criminal activities or, without permission of his or her district parole officer, with persons known to ~~him~~ the offender to have been convicted of a crime; and

(h) Satisfy any other conditions specially related to the cause of his or her offense and not unduly restrictive of his or her liberty or conscience.

(2) Before release on parole, a parolee shall be provided with a certificate of parole setting forth the conditions of ~~his~~ the parole.

Sec. 26. That section 83-1,122, Revised Statutes Supplement, 1992, be amended to read as follows:

83-1,122. (1) If the board finds that the parolee has engaged in criminal conduct, abused alcohol or a controlled substance as defined in subdivision (4) of section 28-401, or refused to submit to a drug or alcohol test while on parole, the board shall order revocation of the parolee's parole.

(2) If the board finds that the parolee did violate a condition of parole other than the conditions prescribed in subsection (1) of this section but is of the opinion that revocation of parole is not appropriate, the board may order that:

~~(1)~~ (a) The parolee receive a reprimand and warning;

~~(2)~~ (b) Parole supervision and reporting be intensified;

~~(3)~~ (c) Good time granted pursuant to section 83-1,108 be forfeited or withheld; or

~~(4)~~ (d) The parolee be required to conform to one or more additional conditions of parole which may be imposed in accordance with the Nebraska Treatment and Corrections Act.

Sec. 27. That section 83-1,123, Revised Statutes

Supplement, 1992, be amended to read as follows:

83-1,123. (1) A parolee whose parole is revoked shall be recommitted to the department until discharge from the custody of the state becomes mandatory or until reparoled by the board.

(2) The time from the date of the parolee's declared delinquency until the date of arrest for the custody of the board shall not be counted as any portion of the time served.

(3) A parolee whose parole has been revoked shall be considered by the board for reparole at any time in the same manner as any other committed offender eligible for parole, except that an offender who commits a felony while on parole and is convicted of such felony shall not receive another parole on the original sentence or the sentence for such felony.

(4) Except in the case of a parolee who has left the jurisdiction or his or her place of residence, action revoking a parolee's parole and recommitting the parolee for violation of the conditions of parole must be taken before the expiration of the parole term less good time. A parolee who has left the jurisdiction or his or her place of residence shall be treated as a parole violator and, when apprehended, shall be subject to recommitment or to supervision for the balance of the parole term as of the date of the violation.".

2. On page 7, line 13, strike "13" and insert "14".

3. On page 9, line 5, strike "4 to 21" and insert "5 to 22".

4. On page 11, line 9; and page 20, line 9, strike "14" and insert "15".

5. On page 21, line 14, strike "section 29-2204" and insert "sections 28-105, 29-2204, and 83-1,116"; and in line 15 strike "section 29-2262" and insert "sections 29-2262, 83-1,107, 83-1,110, 83-1,122, and 83-1,123".

6. Renumber the remaining sections accordingly.

Messrs. Ashford and Will asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers requested a division of the question on the Witek amendment.

The Chair sustained the division of the question.

The first Witek amendment is as follows:
FA132

(Amendments to E & R amendments, AM5453)

1. Insert the following new sections:

"Section 1. That section 28-105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-105. (1) For purposes of the Nebraska Criminal Code and any statute passed by the Legislature after the date of passage of the code, felonies are divided into eight classes which are distinguished from one another by the following penalties which are authorized upon conviction:
Class I felony.....Death
Class IA felony.....Life imprisonment
Class IB felony.....Maximum-life imprisonment
Minimum-ten years imprisonment
Class IC felony.....Maximum-fifty years imprisonment
Mandatory minimum-five years imprisonment
Class ID felony.....Maximum-fifty years imprisonment
Mandatory minimum-three years imprisonment
Class II felony.....Maximum-fifty years imprisonment
Minimum-one year imprisonment
Class III felony.....Maximum-twenty years imprisonment, or twenty-five thousand dollars fine, or both
Minimum-one year imprisonment
Class IV felony....Maximum-five years imprisonment, or ten thousand dollars fine, or both
Minimum-none

(2) All sentences of imprisonment for Class IA, IB, IC, ID, II, and III felonies and sentences of one year or more for Class IV felonies shall be served in institutions under the jurisdiction of the Department of Correctional Services. Sentences of less than one year shall be served in the county jail except as provided in this subsection. If the department certifies that it has programs and facilities available for persons sentenced to terms of less than one year, the court may order that any sentence of six months or more be served in any institution under the jurisdiction of the department. Any such certification shall be given by the department to the State Court Administrator, who shall forward copies thereof to each judge having jurisdiction to sentence in felony cases.

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

(4) A person convicted of a felony for which a mandatory minimum sentence is prescribed shall not be eligible for probation.

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

SPEAKER BAACK PRESIDING

Mr. Lindsay requested a ruling of the Chair on whether the Witek amendment, FA132, is germane to the bill.

Mr. Hartnett asked unanimous consent to be excused. No objections. So ordered.

The Chair ruled the Witek amendment is germane to the bill.

Messrs. Kristensen and Byars asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment to the Witek pending amendment:
FA138
Amend Witek Amendment AM1486
Page 1, line 14, strike "Mandatory" and show as stricken.

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

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Will asked unanimous consent to print the following amendment to LB 220 in the Journal. No objections. So ordered.

AM1522
1. Insert the following new sections:
"Sec. 4. (1) Any political subdivision which has the power or duty to levy a property tax required by a final order of a court or the State Board of Equalization from which no appeal is taken to reimburse property taxes to a taxpayer may make and deliver to the county clerk of the county in which any part of the political subdivision is situated, not later than August 25, an itemized estimate of the amount necessary to be expended to reimburse the property taxes. The governing body of the political subdivision shall conduct a public hearing on the estimate prior to delivery to the county clerk. Notice of the place and time of the hearing shall, at least five days prior to the date set for hearing, be published in a newspaper of general circulation within the political subdivision or be sent by direct mailing to each resident within the political subdivision.
(2) The county clerk shall levy taxes on the taxable property of the political subdivision in the amount necessary to cover the reimbursement of the property taxes in the estimate. The taxes shall be collected by the county

treasurer at the same time and in the same manner as county taxes are collected and, when collected, shall be paid to the treasurer of the political subdivision and used to cover the reimbursement of the property taxes.

(3) Any political subdivision which submits an itemized estimate shall establish a property tax reimbursement fund. Taxes collected pursuant to this section shall be credited to such fund to cover the reimbursement of the property taxes.

(4) The authority conferred by this section shall apply only to reimbursements made during fiscal years 1993-94 through 1999-2000.

Sec. 5. That section 79-3819, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3819. (1) A district may exceed its applicable allowable growth rate by a specific dollar amount in the situations described in this section.

(2) A district demonstrates to the satisfaction of the state board that a new program is required by state or federal law or an existing program mandated by state or federal law has been expanded as a result of changes in state or federal law. For purposes of this subsection, a final order of a court or the State Board of Equalization from which no appeal is taken which requires reimbursement by a district of property taxes to a taxpayer shall be considered a new program required by state or federal law but shall not be included as part of the general fund budget of expenditures for purposes of section 79-3814.

(3) The district projects an increase in formula students in the district over the current school year greater than twenty-five students or greater than those listed in the schedule provided in this subsection, whichever is less. Districts shall project increases in formula students on forms prescribed by the department. The state board shall approve, deny, or modify the projected increases.

Average daily membership of district	Projected increase of formula student by percentage
0 - 50	10
50.01 - 250	5
250.01 - 1,000	3
1,000.01 and over	1

The department shall compute the district's estimated allowable budget per pupil using the budgeted general fund expenditures found on the budget statement for the current school year divided by the number of formula students in the current school year and multiplied by the district's applicable allowable growth rate. The resulting allowable budget per pupil shall be multiplied by the

projected formula students to arrive at the estimated budget needs for the ensuing year. The department shall allow the district to increase its general fund budget of expenditures for the ensuing school year by the amount necessary to fund the estimated budget needs of the district as computed pursuant to this subsection. On or before July 1 of each year, the department shall make needed revisions in the applicable allowable growth rate of districts which have been allowed additional growth pursuant to this subsection to reflect the actual formula students of such district and shall certify such revisions to each district.

(4) Construction, expansion, or alteration of district buildings will cause an increase in building operation and maintenance costs of at least five percent. The department shall document the projected increase in building operation and maintenance costs and may allow a district to exceed its applicable allowable growth percentage by the amount necessary to fund such increased costs. The department shall compute the actual increased costs for the school year and shall, if needed, modify the district's applicable allowable growth rate for the ensuing school year.

(5) A district demonstrates to the satisfaction of the state board that as a result of an order entered into by the Commission of Industrial Relations pursuant to section 48-818 establishing rates of pay, benefits, and other terms and conditions of employment, the district will exceed its applicable allowable growth rate. The department shall compute the amount by which the increase in employee costs exceeds the district's applicable allowable growth rate and shall allow the district to increase its general fund budget of expenditures by such amount.

(6) A district demonstrates to the satisfaction of the state board that it will exceed its applicable allowable growth rate as a result of a contested, but settled, contract dispute, claim, or breach or uninsured risk or as a result of any final judgment of any court of competent jurisdiction, requiring or obligating the district to pay such judgment. The department shall compute the amount by which the increased cost of the settlement or judgment exceeds the district's applicable allowable growth rate and shall allow the district to increase its general fund budget of expenditures by such amount.".

2. In the Standing Committee amendments, AM0756:

a. On page 4, line 2, after "court" insert "or the State Board of Equalization"; and

b. On page 7, line 9, strike "and 77-3439" and insert "77-3439, and 79-3819".

3. Renumber the remaining sections accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 563 in the Journal. No objections. So ordered.

AM1537

(Amendments to E & R amendments, AM5428)

1. Insert the following new section:

"Sec. 18. That section 9-812, Revised Statutes Supplement, 1992, as amended by section 28, Legislative Bill 138, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

9-812. (1) All money received from the operation of lottery games conducted pursuant to the State Lottery Act in Nebraska shall be deposited in the State Lottery Operation Trust Fund, which fund is hereby created. All payments of expenses of the operation of the lottery games shall be made from the State Lottery Operation Trust Fund, except that in accordance with legislative appropriations, money for payments for internal operating expenses of the division shall be transferred from the State Lottery Operation Trust Fund to the State Lottery Operation Revolving Fund, which fund is hereby created. All money necessary for the payment of lottery prizes shall be transferred from the State Lottery Operation Trust Fund to the State Lottery Prize Trust Fund, which fund is hereby created. The amount used for the payment of lottery prizes shall not be less than forty percent of the dollar amount of the lottery tickets which have been sold. Of the money remaining after the payment of prizes and operating expenses, the State Treasurer shall transfer from the State Lottery Operation Trust Fund to the General Fund an amount equal to the initial appropriation to the State Lottery Operation Trust Fund with interest at the rate specified in section 5, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, as such rate may from time to time be adjusted. After the General Fund is repaid, at least twenty-five percent of the dollar amount of the lottery tickets which have been sold on an annualized basis shall be transferred to the Education Innovation Fund, the Solid Waste Landfill Closure Assistance Fund, the Nebraska Environmental Trust Fund, and the Compulsive Gamblers Assistance Fund. Forty-nine and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Education Innovation Fund. Beginning on July 15, 1993, and continuing through July 1, 1997, twenty-four and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Solid Waste Landfill Closure Assistance Fund and twenty-five percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Nebraska Environmental Trust Fund to be used as

provided in the Nebraska Environmental Trust Act. After July 1, 1997, forty-nine and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act. One percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund to be used as provided in subsection (4) of this section.

(2) The Education Innovation Fund is hereby created. Each fiscal year beginning with fiscal year 1994-95, at least seventy-five percent of the lottery proceeds allocated to the Education Innovation Fund shall be available for disbursement. The Education Innovation Fund shall be allocated by the Governor through incentive grants to encourage the development of strategic school improvement plans by school districts for accomplishing high performance learning and to encourage schools to establish innovations in programs or practices that result in restructuring of school organization, school management, and instructional programs which bring about improvement in the quality of education. Such grants are intended to provide selected school districts, teachers or groups of teachers, nonprofit educational ~~foundations~~ organizations, educational service units, or cooperatives funding for the allowable costs of implementing pilot projects and model programs.

Minigrants shall be available to school districts to support the development of ~~local~~ strategic school improvement plans which shall include statements of purposes and goals for the districts. The plans shall also include the specific statements of improvement or strategic initiatives designed to improve quality learning for every student.

Major competitive grants shall be available to support innovative programs which are directly related to the ~~local~~ strategic school improvement plans. The development of a ~~local~~ strategic school improvement plan by a school district shall be required before a grant is awarded. Annual reports shall be made by program recipients documenting the effectiveness of the program in improving the quality of education as designed in the ~~local~~ strategic school improvement plans. Special consideration shall be given to plans which contain public or private matching funds and cooperative agreements, including agreements for in-kind services. Purposes for which incentives would be offered shall include:

(a) Professional staff development programs to provide funds for teacher and administrator training and continuing education to upgrade teaching and administrative skills;

(b) The development of ~~local~~ strategic school improvement plans by school districts;

(c) Educational technology assistance to public schools for the purchase and operation of computers, telecommunications equipment and services, and other forms of technological innovation which may enhance classroom teaching, instructional management, and districtwide administration. Such telecommunications equipment, services, and forms of technical innovation shall be approved by the State Department of Education in consultation with the Department of Administrative Services to insure compatibility of technologies and compliance with statewide priorities;

(d) An educational accountability program to develop an educational indicators system to measure the performance and outcomes of public schools and to ensure efficiency in operations;

(e) Alternative programs for students, including underrepresented groups, at-risk students, and dropouts;

(f) Programs that demonstrate improvement of student performance against valid national and international achievement standards;

(g) Early childhood education and parent education which emphasize child development;

(h) Programs using decisionmaking models that increase involvement of parents, teachers, and students in school management;

(i) Increased involvement of the community in order to achieve increased confidence in and satisfaction with its schools;

(j) Development of magnet or model programs designed to facilitate desegregation;

(k) Programs that address family and social issues impairing the learning productivity of students;

(l) Programs enhancing critical and higher-order thinking capabilities;

(m) Programs which produce the quality of education necessary to guarantee a competitive work force; ~~and~~

(n) Programs designed to increase productivity of staff and students through innovative use of time; and

(o) Training programs designed to benefit teachers at all levels of education by increasing their ability to work with educational technology in the classroom.

The Governor shall establish the Excellence in Education Council. The Governor shall appoint eleven members to the council including representatives of educational organizations, postsecondary educational institutions, the business community, and the general public, members of school boards and parent education associations, school administrators, and at least four teachers who are engaged in

classroom teaching. The State Department of Education shall provide staff support for the council. The council shall have the following powers and duties:

(i) ~~Develop~~ In consultation with the State Department of Education, develop and publish criteria for the awarding of grants for programs pursuant to this subsection;

(ii) Provide recommendations to the Governor regarding the selection of projects to be funded and the distribution and duration of project funding;

(iii) Establish standards, formats, procedures, and timelines for the successful implementation of approved programs funded by the Education Innovation Fund;

(iv) Assist school districts in determining the effectiveness of the innovations in programs and practices and measure the subsequent degree of improvement in the quality of education;

(v) Consider the reasonable distribution of funds across the state and all classes of school districts; and

(vi) Provide annual reports to the Governor concerning programs funded by the fund. Each report shall include the number of applicants and approved applicants, an overview of the various programs, objectives, and anticipated outcomes, and detailed reports of the cost of each program.

(3) Recipients of grants from the Education Innovation Fund shall be required to provide, upon request, such data relating to the funded programs and initiatives as the Governor deems necessary.

(4) The Compulsive Gamblers Assistance Fund is hereby created. The fund shall be administered by the Director of the Division on Compulsive Gambling to carry out the purposes of sections 29 to 33 of this act.

(5) Any money in the State Lottery Operation Trust Fund, the State Lottery Operation Revolving Fund, the State Lottery Prize Trust Fund, the Education Innovation Fund, or the Compulsive Gamblers Assistance Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

(6) Unclaimed prize money on a winning lottery ticket shall be retained for a period of time prescribed by rules and regulations. If no claim is made within such period, the prize money shall be used at the discretion of the Tax Commissioner for any of the purposes prescribed in this section.".

2. On page 31, line 5, strike "and 9-810" and insert "9-810, and 9-812"; and in line 7 strike "and 26" and insert "26, and 28".

3. Renumber the remaining section accordingly.

Ms. Day asked unanimous consent to print the following amendment to LB 564 in the Journal. No objections. So ordered.

AM1740

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) It shall be unlawful for any person under twenty-one years of age to operate or be in the actual physical control of any motor vehicle:

(a) When such person has a concentration of two-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood but less than the concentration prescribed under subdivision (1)(b) of section 39-669.07; or

(b) When such person has a concentration of two-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath but less than the concentration prescribed under subdivision (1)(c) of section 39-669.07.

(2) Enforcement of this section by state or local law enforcement agencies shall be accomplished only as a secondary action when the driver of a motor vehicle has been cited for a violation of some other offense.

Sec. 2. (1) Any person who operates or has in his or her actual physical control a motor vehicle in this state shall be deemed to have given his or her consent to submit to a chemical test or tests of his or her blood or breath for the purpose of determining the concentration of alcohol in such blood or breath.

(2) Any peace officer who has been duly authorized to make arrests for violations of traffic laws of this state or of ordinances of any city or village may require any person under twenty-one years of age who has been cited for some offense to submit to a chemical test or tests of his or her blood or breath for the purpose of determining the concentration of alcohol in such blood or breath when the officer has reasonable grounds to believe that such person was driving or was in the actual physical control of a motor vehicle in this state in violation of section 1 of this act. Such peace officer may require such person to submit to a preliminary breath test. Any person who refuses to submit to such preliminary breath test or whose preliminary breath test results indicate an alcohol concentration in violation of section 1 of this act shall be placed under arrest.

(3) Any person arrested as provided in this section may, upon the direction of a peace officer, be required to submit to a chemical test or tests of his or her blood or breath for a determination of the concentration of alcohol. If the chemical test discloses the presence of a concentration

of alcohol in violation of section 1 of this act, the person shall be found guilty of a traffic infraction as defined in section 168, Legislative Bill 370, Ninety-third Legislature, First Session, 1993, and upon conviction shall have his or her operator's license impounded by the court for thirty days for each violation of section 1 of this act. Any person who refuses to submit to such test or tests required pursuant to this section shall not have the tests taken but shall be found guilty of a traffic infraction as defined in section 168, Legislative Bill 370, Ninety-third Legislature, First Session, 1993, and upon conviction shall have his or her operator's license impounded by the court for ninety days for refusal to submit to such tests required pursuant to this section.

Sec. 3. A person whose operator's license has been impounded pursuant to section 2 of this act may have his or her operator's license returned upon payment of a fee of fifty dollars to the clerk of the county court after the period of impoundment is over. If such person has had no other violations of section 1 or 2 of this act during the time of impoundment of the operator's license, the record of such impoundment shall be sealed. The court shall not report this infraction to the Department of Motor Vehicles. The clerk of the county court shall remit all such fees to the State Treasurer for credit to the Youth Alcohol Prevention Education Cash Fund.

Sec. 4. There is hereby created the Youth Alcohol Prevention Education Cash Fund to which the fees collected pursuant to section 3 of this act shall be credited. The fund shall be administered by the Division on Alcoholism and Drug Abuse of the Department of Public Institutions and shall be used for the Regional Prevention Center's Small Grant Program.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 5. That section 39-669.11, Revised Statutes Supplement, 1992, be amended to read as follows:

39-669.11. (1) Any test made under section 39-669.08, if made in conformity with the requirements of this section, shall be competent evidence in any prosecution under a state statute or city or village ordinance involving operating a motor vehicle while under the influence of alcoholic liquor or drugs or involving driving or being in actual physical control of a motor vehicle when the concentration of alcohol in the blood or breath is in excess of allowable levels.

(2) Any test made under section 2 of this act, if made in conformity with the requirements of this section, shall be competent evidence in any prosecution involving operating or being in actual physical control of a motor

vehicle in violation of section 1 of this act.

(3) ~~(2)~~ To be considered valid, tests of blood, breath, or urine made under section 39-669.08 or section 2 of this act shall be performed according to methods approved by the Department of Health and by an individual possessing a valid permit issued by such department for such purpose, except that a physician, registered nurse, or other trained person employed by a licensed institution or facility which is defined in section 71-2017.01 or clinical laboratory certified pursuant to the Nebraska Clinical Laboratories Certification Act, the federal Clinical Laboratory Improvement Act of 1967, as amended, or Title XVIII or XIX of the federal Social Security Act to withdraw human blood for scientific or medical purposes, acting at the request of a law enforcement officer, may withdraw blood for the purpose of a test to determine the alcohol concentration or the presence of drugs and no permit from the department shall be required for such person to withdraw blood pursuant to such an order. The department may approve satisfactory techniques or methods to perform such tests and may ascertain the qualifications and competence of individuals to perform such tests and issue permits which shall be subject to termination or revocation at the discretion of the department.

(4) ~~(3)~~ A permit fee may be established by regulation by the department which shall not exceed the actual cost of processing the initial permit. Such fee shall be charged annually to each permitholder. The fees shall be used to defray the cost of processing and issuing the permits and other expenses incurred by the department in carrying out this section. The fee shall be remitted to the State Treasurer for credit to the Department of Health Cash Fund as a laboratory service fee.

(5) ~~(4)~~ Relevant evidence shall not be excluded in any prosecution under a state statute or city or village ordinance involving operating a motor vehicle while under the influence of alcoholic liquor or drugs or involving driving or being in actual physical control of a motor vehicle when the concentration of alcohol in the blood, breath, or urine is in excess of allowable levels on the ground that the evidence existed or was obtained outside of this state.

Sec. 6. That section 39-669.12, Revised Statutes Supplement, 1992, be amended to read as follows:

39-669.12. Any physician, registered nurse, other trained person employed by a licensed institution or facility which is defined in section 71-2017.01 or clinical laboratory certified pursuant to the Nebraska Clinical Laboratories Certification Act, the federal Clinical Laboratory Improvement Act of 1967, as amended, or Title XVIII or XIX of the federal Social Security Act to withdraw human blood for scientific or

medical purposes, or hospital shall be an agent of the State of Nebraska when performing the act of withdrawing blood at the request of a law enforcement officer pursuant to section 39-669.08 and section 2 of this act. The state shall be liable in damages for any illegal or negligent acts or omissions of such agents in performing the act of withdrawing blood. The agent shall not be individually liable in damages or otherwise for any act done or omitted in performing the act of withdrawing blood at the request of a law enforcement officer pursuant to ~~section 39-669.08~~ such sections except for acts of gross negligence of the agent or of persons employed by such agent.

Sec. 7. That section 39-669.13, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-669.13. Upon the conviction of any person for violation of ~~the provisions of~~ section 1 of this act or section 39-669.07, or of driving a motor vehicle while under the influence of alcoholic liquor or of any drug in violation of any city or village ordinance, there shall be assessed as part of the court costs the fee charged by any physician or any agency administering tests pursuant to a permit issued in accordance with section 39-669.11, for the test administered and the analysis thereof under the provisions of section 39-669.08 and section 2 of this act, if such test was actually made.

Sec. 8. That section 39-6,122, Revised Statutes Supplement, 1992, be amended to read as follows:

39-6,122. Sections 39-601 to 39-6,122 and sections 1 to 4 and 9 of this act shall be known and may be cited as the Nebraska Rules of the Road.

Sec. 9. Sections 1 to 4 of this act shall not operate to prevent any person, regardless of age, from being prosecuted or having any action taken pursuant to section 39-669.07 or 39-669.08 or having his or her operator's license revoked pursuant to sections 39-669.15 to 39-669.18 for violation of section 39-669.07 or 39-669.08 or from being prosecuted or having any action taken under any other provision of law. If such person is believed to be under the influence of alcoholic liquor pursuant to section 39-669.07 or 39-669.08, sections 1 to 4 of this act shall not operate to prevent such person from prosecution under section 39-669.07 or 39-669.08 even if sections 1 to 4 of this act apply.

Sec. 10. This act shall become operative on January 1, 1994.

Sec. 11. That original section 39-669.13, Reissue Revised Statutes of Nebraska, 1943, and sections 39-669.11, 39-669.12, and 39-6,122, Revised Statutes Supplement, 1992, are repealed.".

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 669 in the Journal. No objections. So ordered.

AM1724

(Amendments to Standing Committee amendments, AM1080)

1. Strike section 24 and insert the following new section:

"Sec. 24. Consultation shall mean a professional collaborative relationship between a licensed mental health practitioner and a consultant who is a licensed clinical psychologist or a qualified physician in which (1) the consultant shall make a diagnosis based on information supplied by the licensed mental health practitioner and any additional assessment deemed necessary by the consultant, and (2) the consultant and the licensed mental health practitioner shall jointly develop a treatment plan which shall indicate the responsibility of each professional for implementing elements of the plan, updating the plan, and assessing the client's progress.".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 121 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM0039.)

Mr. Wehrbein asked unanimous consent to print the following amendment to LB 389 in the Journal. No objections. So ordered.

AM1734

1. On page 2, line 18, before the period insert ", except that until 1995 a subdistrict may have a population up to three times the population of any other subdistrict within the district".

Mr. Bromm asked unanimous consent to print the following amendment to LB 627 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1487.)

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 38. Placed on General File as amended.
Standing Committee amendment to LB 38:
AM1674

1. Strike original sections 4 to 6.
2. On page 2, strike beginning with "The" in line 8 through "equal" in line 9 and insert "The total of the monthly

estimates for the fiscal year shall take into consideration"; and after the period in line 13 insert "If the total of monthly estimates so certified is at variance with the estimates of the Nebraska Economic Forecasting Advisory Board, the certification shall include a statement of the specific statistical or economic reasons for the variance.".

3. On page 3, line 15, strike "using" and insert "taking into consideration".

4. On page 8, line 25, strike "sections 50-419 and" and insert "section"; and in line 26 strike "are" and insert "is".

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 136. Indefinitely postponed.
LEGISLATIVE BILL 174. Indefinitely postponed.
LEGISLATIVE BILL 175. Indefinitely postponed.
LEGISLATIVE BILL 222. Indefinitely postponed.
LEGISLATIVE BILL 243. Indefinitely postponed.
LEGISLATIVE BILL 266. Indefinitely postponed.
LEGISLATIVE BILL 300. Indefinitely postponed.
LEGISLATIVE BILL 399. Indefinitely postponed.
LEGISLATIVE BILL 834. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mr. Horgan asked unanimous consent to have he name added as cointroducer to LB 639. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 587 in the Journal. No objections. So ordered.

AM1715

1. Insert the following new section:

"Sec. 15. That section 49-1464, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1464. (1) The campaign statement of a candidate ~~committees~~ committee shall be filed with the commission and a copy with the election commissioner or, if there is no election commissioner, the clerk of the county of residence of the candidate.

(2)(a) The campaign statement of a ballot question committee supporting or opposing a statewide ballot question, or (b) a ballot question to be voted upon in more than one county, but not statewide, shall be filed with the commission. ~~and one copy with the election commissioner or, if there is no~~

~~election commissioner, the clerk of the most populous county in the election district in which the ballot question is to be voted upon.~~ A ballot question committee supporting or opposing a ballot question to be voted upon within a single county shall file a statement with the commission and with the election commissioner or, if there is no election commissioner, the clerk of that county.

(3) The campaign statement of a political party committee that is a state central, district, or county committee shall be filed with the commission. A copy of the campaign statement of a district political party committee shall be filed with the election commissioner or, if there is no election commissioner, the clerk of the most populous county in the district. A copy of the campaign ~~report~~ statement of a county committee shall be filed with the election commissioner or, if there is no election commissioner, the clerk of that county.

(4) The campaign statement of any other committee not covered under this section shall be filed with the commission. ~~A copy of the campaign statement shall be filed with the election commissioner or, if there is no election commissioner, the clerk of the county of residence of a majority of the candidates for whom it made expenditures.~~".

2. On page 15, line 26, after the first comma insert "49-1464,".

RESOLUTION

LEGISLATIVE RESOLUTION 86. Introduced by Fisher, 35.

WHEREAS, Ruby Washington of Grand Island, Nebraska's 1993 Mother of the Year, has been named National Mother of the Year; and

WHEREAS, Mrs. Washington and her husband Robert have parented more than two hundred foster children in addition to their own seven children; and

WHEREAS, the National Mother's Association has recognized that Mrs. Washington exemplifies the dedication required for successful mothering; and

WHEREAS, Ruby Washington will make an outstanding representative of Nebraska as she travels the nation during the upcoming year.

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

1. That the members of the Legislature congratulate Ruby Washington on her achievement.

2. That a copy of this resolution be presented to Mrs. Washington with best wishes.

Laid over.

VISITORS

Visitors to the Chamber were 18 students and sponsors from Arnold Elementary, Lincoln; 16 sixth grade students and sponsor from Sumner Eddyville Miller School; Rotary exchange people from Brazil and sponsor; and 47 fifth grade students and teachers from Elkhorn Valley School, Tilden.

ADJOURNMENT

At 5:07 p.m., on a motion by Mr. Abboud, the Legislature adjourned until 9:00 a.m., Wednesday, April 28, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTY-SEVENTH DAY - APRIL 28, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

SIXTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 28, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Joe Barr, Mission Creek United Presbyterian Church, Liberty, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Avery, Bernard-Stevens, Kristensen, Landis, Lindsay, Moore, Robinson, Warner, Mmes. Pirsch, Witek, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-sixth day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR 25.

(Signed) Kurt A. Hohenstein, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 25. Introduced by Coordsen, 32; Preister, 5.

WHEREAS, there are at least 2,273 American service personnel and civilians who have yet to be accounted for in southeast Asia as a result of the aftermath of the war in Vietnam and southeast Asia; and

WHEREAS, twenty-one of those unaccounted for in southeast Asia are Nebraskans whose names, hometowns, branch of service, and date of capture or loss follow:

NAME	HOMETOWN	BRANCH OF SERVICE	DATE OF LOSS
Gerald M. Biber	Benkelman	Army	April 22, 1961
Delmar G. Booze	Papillion	Marine Corps	January 24, 1966
Herbert O. Brennan	O'Neill	Air Force	November 26, 1967
Richard D. Brenning	Lincoln	Navy	July 26, 1969
Michael S. Confer	McCook	Navy	October 10, 1966
Robert J. Cordova	Boystown	Navy	January 27, 1968
Donald C. Grella	Laurel	Navy	December 28, 1965
Harold Kahler	Lincoln	Air Force	June 14, 1969
Larry G. Kier	Omaha	Army	May 6, 1970
Michael L. Klingner	McCook	Air Force	April 6, 1970
Paul G. Magers	Sidney	Army	June 1, 1971
Larry J. Newman	North Platte	Air Force	June 18, 1972
Howard Ogden, Jr.	Omaha	Marine Corps	October 18, 1967
Larry W. Robinson	Randolph	Marine Corps	January 5, 1970
Thomas E. Scheurich	Norfolk	Navy	March 1, 1968
Stanley K. Smiley	Sidney	Navy	July 20, 1969
Doyle R. Sprick	Ft. Calhoun	Marine Corps	January 24, 1966
Ronald D. Stafford	Oxford	Air Force	November 21, 1972
Willie E. Stark	Omaha	Army	December 2, 1966
Daniel W. Thomas	Danbury	Air Force	July 6, 1971
Larry A. Zich	Lincoln	Army	April 3, 1972; and

WHEREAS, there is a body of credible evidence suggesting that live Americans or identifiable remains of Americans remain in southeast Asia; and

WHEREAS, the executive branch of the United States Government and the Congress of the United States have declared that resolution of this issue is of the "highest national priority"; and

WHEREAS, the agencies of the United States Government, including the Department of Defense and the Defense Intelligence Agency, have had since the official termination of hostilities in May 1975 to resolve these issues; and

WHEREAS, the Department of Defense has created and maintained an unnecessary veil of secrecy and ignorance by classifying most of the available information concerning live sightings, status reports, and other data relating to those who are still missing, the declassification of which would not compromise resources, means, methods, and identities of intelligence operatives; and

WHEREAS, it would appear that by promulgating a classified plan referred to as a "road map for normalization of relations" between the United States, Laos, Cambodia, and Vietnam, the United States Government appears to be poised to "normalize" relations with those governments in spite of the unresolved issues concerning prisoners of war, those missing in action, and the repatriation of the remains of those Americans who made the ultimate sacrifice.

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

1. That the Legislature urges the President of the United States, by executive order, to declassify information, data, and intelligence pertaining to all matters relative to these issues, except for that data or information which would reveal the means, methods, and identities of intelligence operatives.

2. That the Legislature urges that the respective branches of the armed services be assigned to resolve these issues, that any and all remains returned in the future from southeast Asia be placed, for purposes of identification, with the Smithsonian Institution, Washington, D.C., and that during the process of normalization of relations with those countries of southeast Asia these issues are satisfactorily and adequately addressed.

3. That the Clerk of the Legislature forward a copy of this resolution to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Nebraska in the Congress of the United States.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following enrolled resolution: LR 25.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 248A. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 248, Ninety-third Legislature, First Session, 1993; and to provide for a transfer of funds.

LEGISLATIVE BILL 587A. Introduced by Baack, 47.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations relating to the provisions of Legislative Bill 587, Ninety-third Legislature, First Session, 1993; to reverse transfers; and to declare an emergency.

MOTION - Approve Appointments

Mr. Haberman moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following Governor appointment found in the Journal on page 1703: Darrell Johnson - Crime Victims Reparations Committee.

Voting in the affirmative, 27:

Baack	Dierks	Hillman	Preister	Vrtiska
Bohlke	Elmer	Hohenstein	Rasmussen	Wehrbein
Bromm	Fisher	Hudkins	Robak	Wickersham
Byars	Haberman	Janssen	Schellpeper	Will
Coordsen	Hall	Jones	Schmitt	Withem
Cudaback	Hartnett			

Voting in the negative, 0.

Present and not voting, 9:

Beutler	Crosby	Horgan	McKenzie	Wesely
Chambers	Day	Lynch	Pedersen	

Excused and not voting, 13:

Abboud	Bernard-	Landis	Pirsch	Warner
Ashford	Stevens	Lindsay	Robinson	Witek
Avery	Kristensen	Moore	Schimek	

The appointment was confirmed with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Mr. Vrtiska moved the adoption of the report of the Business and Labor Committee for the following Governor appointments found in the Journal on page 1705: Raymond F. Otter and Cindy Krom - Boiler Safety Code Advisory Board.

Voting in the affirmative, 26:

Baack	Crosby	Hall	Jones	Schmitt
Bohlke	Cudaback	Hartnett	Pedersen	Vrtiska
Bromm	Day	Hohenstein	Rasmussen	Wehrbein
Byars	Elmer	Hudkins	Robak	Wickersham
Chambers	Fisher	Janssen	Schellpeper	Will
Coordsen				

Voting in the negative, 0.

Present and not voting, 10:

Beutler	Dierks	Haberman	Hillman	Horgan

Lynch	McKenzie	Preister	Wesely	Withem

Excused and not voting, 13:

Abboud	Bernard-	Landis	Pirsch	Warner
Ashford	Stevens	Lindsay	Robinson	Witek
Avery	Kristensen	Moore	Schimek	

These appointments were confirmed with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 598. Title read. Considered.

Standing Committee amendment, AM0192, found in the Journal on page 550, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Hohenstein offered the following amendment:
AM1303
1. On page 3, line 3, strike "clear and convincing" and insert "relevant"; and in line 4 after "shall" insert "first".

Mr. Hall requested a division of the question on the Hohenstein amendment.

The Chair sustained the division of the question.

The first Hohenstein amendment is as follows:
FA139
and in line 4 after "shall" insert "first".

The first Hohenstein amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

The second Hohenstein amendment is as follows:
FA140
1. On page 3, line 3, strike "clear and convincing" and insert "relevant";

Mr. Bromm moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hohenstein moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Hall requested a roll call vote on the Hohenstein amendment.

Voting in the affirmative, 24:

Avery	Crosby	Hillman	Pedersen	Vrtiska
Bohlke	Cudaback	Hohenstein	Pirsch	Wehrbein
Bromm	Dierks	Hudkins	Robinson	Wickersham
Byars	Elmer	Jones	Schellpeper	Witek
Coordsen	Haberman	Kristensen	Schmitt	

Voting in the negative, 17:

Baack	Chambers	Hartnett	Lindsay	Rasmussen
Bernard-Stevens	Day	Horgan	Lynch	Wesely
Beutler	Fisher	Janssen	McKenzie	Will
	Hall	Landis		

Present and not voting, 3:

Preister	Schimek	Withem

Excused and not voting, 5:

Abboud	Ashford	Moore	Robak	Warner

The Hohenstein amendment lost with 24 ayes, 17 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

MRS. CROSBY PRESIDING

SPEAKER BAACK PRESIDING

Messrs. Cudaback and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Hall requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Baack	Day	Hartnett	Lindsay	Rasmussen
Bernard-Stevens	Elmer	Hillman	Lynch	Schimek
Beutler	Fisher	Horgan	Moore	Wesely
Bohlke	Haberman	Janssen	Pedersen	Will
Chambers	Hall	Landis	Preister	Withem

Voting in the negative, 14:

Bromm	Crosby	Jones	Robinson	Wickersham
Byars	Hohenstein	Kristensen	Vrtiska	Witek
Coordsen	Hudkins	Pirsch	Wehrbein	

Present and not voting, 3:

Avery	Schellpeper	Schmitt

Excused and not voting, 7:

Abboud	Cudaback	McKenzie	Robak	Warner
Ashford	Dierks			

Advanced to E & R for review with 25 ayes, 14 nays, 3 present and not voting, and 7 excused and not voting.

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

LEGISLATIVE BILL 757A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

PROPOSED RULE CHANGE

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

Amend Rule, Section 16(a); Rule 3, Section 4(d)(iii), 16(a), 16(b), 16(c), 17, 18(b), 19(b), 19(c); Rule 5, Sections 3(a), 5(g), 5(h), 6(a), 6(d), 6(f); Rule 6, Sections 2(b), 3(a), 3(c), 3(d), 3(f), 4, 5(d), 6, 8(c), 8(d); Rule 7, Sections 1(b), 3(a), 7(d); Rule 8, Sections 4(b), 5; Rule 9, Sections 6, 7, and 9, so that wherever the term "General File" appears, strike the term and insert "First Reading"; and wherever the term "Select File" appears, strike the term and insert "Second Reading"

Referred to the Rules Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 837 and Governor appointments.

LB	Committee
837	Health and Human Services

Hartnett, Jacqueline M. - State Public Employees Retirement Board -- Nebraska Retirement Systems

Johnson, Phyllis J. - Nebraska Commission for the Hearing Impaired -- Health and Human Services

Petersen, DiAnn - Nebraska Investment Council -- Banking, Commerce and Insurance

Reyburn, Marion - Nebraska Commission for the Hearing Impaired -- Health and Human Services

Rismiller, Anne B. - Nebraska Arts Council -- General Affairs

Siders, Jerry - Nebraska Commission for the Hearing Impaired -- Health and Human Services

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

BILL ON FIRST READING

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

LEGISLATIVE BILL 302A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 302, Ninety-third Legislature, First Session, 1993.

GENERAL FILE

LEGISLATIVE BILL 717. Title read. Considered.

Mr. Hartnett offered the following amendment:
AM0365

1. Insert the following new section:

"Sec. 2. That section 16-323, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-323. (1) The chief of police shall have the immediate superintendence of the police. He or she and the police officers shall have the power and the duty to arrest all offenders against the laws of the state or of the city, by day or by night, in the same manner as a sheriff and to keep such offenders in the city prison or other place to prevent their escape until a trial or examination may be had before the proper officer. The chief of police and police officers shall have the same power as the sheriff in relation to all criminal matters arising out of a violation of a city ordinance and all process issued by the county court in connection with a violation of a city ordinance.

(2) In the interest of the public safety and welfare and notwithstanding any prior history of bargaining concerning permissive or mandatory subjects of bargaining, the power and authority of the chief of police to supervise, control, and assign sworn law enforcement personnel to geographical areas of the city shall not be abrogated, diminished, or restricted by any labor agreement negotiated pursuant to the Industrial Relations Act.".

2. On page 2, line 14, strike "section 14-602" and insert "sections 14-602 and 16-323"; and in line 15 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

Messrs. Coordsen, Robinson, Withem, and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hartnett moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Hartnett requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Baack	Crosby	Hartnett	Landis	Schellpeper
Beutler	Elmer	Hohenstein	Lindsay	Wickersham
Chambers				

Voting in the negative, 16:

Bromm	Janssen	Lynch	Pirsch	Wesely
Byars	Jones	Moore	Schimek	Will
Hall	Kristensen	Pedersen	Wehrbein	Witek
Hillman				

Present and not voting, 13:

Avery

Bernard-Stevens	Cudaback	Haberman	Preister	Schmitt
Bohlke	Dierks	Horgan	Rasmussen	Vrtiska
	Fisher	Hudkins		

Excused and not voting, 9:

Abboud	Coordsen	McKenzie	Robinson	Withem
Ashford	Day	Robak	Warner	

The Hartnett amendment lost with 11 ayes, 16 nays, 13 present and not voting, and 9 excused and not voting.

Pending.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 124, 124A, 216, 319, 375, 377, 377A, 406, and 423.

Enrollment and Review Change to LB 124

The following changes, required to be reported for publication in the Journal, have been made:
ER7255

1. In the Hohenstein amendment, AM1583:

a. On page 1, line 16, the second comma has been struck;

b. On page 4, line 4, "and" has been struck; and

c. On page 7, line 1, "is not" has been struck and "shall not be" inserted; in lines 15 through 18 the stricken matter has been reinstated; and in line 18 the commas have been struck.

2. On page 1, lines 7 through 10 have been struck and "to change and eliminate provisions relating to charges filed under the Nebraska Fair Employment Practice Act; to provide for civil actions, injunctions, and damages; to harmonize provisions; and to repeal the original sections, and also section 48-1120, Reissue Revised Statutes of Nebraska, 1943." inserted.

Enrollment and Review Change to LB 216

The following changes, required to be reported for publication in the Journal, have been made:
ER7264

1. On page 15, line 12, an underscored comma has been inserted after "adviser".

2. On page 37, line 22, "attorneys'" has been struck, shown as stricken, and "attorney's" inserted.

Enrollment and Review Change to LB 377

The following changes, required to be reported for publication in the Journal, have been made:
ER7263

1. In the Horgan-Rasmussen amendment, AM0921, on page 2, line 5, "buildings and" has been inserted after "existing".

2. In the E & R amendment, AM5402:

a. On page 4, line 10, the stricken "physical" has been reinstated and the new matter struck; and in line 13 "physical" has been reinstated and moved before the new matter; and

b. On page 7, line 11 "as amended," has been inserted after the comma.

Enrollment and Review Change to LB 406

The following changes, required to be reported for publication in the Journal, have been made:
ER7262

1. In the E & R amendments, AM5451, amendment 6 has been struck and the remaining amendments have been renumbered accordingly.

2. On page 7, line 18, "Plant Protection and Plant Pest Act" has been struck and "act" has been inserted.

3. On page 19, line 20, "The" has been struck and "Pursuant to section 23 of this act, the" has been inserted; and in line 22 "pursuant to section 23 of this act" has been struck.

Enrollment and Review Change to LB 423

The following changes, required to be reported for publication in the Journal, have been made:
ER7258

1. On page 1, line 1, "to amend section 8-820, Reissue Revised Statutes of Nebraska, 1943, section 8-157.01, Revised Statutes Supplement, 1992, as amended by section 8, Legislative Bill 81, Ninety-third Legislature, First Session, 1993, and section 40, Legislative Bill 81, Ninety-third Legislature, First Session, 1993;" has been inserted after the semicolon; and in line 2 "; to provide for the use of a national automatic teller machine program; to provide for a trust company to administer certain assets in a fiduciary capacity; to provide that certain amounts charged for loans initiated by a transaction card may be charged and collected as interest; and to repeal the original sections" has been inserted after "prescribed".

(Signed) Kurt Hohenstein, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 421 in the Journal. No objections. So ordered.

AM1752

(Amendments to Standing Committee amendments, AM0666)

1. Strike amendment 2 and insert the following new amendments:

"1. Strike original section 19.

3. On page 4, line 26, after 'law' insert 'and operators of other underground facilities'; and strike beginning with the comma in line 27 through the first 'center' in line 28.

4. On page 6, line 3, strike 'which' through 'center'.

5. On page 7, strike beginning with 'and' in line 2 through 'made' in line 4; strike beginning with the comma in line 7 through the comma in line 8; strike beginning with 'The' in line 9 through the period in line 10; and strike beginning with 'and' in line 10 through 'center' in line 11.

6. On page 8, line 5, strike '23' and insert '22'; in line 12 before the period insert 'plus one-half of the width of the underground facility. If in the opinion of the operator the precise location of a facility cannot be determined and marked as required, the operator shall provide all pertinent information and field locating assistance to the excavator'; and strike beginning with 'If' in line 16 through line 21.

7. On page 9, line 7, strike '23' and insert '22'; in line 14 strike '25' and insert '24'; and in line 16 after 'Act' insert 'other than section 28 of this act'.

8. On page 10, strike beginning with 'operator' in line 8 through 'center' in line 9 and insert 'center within seventy-two hours'; in line 15 strike '23 and 25' and insert '22 and 24'; in line 19 strike '23' and insert '22'; and in lines 23 and 24 strike '26 and 27' and insert '25 and 26'.

9. Renumber the remaining sections accordingly.".

2. Renumber the remaining amendment accordingly.

Mr. Preister asked unanimous consent to print the following amendment to LB 495 in the Journal. No objections. So ordered.

AM1194

1. Strike the original sections and insert the following new sections:

"Section 1. That section 69-1901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1901. The Legislature hereby finds that the state prohibits the use of smokeless tobacco products by minors and the furnishing of smokeless tobacco products to minors and that the enforcement of an age-related restriction on the promotional distribution of smokeless tobacco products is impractical and ineffective. The Legislature further finds that moist snuff is a smokeless tobacco product that has experienced major growth in usage and that this pattern is expected to continue as smokers find it increasingly difficult to use their product and switch to moist snuff as a way to use a tobacco product discreetly, and the Legislature further finds that moist snuff is a very addictive and harmful smokeless tobacco product. It is the intent of the Legislature to control the distribution of these products and discourage illegal activity by prohibiting all promotional distribution.

Sec. 2. That original section 69-1901, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 429 in the Journal. No objections. So ordered.

AM1732

(Amendments to E & R amendments, AM5485)

1. Insert the following new sections:

"Section 1. That section 71-101, Revised Statutes Supplement, 1992, be amended to read as follows:

71-101. Sections 71-101 to 71-1,107.30, 71-1,133 to 71-1,294, 71-1325 to 71-1354, and 71-2801 to 71-2822 and section 3 of this act shall be known and may be cited as the Uniform Licensing Law.

For purposes of the Uniform Licensing Law, unless the context otherwise requires:

(1) Board of examiners or board shall mean one of the boards appointed by the State Board of Health;

(2) Licensed, when applied to any licensee in any of the professions named in section 71-102, shall mean a person licensed under the Uniform Licensing Law;

(3) Profession or health profession shall mean and refer to any of the several groups named in section 71-102;

(4) Department shall mean the Department of Health;

(5) Whenever the masculine gender is used, it shall be construed to include the feminine, and the singular number shall include the plural when consistent with the intent of the Uniform Licensing Law;

(6) License, licensing, or licensure shall mean permission to engage in a health profession which would otherwise be unlawful in this state in the absence of such permission and which is granted to individuals who meet

prerequisite qualifications and allows them to perform prescribed health professional tasks and use a particular title;

(7) Certificate, certify, or certification, with respect to professions, shall mean a voluntary process by which a statutory, regulatory entity grants recognition to an individual who has met certain prerequisite qualifications specified by such regulatory entity and who may assume or use the word certified in the title or designation to perform prescribed health professional tasks. When appropriate, certificate shall also mean a document issued by the department which designates particular credentials for an individual; and

(8) Lapse shall mean the termination of the right or privilege to represent oneself as a licensed, certified, or registered person and to practice the profession when a license, certificate, or registration is required to do so.

Sec. 3. An optometrist certified to use pharmaceutical agents shall be held to the same standard of care in the use of such agents in his or her diagnosis and treatment as are ophthalmologists licensed to practice medicine in the State of Nebraska.".

2. On page 3, line 26, after the second comma insert "and section 71-101, Revised Statutes Supplement, 1992,".

3. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were Doug and Liza Holtmeier from Kearney; 28 fourth grade students and sponsor from Bennington Elementary; 35 fifth and sixth grade students and teachers from Elgin; 50 fourth grade students and teachers from Sacred Heart Elementary, Norfolk; 28 seniors and sponsor from Red Cloud High School; and members of the Norfolk Business and Professional Women's Organization.

RECESS

At 12:06 p.m., on a motion by Mr. Bromm, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, McKenzie, Pirsch, Rasmussen, Robak, Witek, Messrs. Moore, and Wickersham who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 345. Title read. Considered.

Standing Committee amendment, AM0210, printed separately from the Journal and referred to on page 567, was considered.

Mr. Warner asked unanimous consent to replace his pending amendment, AM0719, found in the Journal on page 942, with a substitute amendment. No objections. So ordered.

Mr. Warner withdrew his pending amendment, AM0719, found in the Journal on page 942.

Mr. Warner renewed his substitute amendment, AM1664, found in the Journal on page 1719, to the Standing Committee amendment.

The Warner amendment was adopted with 18 ayes, 0 nays, 23 present and not voting, and 8 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Elmer withdrew his pending amendment, AM0753, found in the Journal on page 930.

Advanced to E & R for review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 262. Title read. Considered.

Standing Committee amendment, AM0357, found in the Journal on page 735, was considered.

Mr. Lindsay moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Standing Committee amendment was adopted with 25 ayes, 9 nays, 12 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Abboud asked unanimous consent to bracket LB 262 until May 14, 1993. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 78, 126, 170, 250, 448, 458, 468, 506, 617, 682, 690, and 750.

Enrollment and Review Change to LB 250

The following changes, required to be reported for publication in the Journal, have been made:
ER7266
1. On page 10, line 15, "30-2314" has been struck and "30-2313" inserted.

Enrollment and Review Change to LB 448

The following changes, required to be reported for publication in the Journal, have been made:
ER7265
1. On page 1, line 1, "the Department of Administrative Services" has been struck and "state government" inserted.

Enrollment and Review Change to LB 458

The following changes, required to be reported for publication in the Journal, have been made:
ER7260
1. In the E & R amendment, AM5462, on page 1, line 2, "to eliminate and change provisions relating to writs of execution and exemptions from execution;" has been inserted after the semicolon.
2. In the Lindsay amendment, AM1631:
a. On page 1, line 17; and page 4, line 17, the comma has been struck;
b. On page 4, line 18, an underscored comma has been inserted after "emergency"; and in line 22 an underscored comma has been inserted after "hearing"; and
c. On page 5, line 4, "39-602" has been struck and "134, Legislative Bill 370, Ninety-third Legislature, First Session, 1993" inserted; and in lines 19 and 20 the comma has been struck and shown as stricken.
3. On page 1, line 1, "foreign" has been struck and "enforcement of" inserted and "section" has been struck and "sections 25-1516, 25-1543, 25-1552, and" inserted; and in line 5 "section" has been

struck and "sections" inserted and "25-1553, 25-1554, and" has been inserted after "sections".

4. On page 5, line 5, "be" has been struck and "become" inserted.

Enrollment and Review Change to LB 617

The following changes, required to be reported for publication in the Journal, have been made:

ER7257

1. On page 1, the matter beginning with "section" in line 2 through "section" in line 4 has been struck and "sections 69-2302 and 69-2311, Revised Statutes Supplement, 1992; to redefine terms; to change provisions relating to self-service storage units and facilities; and to repeal the original sections" inserted.

Enrollment and Review Change to LB 690

The following changes, required to be reported for publication in the Journal, have been made:

ER7256

1. In the Moore amendment, AM1410, on page 1, line 5, "or which" has been inserted after "who".

2. On page 1, the matter beginning with "professional" in line 1 through line 4 has been struck and "professions; to amend sections 81-839 and 81-8,127, Reissue Revised Statutes of Nebraska, 1943; to prohibit the use of the title professional engineer or architect as prescribed; to change penalty provisions relating to land surveyors; and to repeal the original sections." inserted.

(Signed) Kurt Hohenstein, Chairperson

UNANIMOUS CONSENT - Print in Journal

Ms. Schimek asked unanimous consent to print the following amendment to LB 348 in the Journal. No objections. So ordered.

AM1496

(Amendments to E & R Amendments, AM5471)

1. Insert the following new sections:

"Sec. 6. That section 79-201.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-201.01. ~~The purpose of sections 79-201.01 to 79-201.09 is~~ It is the intent of the Legislature to promote increased efficiency in the utilization of public schoolhouses and other school facilities by providing for a program of year-round operation of the public schools of this state. The Legislature finds that the cost of education is substantially increased when schoolhouses sit idle for three months of the year and that the rural and pioneer conditions which dictated

summer closing of public schools no longer prevail in many of the school districts of the state.

Sec. 7. That section 79-201.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-201.02. Commencing July 1, ~~1974~~ 1993, any public school district in this state may convert any or all of the schools in the district to year-round operation under ~~the provisions of~~ sections 79-201.01 to ~~79-201.09~~ 79-201.03 upon an affirmative vote of at least seventy-five percent of the school board. The vote shall be taken at a public meeting of the school board following a special public hearing called for the purpose of receiving testimony on such conversion. The school board shall give at least seven calendar days' notice of the time, place, and purpose of such hearing and shall publish such notice at least once in a newspaper of general circulation in the school district. Such schools shall meet all State Board of Education rules and regulations pertaining to accreditation.

Sec. 8. That section 79-201.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-201.03. No public school district shall convert to a year-round operation without ~~obtaining approval therefor by~~ notifying the State Board of Education ~~based upon a determination that the plans therefor comply~~ of compliance with ~~the provisions of~~ sections 79-201.01 to ~~79-201.09 and the rules and regulations adopted by the State Board of Education pursuant thereto~~ 79-201.03.".

2. On page 28, lines 3 and 13; page 29, line 2; page 35, line 35; and page 36, lines 4 and 12; strike "24 and 27 to 29" and insert "27 and 30 to 32".

3. On page 42, line 21, strike "44 to 48" and insert "47 to 51"; in line 25 strike "46" and insert "49"; and in line 26 strike "47" and insert "50".

4. On page 43, line 14; and page 45, line 3; strike "47" and insert "50".

5. On page 47, lines 3 and 9; and page 48, lines 7 and 26, strike "46" and insert "49".

6. On page 71, line 9, strike "66" and insert "69"; and in lines 11 and 21 strike "65" and insert "68".

7. On page 72, line 13; page 74, line 25; page 75, line 12; page 76, line 11; page 77, lines 7 and 21; page 79, lines 15 and 16; page 80, lines 6, 12, and 22; page 81, lines 3, 21, and 27; page 82, line 9; page 84, lines 8 and 24, strike "82 to 88" and insert "85 to 91".

8. On page 72, lines 4 and 5, strike "65 to 67" and insert "68 to 70".

9. On page 81, line 11, strike "83 and 84" and insert "86 and 87".

10. On page 83, line 18, strike "82" and insert

"85".

11. On page 84, line 3, strike "83" and insert "86".

12. On page 86, line 5, strike "8, 38 to 41, 56 to 60, and 90" and insert "6 to 8, 11, 41 to 44, 59 to 63, and 93"; in lines 6 and 7 strike "69 to 88" and insert "72 to 91"; in lines 9 and 10 strike "19 to 22, 43 to 53, and 91" and insert "22 to 25, 46 to 56, and 94"; and in line 14 after "sections" insert "79-201.01 to 79-201.03,".

13. Renumber the remaining sections accordingly.

Mr. Kristensen asked unanimous consent to print the following amendment to LB 413 in the Journal. No objections. So ordered.

AM1749

1. Insert the following new section:

"Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

GENERAL FILE

LEGISLATIVE BILL 420. Title read. Considered.

Mr. Coordsen renewed his pending amendment, AM1324, found in the Journal on page 1436.

Mr. Withem offered the following amendment to the Coordsen pending amendment:

FA141

Amend AM1324

line 15 - strike "150 miles" insert "35 miles."

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

Mr. Withem withdrew his amendment.

Mr. Coordsen withdrew his pending amendment.

Mr. Coordsen renewed his pending amendment, AM1713, found in the Journal on page 1744.

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

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

Advanced to E & R for review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 248. Title read. Considered.

Standing Committee amendment, AM0335, found in the Journal on page 1085, was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mr. Lynch offered the following amendment:
AM1762

1. On page 2, line 14, after "subcontractor" insert ", a general contractor, and any other person arranging for the performance of construction".

The Lynch amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mrs. Rasmussen asked unanimous consent to be excused. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Wickersham asked unanimous consent to print the following amendment to LB 348 in the Journal. No objections. So ordered.

AM1739

(Amendments to E & R amendments, AM5471)

1. Insert the following new section:

"Sec. 14. That section 79-438.12, Revised Statutes Supplement, 1992, be amended to read as follows:

79-438.12. ~~(1)~~ Whenever the affiliation of a Class I district or portion thereof becomes final, the general fund property tax requirement of the high school district ~~and each Class I district or portion thereof in an affiliated school system~~ shall be certified to the county superintendent and county clerk for computation of an affiliated school system tax levy. ~~The proceeds of such tax levy, upon collection by the county, shall be distributed to the districts in the affiliated school system in amounts which are in proportion to the amounts of the general fund property tax requirements certified by such districts to the county superintendent and county clerk. Such tax levy shall be computed as follows:~~

~~(a)~~ (1) If one or more Class I districts affiliate with only one high school district, the sum of the general fund property tax requirements of the high school district ~~and all such Class I districts~~ shall be divided by the sum of the

assessed valuation, in hundreds, of all such districts; or

~~(b)~~ (2) If a Class I district or portion thereof affiliates with more than one high school district, such Class I district's ~~general fund~~ affiliated school system property tax requirement shall be apportioned to respective portions of such Class I district for purposes of this computation based on each portion's assessed taxable valuation in relation to the total assessed valuation of all affiliated portions of the Class I district certified by the county clerk pursuant to section 79-433, and the affiliated school system tax levy shall be computed as though it were a single district as prescribed in subdivision ~~(a)~~ (1) of this ~~subsection~~ section.

~~(2) When a Class I district or portion thereof affiliates in part with one or more districts and in part becomes a part of one or more Class VI districts, the tax levy assessed on taxable property within the Class I district to fund the portion of the budget of the Class I district which is to come from the general fund property tax requirement shall be made as follows:~~

~~(a) The proportionate share of the Class I district budget allocable to any affiliated system shall be assessed on all property within such affiliated system as described in this section; and~~

~~(b) The proportionate share of the Class I general fund property tax requirement not allocable to any affiliated system shall be divided by the assessed valuation, in hundreds, of the property of the Class I district which is not affiliated. The resulting tax levy shall be assessed upon all taxable property in the portion of the Class I district which is not affiliated.~~".

2. On page 28, lines 3 and 13; page 29, line 2; page 35, line 22; and page 36, lines 4 and 12; strike "24 and 27 to 29" and insert "25 and 28 to 30".

3. On page 42, line 21, strike "44 to 48" and insert "45 to 49"; and in line 25 strike "46" and insert "47".

4. On page 42, line 26; page 43, line 14; and page 45, line 3, strike "47" and insert "48".

5. On page 47, lines 3 and 9; and page 48, lines 7 and 26, strike "46" and insert "47".

6. On page 71, line 9, strike "66" and insert "67"; and in lines 11 and 21 strike "65" and insert "66".

7. On page 72, lines 4 and 5, strike "65 to 67" and insert "66 to 68".

8. On page 72, line 13; page 74, line 25; page 75, line 12; page 76, line 11; page 77, lines 7 and 21; page 79, lines 15 and 16; page 80, lines 6, 12, and 22; page 81, lines 3, 21, and 27; page 82, line 9; and page 84, lines 8 and 24, strike "82 to 88" and insert "83 to 89".

9. On page 81, line 11, strike "83 and 84" and

insert "84 and 85".

10. On page 83, line 18, strike "82" and insert "83".

11. On page 83, line 12; and page 84, line 3, strike "83" and insert "84".

12. On page 86, line 5, strike "38 to 41, 56 to 60, and 90" and insert "39 to 42, 57 to 61, and 91"; in lines 6 and 7 strike "69 to 88" and insert "70 to 89"; in lines 9 and 10 strike "19 to 22, 43 to 53, and 91" and insert "14, 20 to 23, 44 to 54, and 92"; and in line 24 after "sections" insert "79-438.12,".

13. Renumber the remaining sections accordingly.

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 348 in the Journal. No objections. So ordered.

AM1757

(Amendments to E & R amendments, AM5471)

1. Insert the following new sections:

"Sec. 17. That section 79-4,207, Revised Statutes Supplement, 1992, be amended to read as follows:

79-4,207. (1) Each school board, after making a determination that an actual or potential environmental hazard or accessibility barrier exists within the school buildings or grounds under its control, may make and deliver to the county clerk of such county in which any part of the school district is situated, not later than August 25, an itemized estimate of the amounts necessary to be expended for the abatement of such environmental hazard or accessibility barrier elimination in its school buildings or grounds. Each school board shall conduct a public hearing on the itemized estimate prior to presenting such estimate to the county clerk. Notice of the place and time of such hearing shall, at least five days prior to the date set for hearing, be published in a newspaper of general circulation within the school district or be sent by direct mailing to each resident within the district.

(2) The school board shall designate the particular environmental hazard abatement project or accessibility barrier elimination project for which the tax levy provided for by this section will be expended, the period of years, which shall not exceed ten years, for which the tax will be levied for such project, and the amount of the levy for each year thereof. The school board may designate more than one project and levy a tax pursuant to this section for each such project, concurrently or consecutively, as the case may be, if the aggregate levy in each year and the duration of each levy will not exceed the limitations specified in this section. Each levy for a project which is authorized by this section may be imposed for such duration as shall be specified by the

school board notwithstanding the contemporaneous existence or subsequent imposition of any other levy for another project imposed pursuant to this section and notwithstanding the subsequent issuance by the district of bonded indebtedness payable from its general fund levy.

(3) The county clerk shall levy such taxes, not to exceed five and one-fifth cents per one hundred dollars of taxable valuation, on the taxable property of the district necessary to cover the project costs itemized by the school board. Such taxes shall be collected by the county treasurer at the same time and in the same manner as county taxes are collected and when collected shall be paid to the treasurer of the district and used to cover the project costs.

(4) If such school board operates grades nine through twelve as part of an affiliated school system, it shall designate the fraction of the project to be conducted for the benefit of grades nine through twelve. Such fraction shall be raised by a levy placed upon all of the taxable value of all taxable property in the affiliated school system pursuant to subsection (2) of section 79-434. The balance of the project to be conducted for the benefit of grades kindergarten through eight shall be raised by a levy placed upon all of the taxable value of all taxable property in the district which is governed by such school board. The combined rate for both levies in the high school district, to be determined by such board, shall not exceed five and one-fifth cents on each one hundred dollars of taxable value.

(5) Each school board which submits an itemized estimate shall establish an environmental hazard abatement and accessibility barrier elimination project fund. Taxes collected pursuant to this section shall be credited to such fund to cover the project costs. Such estimates may be presented to the county clerk and taxes levied accordingly. The Director of Health shall, by January 1, 1993, 1995, 1997, and 1999, deliver a report to the Legislature estimating the amount of hazardous materials which remain in the public schools of the state.

~~(5)~~ (6) The itemized estimate submitted by a school board may include the actual cost of abatement of an environmental hazard when such abatement occurred prior to the delivery of such estimate to the county clerk and was completed after June 28, 1982.

~~(6)~~ (7) For purposes of this section:

(a) Abatement shall include, but not be limited to, any inspection and testing regarding environmental hazards, any maintenance to reduce, lessen, put an end to, diminish, moderate, decrease, control, dispose of, or eliminate environmental hazards, any removal or encapsulation of environmentally hazardous material or property, any

restoration or replacement of material or property, any related architectural and engineering services, and any other action to reduce or eliminate environmental hazards in the school buildings or on the school grounds under the school board's control, except that abatement shall not include the encapsulation of any material containing more than one percent friable asbestos;

(b) Accessibility barrier shall mean anything which impedes entry into, exit from, or use of any building or facility by all people;

(c) Accessibility barrier elimination shall include, but not be limited to, inspection for and removal of accessibility barriers, maintenance to reduce, lessen, put an end to, diminish, control, dispose of, or eliminate accessibility barriers, related restoration or replacement of facilities or property, any related architectural and engineering services, and any other action to eliminate accessibility barriers in the school buildings or grounds under the school board's control; and

(d) Environmental hazard shall mean any contamination of the air, water, or land surface or subsurface caused by any substance adversely affecting human health or safety if such substance has been declared hazardous by a federal or state statute, rule, or regulation.

~~(7)~~ (8) Accessibility barrier elimination project costs shall include, but not be limited to, inspection, maintenance, accounting, emergency services, consultation, or any other action to reduce or eliminate accessibility barriers.

~~(8)~~ (9) For the purpose of paying amounts necessary for the abatement of environmental hazards and accessibility barrier elimination, the school board may borrow money and issue bonds and other evidences of indebtedness of the district, which bonds and other evidences of indebtedness shall be secured by and payable from an irrevocable pledge by the district of amounts received in respect of the tax levy provided for by this section and any other funds of the district available therefor. Bonds and other evidences of indebtedness issued by a district pursuant to this subsection shall not constitute a general obligation of the district or be payable from any portion of its general fund levy.

Sec. 20. That section 79-547.04, Revised Statutes Supplement, 1992, be amended to read as follows:

79-547.04. (1) The board of education of a Class II, III, IV, V, or VI school district may establish a special fund for purposes of acquiring sites for school buildings or teacherages, purchasing existing buildings for use as school buildings or teacherages, including the sites upon which such buildings are located, and the erection, alteration,

equipping, and furnishing of school buildings or teacherages and additions to school buildings for elementary and high school grades and for no other purpose. Such fund shall be established from the proceeds of an annual levy, to be determined by the board of education, of not to exceed fourteen cents on each one hundred dollars upon the taxable value of all taxable property in the district which shall be in addition to any other taxes authorized to be levied for school purposes. Such tax shall be levied and collected as are other taxes for school purposes.

(2) If such board of education operates grades nine through twelve as part of an affiliated school system, it shall designate the fraction of the project to be conducted for the benefit of grades nine through twelve. Such fraction shall be raised by a levy placed upon all of the taxable value of all taxable property in the affiliated school system pursuant to subsection (2) of section 79-434. The balance of the project to be conducted for the benefit of grades kindergarten through eight shall be raised by a levy placed upon all of the taxable value of all taxable property in the district which is governed by such board of education. The combined rate for both levies in the high school district, to be determined by such board, shall not exceed fourteen cents on each one hundred dollars of taxable value.".

2. On page 12, line 8, strike "and 79-438.12" and insert ", 79-438.12, 79-4,207, and 79-547.04".

3. On page 87, line 4, strike "79-547.03," and insert "79-4,207, 79-547.03, 79-547.04,".

4. Renumber the remaining sections and correct internal references accordingly.

Mr. Baack asked unanimous consent to print the following amendment to LB 348 in the Journal. No objections. So ordered.

AM1738

(Amendments to E & R Amendment, AM5471)

1. Strike sections 58 and 59 and insert the following new sections:

"Sec. 58. That section 79-3406, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3406. (1)(a) Except as provided in subdivision (b) of this subsection, for ~~For~~ a student to attend ~~a~~ school in an option school district, the student's parent or legal guardian shall submit an application to the school board or board of education of the option school district ~~and of the resident school district and to the State Department of Education~~ between September 1 and January 1 for enrollment during the following and subsequent school years. Applications submitted after January 1 shall be accompanied by

a written release from the resident school district. The option school district shall provide the resident school district with the name of the applicant on or before January 15. The option school district shall notify, in writing, the parent or legal guardian of the student, the resident school district, and the State Department of Education whether the application is accepted or rejected on or before April 1.

(b) For a student to attend school in an option school district whose resident school district has a desegregation plan adopted by the school board or the board of education or ordered by the federal court, the student's parent or legal guardian shall submit an application to the school board or board of education of the resident school district between September 1 and January 1 for enrollment during the following and subsequent school years. If the application is accepted, the resident school district shall notify, in writing, the option school district and the parent or legal guardian of the student on or before February 1. If the application is rejected, the resident school district shall notify, in writing, the parent or legal guardian of the student on or before February 1. If the application is accepted by the resident school district, the option school district shall notify, in writing, the parent or legal guardian of the student, the resident school district, and the State Department of Education whether the application is accepted or rejected by the option school district on or before April 1. ~~The application shall set forth in detail the substantial educational opportunity available to the option student in the option school district that is unavailable in the resident school district. A particular school may be requested, but the school assignment of the option student shall be determined by the option school district.~~

(2) Applications for students who do not actually attend the option school district may be withdrawn in good standing upon mutual agreement by both the resident and option school districts.

(3) No option student shall attend an option school district for less than one school year unless the student relocates to a different resident school district, completes requirements for graduation prior to the end of his or her senior year, transfers to a private or parochial school, or upon mutual agreement of the resident and option school districts cancels the enrollment option and returns to the resident school district.

(4) Except as provided in subsection (3) of this section, the option ~~The~~ student shall attend the option school district until graduation unless the student relocates in a different resident school district, transfers to a private or parochial school, or chooses to return to the resident school

district.

(5) In each case of cancellation pursuant to subsections (3) and (4) of this section, the student's parent or legal guardian shall ~~submit a cancellation form to~~ notify the school board or board of education of the option school district and the resident school district and ~~to~~ the department by January 1 for automatic approval for the following school year. ~~No student shall attend an option school district for less than one school year unless the student relocates to a different resident school district, completes requirements for graduation prior to the end of his or her senior year, or transfers to a private or parochial school.~~

(6) The application and cancellation forms shall be prescribed and furnished by the State Department of Education.

(7) An option student who subsequently chooses to attend a private or parochial school shall be automatically accepted to return to either the resident or option school district upon the completion of the grade levels offered at the private or parochial school. If such student chooses to return to the option school district, the student's parent or legal guardian shall submit another application to the school board or board of education of the option school district which shall be automatically accepted, and the deadlines prescribed in this section shall be waived.

Sec. 59. That section 79-3408, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3408. ~~On or before April 1, the option school district or the resident school district shall notify the parent or legal guardian of the student, the resident school district, if applicable, and the State Department of Education, in writing, whether the application is accepted or rejected.~~ If an application is rejected by the option school district or by the resident school district, the rejecting school district shall state in the notification the reason for the rejection. The parent or legal guardian may appeal a rejection to the State Board of Education within thirty days of the date the notification of the rejection was received by the parent or legal guardian. Such hearing shall be held in accordance with the Administrative Procedure Act and shall determine whether the procedures of sections 79-3403 to ~~79-3409~~ 79-3410 have been followed.

Sec. 60. That section 79-3409, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3409. (1) Upon agreement of the school boards or boards of education of the resident school district and the option school district, the deadlines for application and approval or rejection prescribed in ~~sections~~ section 79-3406 ~~and 79-3408~~ may be waived.

(2) The application of a student who relocates in a different school district but wants to continue attending his or her original resident school district and who has been enrolled in his or her original resident school district for the immediately preceding two years and the application of any sibling of any such student to attend kindergarten or first grade in such original resident school district shall be automatically accepted, and the deadlines prescribed in ~~sections~~ section 79-3406 ~~and 79-3408~~ shall be waived.

(3) The application of an option student who relocates in a different school district but wants to continue attending the option school district shall be automatically accepted, and the deadlines prescribed in ~~sections~~ section 79-3406 ~~and 79-3408~~ shall be waived.

(4) The sibling of any option student shall be automatically accepted as an option student in the district in which the option student is enrolled and all deadlines imposed by ~~sections~~ section 79-3406 ~~and 79-3408~~ shall be waived if the sibling makes application for participation in the enrollment option program for the same school year as the option student first makes application or, if the sibling is not yet of school age for the school year for which the option student first made application, the sibling makes application for the first school year in which the sibling is of school age. Capacity limitations of the option district shall be waived as to siblings who meet the requirements for automatic acceptance as option students under this section.".

2. On page 56, line 8, after "any" insert "kindergarten through twelfth grade".

3. On page 61, strike beginning with "When" in line 16 through line 17.

4. On page 71, line 9, strike "66" and insert "67"; and in lines 11 and 21 strike "65" and insert "66".

5. On page 72, lines 4 and 5, strike "65 to 67" and insert "66 to 68".

6. On page 72, line 13; page 74, line 25; page 75, line 12; page 76, line 11; page 77, lines 7 and 21; page 79, lines 15 and 16; page 80, lines 6, 12, and 22; page 81, lines 3, 21, and 27; page 82, line 9; and page 84, lines 8 and 24, strike "82 to 88" and insert "83 to 89".

7. On page 81, line 11, strike "83 and 84" and insert "84 and 85".

8. On page 83, line 12, strike "83" and insert "84"; and in line 18 strike "82" and insert "83".

9. On page 84, line 3, strike "83" and insert "84".

10. On page 86, line 5, strike "60, and 90" and insert "61, and 91"; in lines 6 and 7 strike "69 to 88" and insert "70 to 89"; in line 10 strike "91" and insert "92"; and in line 18 strike the third comma and insert "to".

11. Renumber the remaining sections accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 725 in the Journal. No objections. So ordered.

AM1743

(Amendments to Standing Committee amendments, AM0856)

1. Strike sections 13 and 15 to 17 and insert the following new sections:

"Sec. 14. (1) A benefit shall be paid to any qualifying business as described in section 17 of this act (a) which is located, starting up, or expanding within an enterprise zone on or after the date upon which the area is designated as an enterprise zone by the department, (b) which increases the employment of such business in the enterprise zone by two new full-time employees, and (c) which makes an increased investment of at least seventy-five thousand dollars during a taxable year.

(2) The amount of the benefit shall be:

(a) Four thousand five hundred dollars for each new employee and three thousand dollars for each seventy-five thousand dollars of increased investment if at least fifty percent of the new employees of the qualifying business reside within the boundaries of the enterprise zone; or

(b) Four thousand five hundred dollars for each new employee residing within the boundaries of the enterprise zone, one thousand five hundred dollars for each new employee not residing within the enterprise zone, and one thousand dollars for each seventy-five thousand dollars of increased investment if less than fifty percent of the new employees of the qualifying business reside within the boundaries of the enterprise zone.

(3) The benefit allowed to a qualifying business making application pursuant to the Enterprise Zone Act shall not exceed seventy-five thousand dollars.

(4) The amount of the benefit that may be received in any taxable year shall not exceed the amount of the income tax and sales and use tax liability of the qualifying business or, if it is not a corporation, its owners, reduced by all nonrefundable credits except the credits prescribed in section 77-4105 in the previous year.

(5) A qualifying business may elect to receive all or any portion of the benefit to which it is entitled by the act subject to the restrictions set forth in the act. Such portion of the benefit which is in excess of the amount which the qualifying business may receive in any taxable year or which is in excess of the amount which the qualifying business elects to receive may be paid over to the qualifying business in one or more payments in any one or more of the next

immediately succeeding five taxable years in such amount and at such times as may be agreed to by the Department of Revenue and the qualifying business.

(6) For the purposes of the act, employees residing within the boundaries of an enterprise zone shall be construed to mean employees of the qualifying business residing within any county in which an enterprise zone is located when the enterprise zone is not located in a city of the primary or metropolitan class.

Sec. 15. A qualifying business desiring to receive a benefit pursuant to the Enterprise Zone Act shall make application to the Department of Revenue for the benefit upon forms provided for that purpose by the Department of Revenue. Upon determining that the qualifying business is entitled to receive a benefit and the amount which such qualifying business is to receive pursuant to the provisions of the act, the Department of Revenue shall cause the Department of Administrative Services to issue a warrant to the qualifying business for the amount of the benefit which it is to receive. Final determination of eligibility for a benefit shall be made within ninety days of the date upon which the application of a qualifying business is received by the Department of Revenue and the warrant to the qualifying business shall be issued by the Department of Administrative Services within thirty days of the date upon which the final determination of eligibility is made. Appeals from the final determination of eligibility by the Department of Revenue shall be as provided in the Administrative Procedure Act.

Sec. 16. (1) If a qualifying business that has qualified for and received all or any portion of a benefit does not, for at least two years after the date upon which the qualifying business was determined to be eligible to receive a benefit, (a) maintain the level of investment which created the benefit, (b) maintain the continuous employment of a resident employee or replace him or her with another employee residing within the enterprise zone, or (c) maintain the total level of employment which created the benefit, the qualifying business shall repay to the state one-third of the amount of the benefit actually received by the qualifying business for each year that the business has not maintained the required level of investment or employment and the qualifying business shall not be entitled to receive any portion of the benefit which it has not actually received.

(2) For the purposes of the Enterprise Zone Act, an employee residing within the enterprise zone shall mean an individual who is domiciled within the enterprise zone on the date of his or her hiring by the qualifying business and who remains continuously domiciled within the zone during the term of his or her employment.

Sec. 17. For purposes of the Enterprise Zone Act, qualifying business shall mean any business engaged in the activities listed in subdivisions (2)(a) through (g) of this section or in the storage, warehousing, distribution, transportation, or sale of tangible personal property, except that qualifying business shall not include any business activity in which eighty percent or more of the total sales are sales to the ultimate consumer of tangible personal property which is not (1) assembled, fabricated, manufactured, or processed by the taxpayer or (2) used by the purchaser in any of the following activities:

(a) The assembly, fabrication, manufacture, or processing of tangible personal property;

(b) The feeding or raising of livestock;

(c) The conducting of research, development, or testing for scientific, agricultural, animal husbandry, or industrial purposes;

(d) The performance of data processing, telecommunication, insurance, or financial services;

(e) Farming or ranching;

(f) The administrative management or the headquarters of any of the activities listed in subdivisions (a) through (e) of this subdivision or any activity excluded solely because of its retail sales; or

(g) Any combination of the activities listed in this section.

Sec. 18. Any qualifying business which has qualified for a benefit pursuant to the Enterprise Zone Act may elect to receive either the amount of the benefit as calculated pursuant to the act or a credit pursuant to the Employment Expansion and Investment Incentive Act. No qualifying business shall receive both a benefit pursuant to the Enterprise Zone Act and a credit pursuant to the Employment Expansion and Investment Incentive Act for the creation of the same jobs and the same investment.

Sec. 19. (1) A qualifying business shall be deemed to have a new employee when the average number of Nebraska employees during a taxable year exceeds the average number of Nebraska employees during each of the three preceding taxable years.

(2) The average number of Nebraska employees for a taxable year shall be determined by averaging the number of Nebraska employees on (a) the last day of the preceding taxable year, (b) the last day of each calendar quarter within the current taxable year, and (c) the last day of the current taxable year.

(3) The number of hours comprising a full-time job shall be the business hours the qualifying business uses for other purposes such as benefit plans or labor relations. The

number of hours comprising a full-time job shall be used for all periods when comparing average employment under the Enterprise Zone Act.

(4) Qualifying business employees who work within and without this state shall be considered only to the extent they are paid for work performed within this state.

(5) The hours worked by any person considered an independent contractor or the employee of another business shall not be used in the computation of any averages under this section.

Sec. 20. (1) A qualifying business shall be deemed to have made an increased investment in an enterprise zone to the extent the value of the property used or available for use in an enterprise zone on the last day of the taxable year exceeds (a) the value of all property used or available for use in an enterprise zone on the first day of the taxable year or (b) the average investment in the area designated as an enterprise zone during each of the three preceding taxable years, whichever is greater.

(2) The average investment in an enterprise zone shall be the average of the value of all property used or available for use in the area designated as an enterprise zone on the first day of the taxable year and the last day of the taxable year.

(3) To determine the value of property owned by the qualifying business, the tax basis before allowance for depreciation shall be used. To determine the value of property rented by the qualifying business, the annual rent of the property shall be multiplied by eight.

(4) Only investment in improvements to real property and tangible personal property that are depreciable under the Internal Revenue Code shall be considered.

(5) Vehicles, planes, or railroad rolling stock shall be excluded in determining the investment or average investment under this section.

Sec. 21. (1) If a qualifying business acquires another qualifying business, the averages determined in sections 19 and 20 of this act shall be computed as though the qualifying business had owned the business during the current taxable year and the three preceding taxable years.

(2) If the structure of a business is reorganized, the qualifying business shall compute the averages on a consistent basis for all periods.

Sec. 22. (1) A qualifying business with more than one business location in this state shall be entitled to a benefit equal to the lesser of (a) the sum of the benefits computed for the individual business locations or (b) the benefit computed based on the total activities of the business in this state.

(2) The benefit allowed to related qualifying businesses shall be the lesser of (a) the sum of the benefits computed for each qualifying business or (b) the benefit computed based on the total activities in an enterprise zone of all related qualifying businesses.

(3) Related qualifying businesses shall include any corporations that are part of a unitary business under the Nebraska Revenue Act of 1967, any business entities that are not corporations but which would be a part of the unitary business if they were corporations, and any business entities if at least fifty percent of such entities are owned by the same persons or related taxpayers and family members as defined in the ownership attribution rules of the Internal Revenue Code.

(4) For purposes of computing the statewide limitations in subdivisions (1)(b) and (2)(b) of this section, the type of business being conducted shall be ignored.

Sec. 23. The Tax Commissioner shall prepare a report identifying the amount of investment in this state and the number of equivalent full-time jobs created by each business claiming a benefit pursuant to the Enterprise Zone Act. The report shall include the amount of benefits approved in the aggregate. The report shall be issued on or before March 15 of each year beginning with March 15, 1994, for all benefits approved during the previous calendar year. The report shall identify (1) the amount of investment made in each enterprise zone by all qualifying businesses receiving benefits, (2) the number of jobs created in each enterprise zone by all qualifying businesses receiving benefits, (3) the number of jobs created in each enterprise zone by all qualifying businesses receiving benefits held by residents of the enterprise zone, and (4) the average wage on an hourly basis or the average annual salary of new jobs created in each enterprise zone by all qualifying businesses receiving benefits.

Sec. 24. The Department of Revenue shall adopt and promulgate rules and regulations to carry out its duties and responsibilities pursuant to the Enterprise Zone Act.".

2. On page 1, line 4, strike "and 18" and insert "to 25".

3. On page 18, line 24, before "the" insert "its duties and responsibilities pursuant to".

4. On page 25, strike beginning with "sections" in line 4 through "and" in line 6.

5. Renumber the remaining sections accordingly.

Messrs. Wesely and Byars asked unanimous consent to print the following amendment to LB 837 in the Journal. No objections. So ordered.

AM1753

1. Insert the following new sections:

"Sec. 3. That section 71-1738, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1738. Sections 71-1738 to 71-1765 and section 8 of this act shall be known and may be cited as the Nebraska Certified Nurse Midwifery Practice Act.

Sec. 4. That section 71-1739, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1739. The Legislature hereby finds and declares that the Nebraska Certified Nurse Midwifery Practice Act is necessary to safeguard public life, health, safety, and welfare, to assure the highest degree of professional conduct by practitioners of ~~certified nurse~~ midwifery, and to insure the availability of high quality midwifery services to persons desiring such services.

Sec. 5. That section 71-1748, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1748. Certified nurse midwife shall mean a person certified under the Nebraska Certified Nurse Midwifery Practice Act to practice ~~certified nurse~~ midwifery in the State of Nebraska. Nothing in the act is intended to restrict the practice of registered nurses.

Sec. 6. That section 71-1752, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1752. No person shall practice as a midwife without a current certificate issued by the department under the Nebraska Certified Nurse Midwifery Practice Act. The certificate to practice ~~certified nurse~~ midwifery shall authorize the holder, under the provisions of a practice agreement, to (1) attend cases of normal childbirth, (2) provide prenatal, intrapartum, and postpartum care, (3) provide normal obstetrical and gynecological services for women, and (4) provide care for the newborn immediately following birth. The conditions under which a certified nurse midwife shall refer cases to a collaborating licensed practitioner shall be specified in the practice agreement.

Sec. 7. That section 71-1762, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1762. Any person practicing as a ~~certified nurse~~ midwife who is not certified as ~~such~~ a nurse midwife by the department and who possesses a current license to engage in any health profession for which a license is issued by the department may have such license denied, not renewed, suspended, or revoked or have other disciplinary action taken against him or her by the department pursuant to the provisions of Chapter 71, article 1, relating to such profession, irrespective of any criminal proceedings for

practicing without a certificate.

Sec. 8. Any person engaging in the practice of midwifery without a certificate from the department to do so may be restrained by temporary and permanent injunction. The Attorney General or, at the request of the Attorney General, the county attorney of the county in which the action is brought shall institute proceedings in the name of the state and shall appear and prosecute such action.".

2. On page 7, line 20, after "original" insert "sections 71-1738, 71-1739, 71-1748, 71-1752, and 71-1762, Reissue Revised Statutes of Nebraska, 1943, and".

3. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 76. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1741.)

(Signed) DiAnna R. Schimek, Chairperson

Revenue

LEGISLATIVE BILL 40. Indefinitely postponed.
LEGISLATIVE BILL 70. Indefinitely postponed.
LEGISLATIVE BILL 195. Indefinitely postponed.
LEGISLATIVE BILL 284. Indefinitely postponed.
LEGISLATIVE BILL 566. Indefinitely postponed.
LEGISLATIVE BILL 567. Indefinitely postponed.
LEGISLATIVE BILL 745. Indefinitely postponed.
LEGISLATIVE BILL 778. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 79.

LR	Committee
79	Natural Resources

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING
Health and Human Services

LB 837 Wednesday, May 5, 1993 12:00 noon

(Signed) Don Wesely, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 87. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Byars, 30; Day, 19; Dierks, 40; Horgan, 4; Rasmussen, 20; Vrtiska, 1; and Landis, 46.

PURPOSE: The purpose of this study resolution is to undertake an analysis of the disciplinary system in Nebraska for health care professionals. Particular attention should be given to the appropriate, effective, and timely discipline of physicians and surgeons. The study shall include the feasibility of adopting meaningful protections that do not currently exist for patients in Nebraska.

The study shall include, but not be limited to:

a. The number of complaints filed against physicians, the outcome, and the timeframes involved;

b. A review of the current system utilized in Nebraska, including its shortcomings and strengths;

c. The feasibility of requiring a person or institution, including hospitals or physicians, to report a physician suspected of injuring someone;

d. The feasibility of requiring an automatic investigation of doctors who use the state-managed fund to settle malpractice claims;

e. The feasibility of monitoring the federal data bank which tracks dangerous physicians moving from state to state and investigating physicians on that data bank;

f. The feasibility of creating enhancements for cooperation in investigations in order to complete such investigations in a timely manner;

g. The feasibility of requiring the logging of all calls and letters to the Department of Health which contain complaints about physicians;

h. The feasibility of creating a mechanism to let the public know how to file a complaint against a physician;

i. A review of the functions and the need for the Commission on Medical Qualifications;

j. An examination of the role of the Board of Examiners in Medicine and Surgery;

k. An investigation of the potential of review panels to assist in discipline investigations;

l. A review of mandated reporting requirements;

m. A determination of how long a physician who loses his or her license must wait before applying for relicensing; and

n. A study of the disciplinary systems for physicians and surgeons in use by other states.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were Mike Lux from Washington D.C.; 40 fourth grade students and sponsor from Mockingbird Elementary, Omaha; and 50 students and sponsor from Olathe North High School, Olathe, Kansas.

The Doctor of the Day was Jonathan Stelling from Wakefield.

ADJOURNMENT

At 4:02 p.m., on a motion by Mr. Jones, the Legislature adjourned until 9:00 a.m., Thursday, April 29, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTY-EIGHTH DAY - APRIL 29, 1993

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

SIXTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 29, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Father Dan Seiker, St. Leo's Catholic Church, Palmyra, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Avery, Beutler, Chambers, Coordsen, Haberman, Hall, Kristensen, Landis, Lindsay, Lynch, Moore, Robinson, Wesely, Will, Withem, Mmes. Bohlke, and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-seventh day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 479, 544, and 719.

Enrollment and Review Change to LB 479

The following changes, required to be reported for publication in the Journal, have been made:
ER7241

1. On page 1, line 1, "section" has been struck and "sections 66-1009, 81-1632, and" inserted; in line 2 ", and section 81-1633,

Revised Statutes Supplement, 1992; to change provisions relating to loans from utilities for energy conservation measures and loans from the School Weatherization Fund" has been inserted after "1943"; and in line 5 "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 544

The following changes, required to be reported for publication in the Journal, have been made:
ER7267

1. On page 7, line 15, an underscored comma has been inserted after "systems"; and in line 23 an underscored comma has been inserted after "budget".

(Signed) Kurt Hohenstein, Chairperson

UNANIMOUS CONSENT - Member Excused

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

RESOLUTIONS

LEGISLATIVE RESOLUTION 84. Read. Considered.

LR 84 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 85. Read. Considered.

LR 85 was adopted with 24 ayes, 0 nays, and 25 not voting.

LEGISLATIVE RESOLUTION 86. Read. Considered.

LR 86 was adopted with 30 ayes, 0 nays, and 19 not voting.

UNANIMOUS CONSENT - Member Excused

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

GENERAL FILE

LEGISLATIVE BILL 203. Title read. Considered.

Standing Committee amendment, AM1677, printed separately from the Journal and referred to on page 1718, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 835. Placed on General File as amended.
Standing Committee amendment to LB 835:
AM1760

1. On page 2, after line 11 insert:
"Claim No. 92-314, against the Board of Parole, pay to Leland Oberg, c/o James L. Haszard, Attorney, 6940 "O" Street, Suite 326, Lincoln, NE 68510, out of the General Fund 14,819.99
Claim No. 92-315, against the Board of Parole, pay to Marlene Cupp, c/o James L. Haszard, Attorney, 6940 "O" Street, Suite 326, Lincoln, NE 68510, out of the General Fund 9,916.16"
after line 18 insert:
"Claim No. 93-035, against the Department of Correctional Services, pay to D. Scott Stansbury, Villa Park #9, Kearney, NE 68847, out of the General Fund 2,000.00
Claim No. 93-089, against the Department of Administrative Services, central data processing division, pay to George Simpson, 1230 H St. Apt. 3, Lincoln NE 68508, out of the Data Processing Revolving Fund 62.57"
and strike lines 22 through 25.
2. On page 3, after line 4 insert:
"Claim No. 93-242, against the Department of Public Institutions, pay to Advanced Inst. Management Software, Inc., c/o Wexler & Burkhart, P.C., 600 Old Country Road, Garden City, NY 11530, out of the General Fund 18,799.60"
in line 12 strike "190,139.55" and insert "222,189.74"; in line 14 strike "242.90" and insert "305.47"; and in line 15 strike "191,264.70" and insert "223,377.46".

LEGISLATIVE BILL 836. Indefinitely postponed.

(Signed) Chris Abboud, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 570 in the Journal. No objections. So ordered.

AM1767

1. On page 38, strike beginning with "If" in line 16 through the second "officers" in line 17 and insert "Any person who"; and in line 18 strike "violate" and insert "violates" and strike the comma.

GENERAL FILE

LEGISLATIVE BILL 717. Considered.

Mr. Bromm moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 1 nay, and 15 not voting.

Mr. Hall asked unanimous consent to bracket LB 717 until May 3, 1993. No objections. So ordered.

LEGISLATIVE BILL 302. Title read. Considered.

Standing Committee amendment, AM1501, found in the Journal on page 1607, was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 302A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 421. Title read. Considered.

Standing Committee amendment, AM0666, found in the Journal on page 867, was considered.

Mr. Withem renewed his pending amendment, AM1752, found in the Journal on page 1782, to the Standing Committee amendment.

Mrs. Bohlke and Mr. Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Coordsen requested a division of the question on the Withem amendment.

The Chair sustained the division of the question.

The first Withem amendment, to the Standing Committee amendment, is as follows:
FA142

(Amendments to Standing Committee amendments, AM0666)
8. On page 10, strike beginning with 'operator' in line 8 through 'center' in line 9 and insert 'center within seventy-two hours'; in line 15 strike '23 and 25' and insert '22 and 24'; in line 19 strike '23' and insert '22'; and in lines 23 and 24 strike '26 and 27' and insert '25 and 26'.

Mr. Coordsen requested a ruling of the Chair on whether the Withem amendment, FA142, is germane to the Standing Committee amendment.

The Chair ruled the Withem amendment is not germane to the Standing Committee amendment.

Mr. Withem challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 292A. Placed on Select File.
LEGISLATIVE BILL 121A. Placed on Select File.

LEGISLATIVE BILL 544A. Placed on Select File as amended.
E & R amendment to LB 544A:
AM5487
1. On page 1, line 3, after the semicolon insert "to provide for the transfer of funds;".

(Signed) Kurt A. Hohenstein, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 88. Introduced by Pedersen, 39.

WHEREAS, volunteering time and resources is a large part of our heritage and is essential to our nation's well-being; and

WHEREAS, many children, through no fault of their own, lack access to positive, caring role-models in their lives; and

WHEREAS, a large number of Nebraska citizens work on a volunteer basis to build a stronger community through their individual efforts to provide love, compassion, guidance, and hope to children who may otherwise be unable to reach their full potential in life.

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

1. That all citizens of Nebraska acknowledge the week of April 25-May 1 as "Celebrate Mentoring Week" by observing the theme "One to one--it makes a difference" and saluting all volunteers who devote their time and energy to mentoring programs.

2. That Nebraskans throughout the state be encouraged to use their talents and devote their time to serving as role-models for children by serving as mentors with this goal in mind--a mentor for every young person that needs one.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Will asked unanimous consent to print the following amendment to LB 511 in the Journal. No objections. So ordered.

AM1758

(Amendments to Standing Committee amendments, AM0967)

1. Insert the following new section:

"Sec. 8. A political subdivision of this state shall not enact, maintain, or enforce any ordinance or resolution that would have the effect of controlling the amount of rent charged for leasing private residential property or commercial property. This section shall not impair the right of a political subdivision to:

(1) Manage or control property in which the political subdivision has a direct property interest;

(2) Manage or control property in which the political subdivision has a financial interest through a housing authority or similar agency;

(3) Act as required or authorized by laws or regulations of the United States or as otherwise provided in state law; or

(4) Exercise or enforce its zoning, building, or planning authority.".

2. Renumber the remaining section accordingly.

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 235 in the Journal. No objections. So ordered.

AM1696

(Amendments to E & R amendments, AM5482)

1. Insert the following new sections:

"Section 1. That section 28-905, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-905. (1) Any person who operates any motor vehicle to flee in such vehicle in an effort to avoid arrest or citation for the violation of any law of the State of Nebraska constituting a misdemeanor, infraction, traffic

infraction, or any city or village ordinance, except nonmoving traffic violations, commits the offense of misdemeanor operation of a motor vehicle to avoid arrest.

(2) Any person who operates any motor vehicle to flee in such vehicle in an effort to avoid arrest for the violation of any law of the State of Nebraska constituting a felony commits the offense of felony operation of a motor vehicle to avoid arrest.

(3) Operating a motor vehicle to avoid arrest under subsection (1) of this section is a Class I misdemeanor and the court shall, as part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of two years.

(4) Operating a motor vehicle to avoid arrest under subsection (2) of this section is a Class IV felony.

(5) The court may, as a part of the judgment of conviction under this section and subject to the mandatory provision of subsection (3) of this section, order such person not to operate any motor vehicle for any purpose for a period of up to one year from the date of his or her release from imprisonment, or in the case of a fine only, for a period of one year from the date of satisfaction of the fine.

(6)(a) Any person who operates a vessel as defined in section 37-1203 to flee in such vessel in an effort to avoid arrest or citation for the violation of any statute punishable as a misdemeanor or any city or village ordinance shall be guilty of misdemeanor operation of a vessel to avoid arrest.

(b) Any person violating subdivision (a) of this subsection shall be guilty of a Class I misdemeanor, and upon conviction thereof the court shall, as part of the judgment of conviction, order such person not to operate any vessel for any purpose for a period of one year.

(7)(a) Any person who operates a vessel as defined in section 37-1203 to flee in such vessel in an effort to avoid arrest for the violation of any statute punishable as a felony shall be guilty of felony operation of a vessel to avoid arrest.

(b) Any person violating subdivision (a) of this subsection shall be guilty of a Class IV felony, and upon conviction thereof the court may, as part of the judgment of conviction and subject to the mandatory provision of subdivision (6)(b) of this section, order such person not to operate any vessel for any purpose for a period of up to two years from (i) the date of his or her release from imprisonment if the sentence imposed includes imprisonment or (ii) from the date of satisfaction of the fine if the sentence imposed includes only a fine and no imprisonment.

Sec. 36. That section 37-1238, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

37-1238. The commission may adopt and promulgate rules and regulations providing that any vessel may carry and exhibit the lights required by the ~~Federal Regulations for Preventing Collisions at Sea, 1948, Federal Act of October 11, 1951, (33 U.S.C. 143-174D)~~ Inland Navigational Rules Act of 1980, as amended, 33 U.S.C. 2001 et seq., in lieu of the lights required by sections 37-1232 to 37-1237.

Sec. 37. That section 37-1241, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-1241. (1) Every vessel except sailboards shall carry at least one life preserver, ring buoy, or other device of the sort prescribed by the regulations of the commission for each person on board, so placed as to be readily accessible, except that every vessel carrying passengers for hire shall carry so placed as to be readily accessible at least one life preserver of the sort prescribed by the regulations of the commission for each person on board. Every vessel except canoes, kayaks, sailboards, and personal watercraft shall carry at least one throwable floatation device~~,~~ which shall be in addition to the devices required for each person on board.

(2) ~~The provisions of subsection~~ Subsection (1) of this section shall not apply to any racing shell or rowing scull during an authorized race or regatta or an officially supervised training session if at least one approved floatation device is carried aboard an accompanying vessel for each person in such racing shell or rowing scull. Such floatation devices shall be in addition to those required for each person aboard the accompanying vessel.

(3) For purposes of this section:

(a) Personal watercraft shall mean a class of inboard vessel less than sixteen feet in length which uses an internal combustion engine powering a jet pump as its primary source of motive propulsion and is designed to be operated by a person sitting, standing, or kneeling on rather than in the conventional manner of boat operation; and

(b) Sailboard shall mean a surfboard-type vessel with no freeboard and using a free-sail system with a swivel-mounted mast not secured to a hull by guys or stays.

Sec. 38. That section 37-1259, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-1259. No motorboat shall have in tow or shall otherwise be assisting a person on water skis, aquaplane, or a similar contrivance from the period of ~~one~~ one-half hour after sunset to ~~one~~ one-half hour prior to sunrise, except that this section shall not apply to motorboats used in duly authorized water ski tournaments, competitions, or exhibitions or trials therefor where adequate lighting is provided.

Sec. 39. No person other than a rescue squad member actually enroute to, at, or returning from any emergency requiring the services of such member or any law enforcement officer in the performance of his or her official duties shall operate a vessel equipped with a rotating or flashing red or blue light or lights upon the waters of this state.

Sec. 40. The operator of any vessel when signaled to stop either by hand signals or by the display of a rotating or flashing red or blue light or lights shall immediately bring such vessel to a stop or follow the directions given by any officer having the authority to enforce the State Boat Act. Violation of this section shall be a Class IV misdemeanor.

Sec. 41. That section 37-1274, Revised Statutes Supplement, 1992, be amended to read as follows:

37-1274. Sections 37-1201 to 37-1274 and sections 39 and 40 of this act shall be known and may be cited as the State Boat Act.

Sec. 49. That original sections 28-905, 37-1238, 37-1241, and 37-1259, Reissue Revised Statutes of Nebraska, 1943, and section 37-1274, Revised Statutes Supplement, 1992, are repealed.".

2. On page 58, line 11, strike "This" and insert "Sections 2 to 35, 42 to 47, and 50 of this"; and in line 12 after the period insert "The other sections of this act shall become operative on their effective date.".

3. Renumber the remaining sections accordingly and correct internal references accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 338A. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 338, Ninety-third Legislature, First Session, 1993.

VISITORS

Visitors to the Chamber were 47 first grade students and teachers from Lakeview Elementary School, Lincoln; 77 fourth grade students and sponsor from Skyline Elementary, Elkhorn; eight seventh and eighth grade students and teacher from Phelps County R-4 School; 18 ninth grade students and teacher from Friend; 20 third, fourth, and fifth grade students and teacher from Christ Lutheran School, Columbus; 21 fifth and sixth grade students and teachers from Beaver Valley

Elementary, Danbury; and 45 fourth grade students and teachers from Willard School, York.

RECESS

At 11:58 a.m., on a motion by Speaker Baack, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., President Moul presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Bromm, Chambers, Hall, Hartnett, Landis, Lindsay, Moore, Pedersen, Robinson, Schmitt, Mmes. Bohlke, Hillman, Hudkins, Rasmussen, Witek, and Ms. Schimek who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Avery asked unanimous consent to be excused. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 117, 292, and 523.

Enrollment and Review Change to LB 117

The following changes, required to be reported for publication in the Journal, have been made:
ER7261

1. Because of the Ashford amendment, FA113, sections 1 and 2 have been renumbered as sections 2 and 3, respectively.

2. On page 1, line 1, the matter beginning with "the" through "Act" has been struck and "firearms" inserted; and in line 2 "to require the distribution of certain information regarding firearms; to create a fund;" has been inserted after the semicolon.

Enrollment and Review Change to LB 292

The following changes, required to be reported for publication in the Journal, have been made:
ER7259

1. On page 1, line 2, "79-1520," has been struck.

Enrollment and Review Change to LB 523

The following changes, required to be reported for publication in the Journal, have been made:
ER7251

1. Original section 6 and all amendments thereto have been struck and the following new section inserted:

"Sec. 27. That original sections 42-364.13, 42-763, 42-773, 42-779, 42-799, 43-1711, 43-1712, and 43-1733, Reissue Revised Statutes of Nebraska, 1943, sections 42-368, 42-371, 43-512.12, 43-512.14, 43-512.15, 43-512.17, 43-1708, 43-1720, 43-1722 to 43-1726, 43-1728, 43-1737, 48-161, and 48-647, Revised Statutes Supplement, 1992, and section 48-149, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 118, Ninety-third Legislature, First Session, 1993, are repealed.".

2. In the Beutler amendment, AM1404, section 1 has been renumbered as section 3.

3. In the Kristensen-Byars amendment, AM1406:

a. On page 3, line 7, "in cases" has been struck and shown as stricken;

b. On page 6, line 17, an underscored comma has been inserted after "subdivision";

c. On page 8, line 9, "modifications" has been struck and "modification" inserted;

d. On page 9, line 1, "parties" has been struck and "parents" inserted; and

e. On page 15, line 14, the stricken "a foreign support" has been reinstated and "such" has been struck; and in line 25 the comma has been struck and shown as stricken.

4. In the E & R amendments, AM5443, on page 1, line 15, "any" has been inserted after "or".

5. On page 1, the matter beginning with "child" in line 1 through line 10 has been struck and "support obligations; to amend sections 42-364.13, 42-763, 42-773, 42-779, 42-799, 43-1711, 43-1712, and 43-1733, Reissue Revised Statutes of Nebraska, 1943, sections 42-368, 42-371, 43-512.12, 43-512.14, 43-512.15, 43-512.17, 43-1708, 43-1720, 43-1722 to 43-1726, 43-1728, 43-1737, 48-161, and 48-647, Revised Statutes Supplement, 1992, and section 48-149, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 118, Ninety-third Legislature, First Session, 1993; to change provisions relating to child, medical, and spousal support; to change provisions of the Revised Uniform Reciprocal Enforcement of Support Act; to provide and change provisions relating to income withholding; to harmonize provisions; and to repeal the original sections." inserted.

6. On page 9, line 18, "and" has been inserted after the semicolon.

(Signed) Kurt Hohenstein, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Vrtiska asked unanimous consent to print the following amendment to LB 152 in the Journal. No objections. So ordered.

AM1402

1. On page 3, line 27, after the period insert "The total funding provided in the form of stipend and benefit support per resident to a family practice residency program under this section shall not exceed the total funding provided in the form of stipend and benefit support per resident to a family practice residency program under section 71-5203.".

REPORT

Received quarterly report from the Nebraska Energy Office on the Natural Gas Revolving Loan Fund as required by Section 010 of the Municipal Gas Regulation Act (Sec. 19-4617, R.R.S. 1943).

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 84, LR 85, and LR 86.

GENERAL FILE

LEGISLATIVE BILL 421. The Withem pending motion, found in the Journal on page 1812, to overrule the Chair, was renewed.

Messrs. Wehrbein and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Withem requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 24:

Abboud	Chambers	Hartnett	Janssen	Rasmussen
Ashford	Day	Hillman	Kristensen	Schimek
Baack	Fisher	Hohenstein	Lindsay	Wesely
Bernard-Stevens	Haberman	Horgan	Lynch	Will
	Hall	Hudkins	Pirsch	Withem

Voting in the negative, 22:

Beutler	Dierks	Moore	Robinson	Warner
Bromm	Elmer	Pedersen	Schellpeper	Wehrbein
Byars	Jones	Preister	Schmitt	Wickersham
Coordsen	Landis	Robak	Vrtiska	Witek
Crosby	McKenzie			

Excused and not voting, 3:

Avery	Bohlke	Cudaback

The Withem motion to overrule the Chair prevailed with 24 ayes, 22 nays, and 3 excused and not voting.

The Chair was overruled.

The Chair declared the call raised.

The Withem pending amendment, FA142, found in the Journal on page 1811, to the Standing Committee amendment, was renewed.

The Withem amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

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

The second Withem amendment, to the Standing Committee amendment, is as follows:
FA143
(Amendments to Standing Committee amendments, AM0666)
1. Strike amendment 2 and insert the following new amendments:
6. On page 8, line 5, strike '23' and insert '22'; in line 12 before the period insert 'plus one-half of the width of the underground facility. If in the opinion of the operator the precise location of a facility cannot be determined and marked as required, the operator shall provide all pertinent information and field locating assistance to the excavator'; and strike beginning with 'If' in line 16 through line 21.

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

Mr. Byars moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The second Withem amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

The third Withem amendment, to the Standing Committee amendment, is as follows:

FA144

(Amendments to Standing Committee amendments, AM0666)

"1. Strike original section 19.

3. On page 4, line 26, after 'law' insert 'and operators of other underground facilities'; and strike beginning with the comma in line 27 through the first 'center' in line 28.

4. On page 6, line 3, strike 'which' through 'center'.

5. On page 7, strike beginning with 'and' in line 2 through 'made' in line 4; strike beginning with the comma in line 7 through the comma in line 8; strike beginning with 'The' in line 9 through the period in line 10; and strike beginning with 'and' in line 10 through 'center' in line 11.

7. On page 9, line 7, strike '23' and insert '22'; in line 14 strike '25' and insert '24'; and in line 16 after 'Act' insert 'other than section 28 of this act'.

9. Renumber the remaining sections accordingly.".

2. Renumber the remaining amendment accordingly.

SPEAKER BAACK PRESIDING

Mr. Withem moved the previous question. The question is, "Shall the debate now close?"

Mr. Withem moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

PRESIDENT MOUL PRESIDING

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Coordsen requested a roll call vote on the Withem amendment.

Voting in the affirmative, 21:

Abboud	Fisher	Horgan	Lynch	Schimek
Baack	Haberman	Hudkins	Pirsch	Wickersham
Chambers	Hall	Janssen	Preister	Will
Day	Hartnett	Landis	Rasmussen	Witek

Withem

Voting in the negative, 17:

Bromm	Dierks	Moore	Robinson	Vrtiska
Byars	Elmer	Pedersen	Schellpeper	Wehrbein
Coordsen	Hohenstein	Robak	Schmitt	Wesely
Cudaback	Jones			

Present and not voting, 7:

Bernard-Stevens	Beutler	Crosby	McKenzie	Warner
	Bohlke	Kristensen		

Excused and not voting, 4:

Ashford	Avery	Hillman	Lindsay

The Withem amendment was adopted with 21 ayes, 17 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

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

Mr. Coordsen offered the following amendment to the Standing Committee amendment:
AM1769
(Amendments to Standing Committee amendments, AM0666)
1. Strike amendment 2 and insert the following new amendments:
"2. On page 8, strike beginning with 'The' in line 10 through the period in line 12.
3. On page 9, lines 9 and 12, strike 'repairs' and insert 'damages'; and in line 14 after the period insert 'The excavator shall take all reasonable precaution at all times to prevent damage to the buried underground facilities.'.".

Mr. Coordsen withdrew his amendment.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 3 nays, 17 present and not voting, and 4 excused and not voting.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 627A. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 627, Ninety-third Legislature, First Session, 1993.

UNANIMOUS CONSENT - Print in Journal

Mr. Will asked unanimous consent to print the following amendment to LB 220 in the Journal. No objections. So ordered.

AM1781

1. Insert the following new sections:

"Sec. 4. (1) Any political subdivision which has the power or duty to levy a property tax required by a final order of a court, the State Board of Equalization, or the Tax Commissioner from which no appeal is taken to reimburse property taxes to a taxpayer may make and deliver to the county clerk of the county in which any part of the political subdivision is situated, not later than August 25, an itemized estimate of the amount necessary to be expended to reimburse the property taxes. The governing body of the political subdivision shall conduct a public hearing on the estimate prior to delivery to the county clerk. Notice of the place and time of the hearing shall, at least five days prior to the date set for hearing, be published in a newspaper of general circulation within the political subdivision or be sent by direct mailing to each resident within the political subdivision.

(2) The county clerk shall levy taxes on the taxable property of the political subdivision in the amount necessary to cover the reimbursement of the property taxes in the estimate. The taxes shall be collected by the county treasurer at the same time and in the same manner as county taxes are collected and, when collected, shall be paid to the treasurer of the political subdivision and used to cover the reimbursement of the property taxes.

(3) Any political subdivision which submits an itemized estimate shall establish a property tax reimbursement fund. Taxes collected pursuant to this section shall be credited to such fund to cover the reimbursement of the property taxes.

(4) The authority conferred by this section shall apply only to reimbursements made during fiscal years 1993-94 through 1999-2000.

Sec. 5. That section 79-3819, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3819. (1) A district may exceed its applicable allowable growth rate by a specific dollar amount in the situations described in this section.

(2) A district demonstrates to the satisfaction of the state board that a new program is required by state or federal law or an existing program mandated by state or federal law has been expanded as a result of changes in state or federal law. For purposes of this subsection, a final order of a court, the State Board of Equalization, or the Tax Commissioner from which no appeal is taken which requires reimbursement by a district of property taxes to a taxpayer shall be considered a new program required by state or federal law but shall not be included as part of the general fund budget of expenditures for purposes of section 79-3814.

(3) The district projects an increase in formula students in the district over the current school year greater than twenty-five students or greater than those listed in the schedule provided in this subsection, whichever is less. Districts shall project increases in formula students on forms prescribed by the department. The state board shall approve, deny, or modify the projected increases.

Average daily membership of district	Projected increase of formula student by percentage
0 - 50	10
50.01 - 250	5
250.01 - 1,000	3
1,000.01 and over	1

The department shall compute the district's estimated allowable budget per pupil using the budgeted general fund expenditures found on the budget statement for the current school year divided by the number of formula students in the current school year and multiplied by the district's applicable allowable growth rate. The resulting allowable budget per pupil shall be multiplied by the projected formula students to arrive at the estimated budget needs for the ensuing year. The department shall allow the district to increase its general fund budget of expenditures for the ensuing school year by the amount necessary to fund the estimated budget needs of the district as computed pursuant to this subsection. On or before July 1 of each year, the department shall make needed revisions in the applicable allowable growth rate of districts which have been allowed additional growth pursuant to this subsection to reflect the actual formula students of such district and shall certify such revisions to each district.

(4) Construction, expansion, or alteration of district buildings will cause an increase in building operation and maintenance costs of at least five percent. The

department shall document the projected increase in building operation and maintenance costs and may allow a district to exceed its applicable allowable growth percentage by the amount necessary to fund such increased costs. The department shall compute the actual increased costs for the school year and shall, if needed, modify the district's applicable allowable growth rate for the ensuing school year.

(5) A district demonstrates to the satisfaction of the state board that as a result of an order entered into by the Commission of Industrial Relations pursuant to section 48-818 establishing rates of pay, benefits, and other terms and conditions of employment, the district will exceed its applicable allowable growth rate. The department shall compute the amount by which the increase in employee costs exceeds the district's applicable allowable growth rate and shall allow the district to increase its general fund budget of expenditures by such amount.

(6) A district demonstrates to the satisfaction of the state board that it will exceed its applicable allowable growth rate as a result of a contested, but settled, contract dispute, claim, or breach or uninsured risk or as a result of any final judgment of any court of competent jurisdiction, requiring or obligating the district to pay such judgment. The department shall compute the amount by which the increased cost of the settlement or judgment exceeds the district's applicable allowable growth rate and shall allow the district to increase its general fund budget of expenditures by such amount.".

2. In the Standing Committee amendments, AM0756:

a. On page 4, line 2, after "court" insert ", the State Board of Equalization, or the Tax Commissioner"; and

b. On page 7, line 9, strike "and 77-3439" and insert "77-3439, and 79-3819".

3. Renumber the remaining sections accordingly.

Messrs. Dierks and Byars asked unanimous consent to print the following amendment to LB 495 in the Journal. No objections. So ordered.

AM1191

1. On page 3, after line 10 insert the following new subsection:

"(5) A person engaged in distributing samples shall obtain the name and address of each person to whom a sample is distributed and the date of distribution. Such records of distribution shall be forwarded to the cancer registry prescribed in sections 81-642 to 81-650.".

GENERAL FILE

LEGISLATIVE BILL 421. Mr. Withem withdrew his pending amendments, AM0970, AM0971, and AM1332, found in the Journal on pages 1146, 1147, and 1434.

Mr. Dierks withdrew his pending amendment, AM1113, found in the Journal on page 1339.

Mr. Wickersham offered the following amendment:
AM1785

1. On page 7, line 1, strike "without first giving" and insert "in any public street, road, alley, right-of-way dedicated to the public use, or utility easement of record or within any private street or private property without first, when necessary to determine proximity to underground facilities, giving"; and strike beginning with "who" in line 1 through "made" in line 4.

2. On page 9, line 14, after the period insert "An excavator who fails to give notice of an excavation pursuant to section 23 of this act and who damages an underground facility that is operated by the excavator shall not be in violation of the One-Call Notification System Act.

In addition to any liability provided in this section, liability under common law may apply."; in lines 15 and 16 strike "One-Call Notification System Act" and insert "provisions of section 23, 24, 25, 28, or 32 of this act or who willfully damages an underground facility"; in lines 19 and 23 strike "continues" and insert "persists"; and strike lines 24 and 25 and insert

"An action to recover a civil penalty shall be brought by the Attorney General or a prosecuting attorney on behalf of the State of Nebraska in any court of competent jurisdiction of this state. The trial shall be before the court, which shall consider the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, the absence or existence of prior violations, whether the violation was a willful act, the effect on ability to continue to do business, any good faith attempt to achieve compliance, ability to pay the penalty, and such other matters as justice may require in determining the amount of penalty imposed. All penalties shall be handled and distributed pursuant to Article VII, section 5, of the Constitution of Nebraska.".

The Wickersham amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Landis asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 2 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 430. Title read. Considered.

Standing Committee amendment, AM0190, found in the Journal on page 549, was considered.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
AM1782

(Amendments to Standing Committee amendments, AM0190)

1. On page 2, line 21, after "trial" insert ", except that such notice shall be waived by the presiding judge if necessary in the interests of justice".

SPEAKER BAACK PRESIDING

The Beutler amendment was adopted with 23 ayes, 0 nays, 22 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Messrs. Abboud and Lindsay withdrew their pending amendments, AM1123 and AM1447, found in the Journal on pages 1450 and 1550.

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

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 669. Title read. Considered.

Standing Committee amendment, AM1080, printed separately from the Journal and referred to on page 1295, was considered.

Mr. Bernard-Stevens withdrew his pending amendments, AM1710 and AM1724, found in the Journal on pages 1743 and 1767.

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

Mr. Bernard-Stevens offered the following amendment to the Standing Committee amendment:
AM1768

(Amendments to Standing Committee amendments, AM1080)

1. Strike section 24 and insert the following new section:

"Sec. 24. Consultation shall mean a professional collaborative relationship between a licensed mental health practitioner and a consultant who is a licensed clinical psychologist or a qualified physician in which (1) the consultant shall make a diagnosis based on information supplied by the licensed mental health practitioner and any additional assessment deemed necessary by the consultant and (2) the consultant and the licensed mental health practitioner shall jointly develop a treatment plan which shall indicate the responsibility of each professional for implementing elements of the plan, updating the plan, and assessing the client's progress.".

2. On page 32, line 27, after "health" insert "and coursework in psychotherapy and the assessment of mental disorders".

3. On page 35, line 18, after "facilities" insert ". Nothing in this subdivision shall be construed to prevent charitable and religious organizations; the clergy; governmental agencies; hospitals; health clinics; home health agencies; schools; shelters for the homeless; shelters for the urgent care of victims of sexual assault, child abuse, elder abuse, or domestic violence; nursing homes; or correctional facilities from providing supportive contacts to assist individuals and groups with adjustment to crisis, transition, economic change, or personal or a family member's health condition if such persons or organizations do not represent themselves to be social workers".

4. On page 68, line 22, after "against" insert "himself, herself, or".

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

The Bernard-Stevens amendment was adopted with 22 ayes, 0 nays, 20 present and not voting, and 7 excused and not voting.

Mr. Kristensen and Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mr. Pedersen withdrew his pending amendments, AM1327 and AM1679, found in the Journal on pages 1560 and 1743.

Mr. Wesely withdrew his pending amendment, AM1456, found in the Journal on page 1612.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 669A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 734 in the Journal. No objections. So ordered.

AM1791

(Amendments to AM1763)

1. Insert the following new sections:

"Sec. 53. Sections 41 and 54 of this act shall become operative on January 1, 1993. The other sections of this act shall become operative on their effective date.

Sec. 54. That original section 77-202.03, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 44, line 22, strike "May 15" and insert "July 1".

3. On page 54, line 25, after the first comma insert "and" and strike "and 77-202.03,".

4. Renumber the remaining sections accordingly.

Mr. Avery asked unanimous consent to print the following amendment to LB 137 in the Journal. No objections. So ordered.

AM1589

1. Strike original section 1 and insert the following new sections:

"Section 1. That section 25-224, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-224. (1) For purposes of this section product liability action shall have the same meaning as in section 25-21,180.

(2) ~~All~~ Except as provided otherwise by this section, product liability actions~~, except one governed by subsection (5) of this section,~~ shall be commenced within four years next after the date on which the death, injury, or

damage complained of occurs. or

~~(2) Notwithstanding subsection (1) of this section or any other statutory provision to the contrary, any product liability action, except one governed by section 2-725, Uniform Commercial Code or by subsection (5) of this section, shall be commenced~~ within ten years after the date when the product which allegedly caused the personal injury, death, or damage was first sold or leased for use or consumption.

(3) In all product liability actions that involve injury, death, or damage more than ten years after the date when the product which allegedly caused the personal injury, death, or damage was first sold or leased for consumption, a presumption shall arise that the harm was caused after the useful safe life of the product had expired. Useful safe life shall commence at the time of delivery of a product to its ultimate user who was not engaged in the business of either selling such products or using them as component parts of another product to be sold. The plaintiff may rebut this presumption by a preponderance of the evidence. If the plaintiff rebuts this presumption, the ten-year limitation provided in this section shall not apply. In determining whether a product's useful safe life has expired, the trier of fact may consider, among other factors:

(a) The amount of wear and tear to which the product had been subjected;

(b) The effect of deterioration from natural causes, climate, and other conditions under which the product was used or stored;

(c) The normal practices of the user, similar users, and the product manufacturer with respect to the circumstances, frequency, and purposes of the product's use and with respect to repairs, renewals and replacements;

(d) Any representations, instructions, or warnings made by the product manufacturer concerning proper maintenance, storage, and use of the product or the expected useful safe life of the product; and

(e) Any modification or alteration of the product by a user or third party.

~~(3) The limitations contained in subsection (1), (2), or (5) of this section shall not be applicable to indemnity or contribution actions brought by a manufacturer or seller of a product against a person who is or may be liable to such manufacturer or seller for all or any portion of any judgment rendered against a manufacturer or seller.~~

~~(4) Notwithstanding the provisions of subsections (1) and (2) of this section, any cause of action or claim which any person may have on July 22, 1978, may be brought not later than two years following such date.~~

(4) If a manufacturer, seller, or lessor of a product expressly warrants that its product can be utilized safely for a period longer than ten years, the period of limitation, after which the presumption created in subsection (3) of this section arises, shall be extended according to such warranty or promise. The ten-year period of limitation shall not apply if (a) the manufacturer of a product misrepresents facts about its product or fraudulently conceals information about it and such conduct was a proximate cause of the claimant's death, injury, or damage, (b) the harm was caused by prolonged exposure to a defective product, (c) the injury-causing aspect of the product that existed at the time of delivery was not discoverable by a reasonably prudent person until more than ten years after the time or delivery, or (d) the harm caused within ten years after the time of delivery did not manifest itself until after that time.

(5) In any liability action covered by this section in which it is claimed by one or more of the defendants that the action is barred, such issue shall not be bifurcated without the consent of all parties to the action.

~~(5)~~ (6) Any action to recover damages based on injury allegedly resulting from exposure to asbestos composed of chrysotile, amosite, crocidolite, tremolite, anthrophyllite, actinolite, or any combination thereof, shall be commenced within four years after the injured person has been informed of discovery of the injury by competent medical authority and that such injury was caused by exposure to asbestos as described herein; or within four years after the discovery of facts which would reasonably lead to such discovery, whichever is earlier. No action commenced under this subsection based on the doctrine of strict liability in tort shall be commenced or maintained against any seller of a product which is alleged to contain or possess a defective condition unreasonably dangerous to the buyer, user, or consumer unless such seller is also the manufacturer of such product or the manufacturer of the part thereof claimed to be defective. Nothing in this subsection shall be construed to permit an action to be brought based on an injury described in this subsection discovered more than two years prior to August 30, 1981.

(7) The limitations contained in this section shall not be applicable to indemnity or contribution actions brought by a manufacturer or seller of a product against a person who is or may be liable to such manufacturer or seller for all or any portion of any judgment rendered against a manufacturer or seller. A product liability action governed by the Uniform Commercial Code shall follow the limitations in section 2-725, Uniform Commercial Code.

Sec. 2. It is the intent of the Legislature that

section 25-224 be applied retroactively to revive causes of action for injury caused by defective products which were barred by interpretation of this section prior to the effective date of this act.

Sec. 3. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. Renumber the remaining section accordingly.

Mrs. McKenzie asked unanimous consent to print the following amendment to LB 389 in the Journal. No objections. So ordered.

AM1755

1. On page 2, lines 22 through 25, strike the new matter and reinstate the stricken matter.

RESOLUTION

LEGISLATIVE RESOLUTION 89. Introduced by Robak, 22.

WHEREAS, the Lindsay Holy Family High School Odyssey of the Mind team finished in first place at the Tenth Annual Nebraska Odyssey of the Mind State Association Tournament in Kearney, Nebraska, on April 3; and

WHEREAS, the Lindsay Holy Family High School Odyssey of the Mind team will represent the State of Nebraska at the World Odyssey of the Mind Tournament held at the University of Maryland and will compete against teams from all fifty states and fifteen foreign countries; and

WHEREAS, the Odyssey of the Mind competition is a nationwide competition in its fifteenth year that stresses creativity in problem-solving; and

WHEREAS, Sister Paulus Maresch, the coach of the Lindsay Holy Family Odyssey of the Mind team, was recognized for her nine years of participation with an Outstanding OM'er award.

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

1. That the Lindsay Holy Family High School Odyssey of the Mind team, coached by Sister Paulus Maresch and whose members are Leigh Formanek, Jeremy Kopecky, Alan Reichmuth, Robb Pfeifer, Jason Korth, Brian Fischer, and Jesse Preuss, are to be congratulated for their achievements.

2. That a copy of this resolution be sent to Lindsay Holy Family High School.

Laid over.

VISITORS

Visitors to the Chamber were 35 seventh grade students and sponsor from Guardian Angel Elementary, West Point; Mayor Roger Goldfish from Ord; ten fourth, fifth, and sixth grade students and sponsor from Hader; Brian Bosshamer from Amherst; 11 seventh and eighth grade students and teacher from Funk; Mayor Cathy Walters and Carl York from Cozad; 30 fourth grade students and teacher from Wood River Elementary; and 20 sixth, seventh, and eighth grade students and sponsors from Stanton County Rural School, Stanton.

ADJOURNMENT

At 5:10 p.m., on a motion by Mr. Byars, the Legislature adjourned until 9:00 a.m., Friday, April 30, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

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SIXTY-NINTH DAY - APRIL 30, 1993

LEGISLATIVE JOURNAL

SIXTY-NINTH DAY - APRIL 30, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

SIXTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 30, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Bob Chitwood, Charter Oak Christian Church, Talmage, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Byars, Withem, and Mrs. Rasmussen who were excused; and Messrs. Abboud, Bernard-Stevens, Chambers, Haberman, Hall, Hartnett, Janssen, Lindsay, Lynch, Moore, Preister, and Will who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-eighth day was approved.

MESSAGE FROM THE GOVERNOR

April 28, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Educational Telecommunications Commission, requiring legislative approval.

APPOINTEE: Arlene Nelson, 3127 Woodridge Blvd., Grand Island, NE 68801

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

RESOLUTION

LEGISLATIVE RESOLUTION 88. Read. Considered.

LR 88 was adopted with 17 ayes, 0 nays, and 32 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 193.

A BILL FOR AN ACT relating to the State Electrical Act; to amend sections 81-2101 to 81-2103, 81-2105 to 81-2110, 81-2113 to 81-2116, 81-2118, 81-2119, 81-2121, 81-2124 to 81-2128, 81-2132, 81-2135 to 81-2138, 81-2140, 81-2141, 81-2143, and 81-2145, Reissue Revised Statutes of Nebraska, 1943, section 81-2104, Revised Statutes Supplement, 1992, as amended by section 1, Legislative Bill 192, Ninety-third Legislature, First Session, 1993, and section 3, Legislative Bill 215, Ninety-third Legislature, First Session, 1993; to define, redefine, and eliminate terms; to change the membership, powers, and duties of the State Electrical Board; to provide, eliminate, and change provisions relating to licenses and registrations under the act; to change provisions relating to continuing education; to provide and change fees; to change and eliminate provisions relating to inspections, inspectors, and condemnation, disconnection, and correction orders; to change provisions relating to appeals; to change penalties; to harmonize provisions; and to repeal the original sections, and also sections 81-2111, 81-2112.01, 81-2117, 81-2122, 81-2123, 81-2131, and 81-2144, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Ashford	Baack	Bohlke	Coordsen	Cudaback
Avery	Beutler	Bromm	Crosby	Day

Dierks	Hohenstein	McKenzie	Robinson	Warner
Elmer	Horgan	Moore	Schellpeper	Wehrbein
Fisher	Hudkins	Pedersen	Schimek	Wesely
Haberman	Jones	Pirsch	Schmitt	Will
Hall	Kristensen	Robak	Vrtiska	Witek
Hillman	Landis			

Voting in the negative, 0.

Present and not voting, 1:

Wickersham

Excused and not voting, 11:

Abboud	Byars	Janssen	Lynch	Rasmussen
Bernard-Stevens	Chambers	Lindsay	Preister	Withem
	Hartnett			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 431.

A BILL FOR AN ACT relating to child deaths; to provide for review of child deaths; to state intent; to define terms; to create the State Child Death Review Team; to provide powers and duties; to provide access to certain information; and to provide for confidentiality of certain records.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Ashford	Day	Horgan	Pedersen	Vrtiska
Avery	Dierks	Hudkins	Pirsch	Warner
Baack	Elmer	Jones	Robak	Wehrbein
Bohlke	Fisher	Kristensen	Robinson	Wesely
Bromm	Haberman	Landis	Schellpeper	Wickersham
Coordsen	Hall	McKenzie	Schimek	Will
Crosby	Hillman	Moore	Schmitt	Witek
Cudaback	Hohenstein			

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 11:

Abboud	Byars	Janssen	Lynch	Rasmussen
Bernard-Stevens	Chambers	Lindsay	Preister	Withem
	Hartnett			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 74.

A BILL FOR AN ACT relating to veterans; to amend section 80-411, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to waiver of tuition at institutions of higher education for dependents of veterans; to change eligibility requirements for such dependents; to limit the validity of the waiver; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Ashford	Cudaback	Hohenstein	Moore	Vrtiska
Avery	Day	Horgan	Pedersen	Warner
Baack	Dierks	Hudkins	Pirsch	Wehrbein
Beutler	Elmer	Jones	Robak	Wesely
Bohlke	Fisher	Kristensen	Schellpeper	Wickersham
Bromm	Haberman	Landis	Schimek	Will
Coordsen	Hall	McKenzie	Schmitt	Witek
Crosby	Hillman			

Voting in the negative, 0.

Present and not voting, 1:

Robinson

Excused and not voting, 11:

Abboud	Byars	Janssen	Lynch	Rasmussen
Bernard-Stevens	Chambers	Lindsay	Preister	Withem
	Hartnett			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 280.

A BILL FOR AN ACT relating to the Nebraska Arts Council; to amend section 82-313, Reissue Revised Statutes of Nebraska, 1943; to provide an additional power for the council; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Ashford	Coordsen	Hall	McKenzie	Schmitt
Avery	Crosby	Hillman	Moore	Vrtiska
Baack	Cudaback	Hohenstein	Pedersen	Warner
Bernard-Stevens	Day	Horgan	Pirsch	Wehrbein
Beutler	Dierks	Hudkins	Robak	Wesely
Bohlke	Elmer	Jones	Robinson	Wickersham
Bromm	Fisher	Kristensen	Schellpeper	Will
	Haberman	Landis	Schimek	Witek

Voting in the negative, 0.

Excused and not voting, 10:

Abboud	Chambers	Janssen	Lynch	Rasmussen
Byars	Hartnett	Lindsay	Preister	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 315.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend section 30-2476, Reissue Revised Statutes of Nebraska, 1943; to eliminate restrictions on the powers of personal representatives in certain transactions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Ashford	Bernard-Stevens	Bohlke	Crosby	Dierks
Avery	Beutler	Bromm	Cudaback	Elmer
Baack		Coordsen	Day	Fisher

Haberman	Hudkins	Moore	Schellpeper	Wehrbein
Hall	Jones	Pedersen	Schimek	Wesely
Hillman	Kristensen	Pirsch	Schmitt	Wickersham
Hohenstein	Landis	Robak	Vrtiska	Will
Horgan	McKenzie	Robinson	Warner	Witek

Voting in the negative, 0.

Excused and not voting, 10:

Abboud	Chambers	Janssen	Lynch	Rasmussen
Byars	Hartnett	Lindsay	Preister	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

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

LEGISLATIVE BILL 364. With Emergency.

A BILL FOR AN ACT relating to ethanol; to amend sections 66-820, 66-1315, 66-1316, 66-1321.01, and 66-1325, Reissue Revised Statutes of Nebraska, 1943, and sections 57-705, 58-239, 66-4,124, 66-4,134, 66-4,142, 66-1301, 66-1303, 66-1324, and 66-1326 to 66-1329, Revised Statutes Supplement, 1992; to rename the Ethanol Authority and Development Act; to rename and eliminate funds; to create and eliminate boards and committees; to transfer powers and duties and funds; to change provisions relating to a tax credit; to eliminate the authority to make certain investments; to eliminate provisions dealing with an excise tax, loans, high-protein food products, and the Nebraska Gasohol and Energy Development Act; to harmonize provisions; to provide an operative date; to repeal the original sections, and also sections 2-3816 to 2-3823, 66-801, 66-803 to 66-811, 66-814 to 66-816, 66-819, 66-1302, 66-1304, 66-1305, 66-1306, 66-1308 to 66-1314, 66-1317, 66-1319, 66-1321, 66-1322, and 66-1323, Reissue Revised Statutes of Nebraska, 1943, and sections 58-239.01, 66-4,133, 66-4,135 to 66-4,137, 66-802, 66-812, 66-813, 66-1307, 66-1307.01, 66-1307.02, and 66-1320, Revised Statutes Supplement, 1992; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Ashford	Baack	Bernard-Stevens	Beutler	Bromm
Avery			Bohlke	Coordsen

Crosby	Haberman	Jones	Robinson	Wehrbein
Cudaback	Hall	Kristensen	Schellpeper	Wesely
Day	Hillman	McKenzie	Schimek	Wickersham
Dierks	Hohenstein	Pedersen	Schmitt	Will
Elmer	Horgan	Pirsch	Vrtiska	Witek
Fisher	Hudkins	Robak	Warner	

Voting in the negative, 0.

Present and not voting, 1:

Moore

Excused and not voting, 11:

Abboud	Hartnett	Landis	Lynch	Rasmussen
Byars	Janssen	Lindsay	Preister	Withem
Chambers				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 364A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 364, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Ashford	Crosby	Hillman	Moore	Vrtiska
Avery	Cudaback	Hohenstein	Pedersen	Warner
Baack	Day	Horgan	Pirsch	Wehrbein
Bernard-Stevens	Dierks	Hudkins	Robak	Wesely
	Elmer	Jones	Schellpeper	Wickersham
Bohlke	Fisher	Kristensen	Schimek	Will
Bromm	Haberman	McKenzie	Schmitt	Witek
Coordsen	Hall			

Voting in the negative, 0.

Present and not voting, 2:

Beutler	Robinson

Excused and not voting, 11:

Abboud	Hartnett	Landis	Lynch	Rasmussen
Byars	Janssen	Lindsay	Preister	Withem
Chambers				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 478. With Emergency.

A BILL FOR AN ACT relating to condominiums; to amend sections 76-802, 76-804, 76-807, 76-809, 76-811, 76-816, 76-817, 76-819, 76-820, 76-823, 76-824.01, 76-825, 76-826, 76-854, and 76-883, Reissue Revised Statutes of Nebraska, 1943; to provide for enforceability of contracts; to change requirements for amendments to a declaration; to provide for class actions, equitable relief, and the award of costs and attorney's fees; to change provisions relating to public-offering statements; to eliminate provisions relating to an action for damages; to harmonize provisions; to repeal the original sections, and also section 76-891, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Ashford	Chambers	Haberman	McKenzie	Schmitt
Avery	Coordsen	Hall	Moore	Vrtiska
Baack	Crosby	Hillman	Pedersen	Warner
Bernard-Stevens	Cudaback	Hohenstein	Pirsch	Wehrbein
	Day	Horgan	Robak	Wesely
Beutler	Dierks	Hudkins	Robinson	Wickersham
Bohlke	Elmer	Jones	Schellpeper	Will
Bromm	Fisher	Kristensen	Schimek	Witek

Voting in the negative, 0.

Excused and not voting, 10:

Abboud	Hartnett	Landis	Lynch	Rasmussen
Byars	Janssen	Lindsay	Preister	Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 529.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2204, Reissue Revised Statutes of Nebraska, 1943; to change and eliminate provisions relating to indeterminate sentences; and to repeal the original section, and also section 83-1,105, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Ashford	Coordsen	Hall	Moore	Vrtiska
Avery	Crosby	Hillman	Pedersen	Warner
Baack	Cudaback	Hohenstein	Pirsch	Wehrbein
Bernard-Stevens	Day	Horgan	Robak	Wesely
Beutler	Dierks	Hudkins	Robinson	Wickersham
Bohlke	Elmer	Jones	Schellpeper	Will
Bromm	Fisher	Kristensen	Schmitt	Witek
	Haberman	McKenzie		

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 11:

Abboud	Janssen	Lindsay	Preister	Schimek
Byars	Landis	Lynch	Rasmussen	Withem
Hartnett				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 539. With Emergency.

A BILL FOR AN ACT relating to highways and roads; to amend section 39-1349, Reissue Revised Statutes of Nebraska, 1943; to

change provisions relating to interest on construction contracts; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Ashford	Chambers	Haberman	McKenzie	Vrtiska
Avery	Coordsen	Hall	Moore	Warner
Baack	Crosby	Hillman	Pedersen	Wehrbein
Bernard-Stevens	Cudaback	Hohenstein	Pirsch	Wesely
Beutler	Day	Horgan	Robak	Wickersham
Bohlke	Dierks	Hudkins	Robinson	Will
Bromm	Elmer	Jones	Schellpeper	Witek
	Fisher	Kristensen	Schmitt	

Voting in the negative, 0.

Excused and not voting, 11:

Abboud	Janssen	Lindsay	Preister	Schimek
Byars	Landis	Lynch	Rasmussen	Withem
Hartnett				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 545.

A BILL FOR AN ACT relating to state government; to provide for acceptance of cession or retrocession of jurisdiction.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Ashford	Chambers	Haberman	McKenzie	Vrtiska
Avery	Coordsen	Hall	Moore	Warner
Baack	Crosby	Hillman	Pedersen	Wehrbein
Bernard-Stevens	Cudaback	Hohenstein	Pirsch	Wesely
Beutler	Day	Horgan	Robak	Wickersham
Bohlke	Dierks	Hudkins	Robinson	Will
Bromm	Elmer	Jones	Schellpeper	Witek
	Fisher	Kristensen	Schmitt	

Voting in the negative, 0.

Excused and not voting, 11:

Abboud	Janssen	Lindsay	Preister	Schimek
Byars	Landis	Lynch	Rasmussen	Withem
Hartnett				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 547.

A BILL FOR AN ACT relating to trust deeds; to amend sections 76-1004 and 76-1005, Reissue Revised Statutes of Nebraska, 1943; to provide for general substitutions of trustees as provided; to eliminate a requirement for a written acknowledgement; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Ashford	Chambers	Haberman	McKenzie	Vrtiska
Avery	Coordsen	Hall	Moore	Warner
Baack	Crosby	Hillman	Pedersen	Wehrbein
Bernard-Stevens	Cudaback	Hohenstein	Pirsch	Wesely
	Day	Horgan	Robak	Wickersham
Beutler	Dierks	Hudkins	Robinson	Will
Bohlke	Elmer	Jones	Schellpeper	Witek
Bromm	Fisher	Kristensen	Schmitt	

Voting in the negative, 0.

Excused and not voting, 11:

Abboud	Janssen	Lindsay	Preister	Schimek
Byars	Landis	Lynch	Rasmussen	Withem
Hartnett				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 555.

A BILL FOR AN ACT relating to property tax refunds; to amend section 77-1736.06, Revised Statutes Supplement, 1992; to change a notification requirement; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Ashford	Coordsen	Hall	Moore	Vrtiska
Avery	Crosby	Hillman	Pedersen	Warner
Baack	Cudaback	Hohenstein	Pirsch	Wehrbein
Bernard-Stevens	Day	Horgan	Robak	Wesely
Bohlke	Dierks	Hudkins	Robinson	Wickersham
Bromm	Elmer	Jones	Schellpeper	Will
Chambers	Fisher	Kristensen	Schmitt	Witek
	Haberman	McKenzie		

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 11:

Abboud	Janssen	Lindsay	Preister	Schimek
Byars	Landis	Lynch	Rasmussen	Withem
Hartnett				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 582.

A BILL FOR AN ACT relating to film vehicles; to amend section 60-347, Reissue Revised Statutes of Nebraska, 1943, and section 60-301, Revised Statutes Supplement, 1992; to redefine a term; to change registration and renewal fees; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

Ashford	Avery	Baack

Bernard-Stevens	Cudaback	Hillman	Moore	Vrtiska
Beutler	Day	Hohenstein	Pedersen	Warner
Bohlke	Dierks	Horgan	Pirsch	Wehrbein
Bromm	Elmer	Hudkins	Robak	Wesely
Chambers	Fisher	Jones	Robinson	Wickersham
Coordsen	Haberman	Kristensen	Schellpeper	Will
Crosby	Hall	McKenzie	Schmitt	Witek

Voting in the negative, 0.

Excused and not voting, 11:

Abboud	Janssen	Lindsay	Preister	Schimek
Byars	Landis	Lynch	Rasmussen	Withem
Hartnett				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 625. With Emergency.

A BILL FOR AN ACT relating to the Community Improvements Cash Fund; to amend section 81-15,113.01, Revised Statutes Supplement, 1992; to change the year through which funds are remitted; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Ashford	Chambers	Haberman	McKenzie	Schmitt
Avery	Coordsen	Hall	Moore	Vrtiska
Baack	Crosby	Hillman	Pedersen	Warner
Bernard-Stevens	Cudaback	Hohenstein	Pirsch	Wehrbein
Beutler	Day	Horgan	Robak	Wesely
Bohlke	Dierks	Hudkins	Robinson	Wickersham
Bromm	Elmer	Jones	Schellpeper	Will
	Fisher	Kristensen		

Voting in the negative, 0.

Present and not voting, 1:

Witek

Excused and not voting, 11:

Abboud	Janssen	Lindsay	Preister	Schimek
Byars	Landis	Lynch	Rasmussen	Withem
Hartnett				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 652.

A BILL FOR AN ACT relating to persons in custody; to amend sections 29-3002 and 29-3004, Revised Statutes Supplement, 1992; to provide for consultation with an attorney as prescribed; to change provisions relating to postconviction relief; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Ashford	Chambers	Haberman	McKenzie	Vrtiska
Avery	Coordsen	Hall	Moore	Warner
Baack	Crosby	Hillman	Pedersen	Wehrbein
Bernard-Stevens	Cudaback	Hohenstein	Pirsch	Wesely
	Day	Horgan	Robak	Wickersham
Beutler	Dierks	Hudkins	Schellpeper	Will
Bohlke	Elmer	Jones	Schmitt	Witek
Bromm	Fisher	Kristensen		

Voting in the negative, 0.

Present and not voting, 1:

Robinson

Excused and not voting, 11:

Abboud	Janssen	Lindsay	Preister	Schimek
Byars	Landis	Lynch	Rasmussen	Withem
Hartnett				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 781. With Emergency.

A BILL FOR AN ACT relating to the state; to authorize the award of fees and expenses in legal actions and proceedings involving state agencies, boards, commissions, and constitutional officers and the Legislature; to create a fund and provide for its use; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Ashford	Chambers	Fisher	Kristensen	Schellpeper
Avery	Coordsen	Haberman	McKenzie	Schmitt
Baack	Crosby	Hall	Moore	Vrtiska
Bernard-Stevens	Cudaback	Hohenstein	Pedersen	Warner
	Day	Horgan	Pirsch	Wehrbein
Bohlke	Dierks	Hudkins	Robak	Wesely
Bromm	Elmer	Jones	Robinson	Will

Voting in the negative, 0.

Present and not voting, 4:

Beutler	Hillman	Wickersham	Witek

Excused and not voting, 11:

Abboud	Janssen	Lindsay	Preister	Schimek
Byars	Landis	Lynch	Rasmussen	Withem
Hartnett				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmitt asked unanimous consent to be excused. No objections. So ordered.

MOTION - Return LB 253 to Select File

Mr. Wesely moved to return LB 253 to Select File for his specific amendment, AM1603, found in the Journal on page 1675.

SPEAKER BAACK PRESIDING

Mr. Wesely withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 253. With Emergency.

A BILL FOR AN ACT relating to banking and finance; to provide for director and officer liability as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Avery	Crosby	Hall	McKenzie	Vrtiska
Baack	Cudaback	Hillman	Moore	Warner
Bernard-Stevens	Day	Hohenstein	Pedersen	Wehrbein
Bohlke	Dierks	Horgan	Pirsch	Wickersham
Bromm	Elmer	Hudkins	Robak	Will
Coordsen	Fisher	Jones	Robinson	Witek
	Haberman	Kristensen	Schellpeper	

Voting in the negative, 2:

Beutler Wesely

Present and not voting, 3:

Ashford Chambers Preister

Excused and not voting, 11:

Abboud	Janssen	Lindsay	Rasmussen	Schmitt
Byars	Landis	Lynch	Schimek	Withem
Hartnett				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 193, 431, 74, 280,

315, 364, 364A, 478, 529, 539, 545, 547, 555, 582, 625, 652, 781, and 253.

UNANIMOUS CONSENT - Member Excused

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

MOTION - Introduce New Bill

Mr. Moore moved for the introduction of a new bill by the Appropriations Committee, Req. 1294.

The Moore motion prevailed with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

MOTION - Introduce New Bill

Mr. Moore moved for the introduction of a new bill by the Appropriations Committee, Req. 1291.

The Moore motion prevailed with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

MOTION - Introduce New Bill

Mr. Moore moved for the introduction of a new bill by the Appropriations Committee, Req. 1295.

The Moore motion prevailed with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

MOTION - Introduce New Bill

Mr. Moore moved for the introduction of a new bill by the Appropriations Committee, Req. 1284.

The Moore motion prevailed with 31 ayes, 0 nays, 6 present and not voting, and 12 excused and not voting.

MOTION - Introduce New Bill

Mr. Moore moved for the introduction of a new bill by the Appropriations Committee, Req. 1220.

The Moore motion prevailed with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

MOTION - Introduce New Bill

Mr. Moore moved for the introduction of a new bill by the Appropriations Committee, Req. 1267.

The Moore motion prevailed with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

MOTION - Introduce New Bill

Mr. Moore moved for the introduction of a new bill by the Appropriations Committee, Req. 1301.

The Moore motion prevailed with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

MOTION - Introduce New Bill

Mr. Moore moved for the introduction of a new bill by the Appropriations Committee, Req. 1273.

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

BILLS ON FIRST READING

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

LEGISLATIVE BILL 838. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Lynch, 13; Wehrbein, 2.

A BILL FOR AN ACT relating to the enrollment option program; to amend section 79-3410, Revised Statutes Supplement, 1992; to change provisions relating to transportation reimbursement; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 839. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Lynch, 13; Wehrbein, 2.

A BILL FOR AN ACT relating to schools; to amend section 79-446, Reissue Revised Statutes of Nebraska, 1943; to eliminate reimbursement of tuition by the state for children of parents residing on tax-exempt, state-owned air fields, children of certain federal employees, and children of persons in military service; to eliminate reimbursement of tuition by a city for children of parents residing on tax-exempt, city-owned air fields; to harmonize provisions; to provide an operative date; to repeal the original section, and also sections

79-446.01 to 79-448, Revised Statutes Supplement, 1992; and to declare an emergency.

LEGISLATIVE BILL 840. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Lynch, 13; Wehrbein, 2.

A BILL FOR AN ACT relating to health care; to amend section 71-5837, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to certificate of need application fees; to provide an operative date; to repeal the original section; and to declare emergency.

LEGISLATIVE BILL 841. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Lynch, 13; Wehrbein, 2.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-302.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 17, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, and section 60-106, Revised Statutes Supplement, 1992, as amended by section 6, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, and section 2, Legislative Bill 340, Ninety-third Legislature, First Session, 1993, and section 60-112, Revised Statutes Supplement, 1992, as amended by section 11, Legislative Bill 112, Ninety-third Legislature, First Session, 1993; to provide for computerizing titling and registration of motor vehicles by a certain date; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 842. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Lynch, 13; Wehrbein, 2.

A BILL FOR AN ACT relating to real estate appraisers; to amend section 76-2249, Revised Statutes Supplement, 1992; to eliminate a requirement for publication of a directory of appraisers; and to repeal the original section.

LEGISLATIVE BILL 843. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Lynch, 13; Wehrbein, 2.

A BILL FOR AN ACT relating to engineers and architects; to amend sections 81-849 and 81-851, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to seals; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 844. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Lynch, 13; Wehrbein, 2.

A BILL FOR AN ACT relating to county government; to amend sections 23-1216 to 23-1218 and 23-1222, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to continuing education for county attorneys and deputy county attorneys; to change duties of the Nebraska County Attorney Standards Advisory Council and the Nebraska Commission on Law Enforcement and Criminal Justice; to eliminate mandatory continuing education requirements and a duty of the Attorney General; to harmonize provisions; and to repeal the original sections, and also sections 23-1219 to 23-1221, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 845. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Hillman, 48; Hohenstein, 17; Lynch, 13; Wehrbein, 2.

A BILL FOR AN ACT relating to bee husbandry; to amend section 81-2,174, Reissue Revised Statutes of Nebraska, 1943, and section 81-2,177.01, Revised Statutes Supplement, 1992; to change the amount of fees; to repeal the original sections; and to declare an emergency.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 325. Placed on General File as amended.
Standing Committee amendment to LB 325:
AM1596

1. Insert the following new section:

"Section 1. That section 84-1606, Revised Statutes Supplement, 1992, as amended by section 35, Legislative Bill 14, Ninety-second Legislature, Third Special Session, 1992, be amended to read as follows:

84-1606. ~~The personnel division of the Department of Administrative Services may elect to offer a group health insurance option to employees subject to sections 84-1601 to 84-1615 in which the total cost of the single, two-party, four-party, and family coverages are less than the rates listed in section 84-1611. The state shall provide such coverage at no cost to the employee.~~ The personnel division of the Department of Administrative Services may offer medical and health-related benefit plans to employees in addition to the contracts entered into pursuant to sections 84-1605 and 84-1608. Such benefits shall be offered at the rates listed in section 84-1611, and additional contributions necessary to cover the costs of such benefits may be required from employees.".

2. On page 2, lines 3 through 27, strike the new matter and insert "(1) For any contract period or periods beginning on or after July 1, 1993, the state shall make the following contributions from the various funds toward payment of a health insurance or maintenance program which may include coverage for dependents: (a) For any employee with a service date of May 4, 1993, or after, the state shall pay seventy-nine percent of the total cost of the plan, option, and coverage chosen by the employee, (b) for any employee who has a change in plan, option, or coverage after April 25, 1993, the state shall pay seventy-nine percent of the total cost of the plan, option, and coverage chosen by the employee, (c) for any employee who is required to change health carriers because of the termination of the plan and who does not change either the option, or coverage, the state shall pay an amount equal to seventy-nine percent of the total cost of the optional major medical plan for the same coverage as the plan chosen by the employee, subject to the limitations in subsection (2) of this section, (d) for any employee who chooses any coverage of the basic major medical plan, the state shall pay an amount equal to seventy-nine percent of the total cost of the optional major medical plan for the same coverage chosen by the employee, and (e) for all other employees, except as limited in subsection (2) of this section, the state shall pay an amount equal to seventy-nine percent of the optional major medical plan for the same coverage as the plan chosen by the employee.

(2)(a) Under no circumstances shall the state's contribution exceed the actual cost of the plan, option, and coverage chosen by the employee.

(b) The state's contribution shall not be less than seventy-nine percent of the total cost of the plan, option, and coverage chosen by the employee.

(3) For purposes of this section, (a) coverage shall mean the rate categories of one-party, four-party, and family, as offered under any contract entered into for medical benefits, (b) option shall mean one of the choices of levels of medical and other benefits offered by a carrier, and (c) service date shall mean the date maintained in the Nebraska employees information system and used for calculating vacation and sick leave benefits.

(4) If any provision of this section varies from the terms of a labor contract, the terms of the labor contract shall prevail for the employees covered by the labor contract.".

3. On page 3, line 19, strike "is" and insert "and section 84-1606, Revised Statutes Supplement, 1992, as amended by section 35, Legislative Bill 14, Ninety-second Legislature, Third Special Session, 1992, are".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 325A. Placed on General File as amended.
Standing Committee amendment to LB 325A:
AM1680:

1. Strike original sections 1, 66, 67, and 68 and insert the following new sections:

"Section 1. AGENCY NO. 3 -- LEGISLATIVE COUNCIL
Program No. 122 - Legislative Services

	FY1993-94	FY1994-95
GENERAL FUND	-0-	32,959
PROGRAM TOTAL	-0-	32,959

Sec. 2. AGENCY NO. 3 -- LEGISLATIVE COUNCIL
Program No. 123 - Clerk of the Legislature

	FY1993-94	FY1994-95
GENERAL FUND	-0-	6,900
PROGRAM TOTAL	-0-	6,900

Sec. 3. AGENCY NO. 3 -- LEGISLATIVE COUNCIL
Program No. 126 - Legislative Research

	FY1993-94	FY1994-95
GENERAL FUND	-0-	6,819
PROGRAM TOTAL	-0-	6,819

Sec. 4. AGENCY NO. 3 -- LEGISLATIVE COUNCIL
Program No. 127 - Revisor of Statutes

	FY1993-94	FY1994-95
GENERAL FUND	-0-	5,140
PROGRAM TOTAL	-0-	5,140

Sec. 5. AGENCY NO. 3 -- LEGISLATIVE COUNCIL
Program No. 504 - Office of Public Counsel

	FY1993-94	FY1994-95
GENERAL FUND	-0-	1,476
PROGRAM TOTAL	-0-	1,476

Sec. 6. AGENCY NO. 3 -- LEGISLATIVE COUNCIL
Program No. 638 - Fiscal and Program Analysis

	FY1993-94	FY1994-95
GENERAL FUND	-0-	5,132
PROGRAM TOTAL	-0-	5,132

Sec. 71. AGENCY NO. 24 -- DEPARTMENT OF MOTOR VEHICLES
Program No. 32 - Departmental Administration

	FY1993-94	FY1994-95
GENERAL FUND	-0-	3,110
FEDERAL FUND est.	-0-	90
PROGRAM TOTAL	-0-	3,200

Sec. 72. AGENCY NO. 24 -- DEPARTMENT OF MOTOR VEHICLES
Program No. 70 - Enforcement of Standards - Motor Vehicles/Motor Vehicle Drivers

	FY1993-94	FY1994-95

GENERAL FUND	-0-	53,061
CASH FUND	-0-	5,248
PROGRAM TOTAL	-0-	58,309

The State Treasurer shall make transfers as directed in section 172 of this act.

Sec. 73. AGENCY NO. 24 -- DEPARTMENT OF MOTOR VEHICLES

Program No. 644 - Highway Safety

	FY1993-94	FY1994-95
GENERAL FUND	-0-	480
FEDERAL FUND est.	-0-	1,419
PROGRAM TOTAL	-0-	1,899

Sec. 115. AGENCY NO. 54 -- NEBRASKA STATE HISTORICAL SOCIETY

Program No. 542 - Branch Museums

	FY1993-94	FY1994-95
GENERAL FUND	-0-	3,680
PROGRAM TOTAL	-0-	3,680

Sec. 148. Agency No. 72 -- DEPARTMENT OF ECONOMIC DEVELOPMENT

Program No. 601 - Community and Rural Development

	FY1993-94	FY1994-95
GENERAL FUND	-0-	117
CASH FUND	-0-	700
FEDERAL FUND est.	-0-	3,306
PROGRAM TOTAL	-0-	4,123

Sec. 149. Agency No. 72 -- DEPARTMENT OF ECONOMIC DEVELOPMENT

Program No. 602 - Research

	FY1993-94	FY1994-95
GENERAL FUND	-0-	2,781
CASH FUND	-0-	300
PROGRAM TOTAL	-0-	3,081

Sec. 150. Agency No. 72 -- DEPARTMENT OF ECONOMIC DEVELOPMENT

Program No. 603 - Business Recruitment

	FY1993-94	FY1994-95
GENERAL FUND	-0-	3,081
PROGRAM TOTAL	-0-	3,081

Sec. 151. Agency No. 72 -- DEPARTMENT OF ECONOMIC DEVELOPMENT

Program No. 616 - Existing Business Assistance

	FY1993-94	FY1994-95
GENERAL FUND	-0-	4,017
FEDERAL FUND est.	-0-	328
PROGRAM TOTAL	-0-	4,345".

2. On page 12, lines 27 and 28, strike "1,905" and insert "19,005".

3. On page 23, after line 25 insert:

"CASH FUND -0- 690" and in line 26 strike "22,140" and insert "22,830".

4. On page 24, line 11, strike "49" and insert "50".

5. On page 25, lines 17 and 18, strike "22,722" and insert "19,042".

6. On page 27, after lines 6 and 11 insert:

"If Legislative Bill 364, Ninety-third Legislature, First Session, 1993, becomes law, the appropriation in this section shall be transferred to Agency No. 60 - Nebraska Ethanol Board, Program 516, on the operative date of Legislative Bill 364, Ninety-third Legislature, First Session, 1993.

7. On page 30, after line 23 insert:

"REVOLVING FUND -0- 1,450" and in line 24 strike "9,047" and insert "10,497".

8. On page 32, line 11, strike "17,533" and insert "7,537"; strike lines 12 and 13; and in line 14 strike "22,167" and insert "7,537".

9. On page 37, line 14, strike "$13,411" and insert "$4,898"; in line 23 strike "Section 1" and insert "Sections 1 to 6"; and in line 27 strike "2 to 8" and insert "7 to 13".

10. On page 38, line 5, strike "9 to 13" and insert "14 to 18"; in line 11 strike "14 and 15" and insert "19 and 20"; in line 15 strike "16 to 21" and insert "21 to 26"; in line 21 strike "22" and insert "27"; in line 22 strike "23" and insert "28"; and in line 27 strike "24" and insert "29".

11. On page 39, line 3, strike "25 to 27" and insert "30 to 32"; in line 8 strike "28" and insert "33"; in line 9 strike "35" and insert "40"; in line 15 strike "36" and insert "41"; in line 16 strike "37" and insert "42"; in line 20 strike "38" and insert "43"; in line 24 strike "39" and insert "44"; and in line 25 strike "42" and insert "47".

12. On page 40, line 2, strike "43" and insert "48"; in line 3 strike "45" and insert "50"; in line 7 strike "46" and insert "51"; in line 8 strike "54" and insert "59"; in line 16 strike "55 and 56" and insert "60 and 61"; in lines 18 and 19 strike "6,705" and insert "23,805"; in line 20 strike "57 to 59" and insert "62 to 64"; and in line 26 strike "60" and insert "65".

13. On page 41, line 3, strike "61" and insert "66"; in line 4 strike "62" and insert "67"; in line 8 strike "63 to 65" and insert "68 to 70"; in line 14 strike "66" and insert "71"; in line 15 strike "68" and insert "73"; after line 16 insert:

"GENERAL FUND -0- 56,651" in line 17 strike "61,443" and insert "5,248"; in line 18 strike "1,965" and insert "1,509"; in line 21 strike "69 to 73" and insert "74 to 78"; and in line 27 strike "74" and

insert "79".

14. On page 42, line 4, strike "75 to 78" and insert "80 to 83"; in line 9 strike "79" and insert "84"; in line 14 strike "80 and 81" and insert "85 and 86"; in line 18 strike "82" and insert "87"; and in line 22 strike "83 and 84" and insert "88 and 89".

15. On page 43, line 1 strike "85" and insert "90"; in line 6 strike "86" and insert "91"; in line 7 strike "91" and insert "96"; in line 13 strike "92" and insert "97"; in line 18 strike "93" and insert "98"; in line 22 strike "94" and insert "99"; and in line 27 strike "95 and 96" and insert "100 and 101".

16. On page 44, line 5, strike "97" and insert "102"; in line 9 strike "98" and insert "103"; in line 14 strike "99" and insert "104"; in line 19 strike "100" and insert "105"; in line 24 strike "101" and insert "106"; and in line 28 strike "102" and insert "107".

17. On page 45, line 5, strike "103" and insert "108"; in line 12 strike "104 and 105" and insert "109 and 110"; in line 14 strike "19,696" and insert "23,952"; after line 14 insert:

"CASH FUND -0- 690"

in line 15 strike "19,696" and insert "24,642"; in line 17 strike "106" and insert "111"; in line 21 strike "49" and insert "50"; in line 22 strike "107" and insert "112"; and in line 27 strike "108" and insert "113".

18. On page 46, line 4, strike "109" and insert "114"; in line 9 strike "Section 110" and insert "Sections 115 and 116"; in line 14 strike "111 to 113" and insert "117 to 119"; in line 20 strike "114" and insert "120"; and in line 25 strike "115" and insert "121".

19. On page 47, line 2, strike "116" and insert "122"; in line 6 strike "117" and insert "123"; in line 7 strike "118" and insert "124"; in line 12 strike "119" and insert "125"; in line 16 strike "120" and insert "126"; in line 17 strike "121" and insert "127"; in line 23 strike "122 to 135" and insert "128 to 141"; in line 27 strike "108,267" and insert "109,717"; and in line 28 strike "152,431" and insert "153,881".

20. On page 48, line 2, strike "136" and insert "142"; in line 7 strike "137" and insert "143"; in line 11 strike "138" and insert "144"; in line 17 strike "139" and insert "145"; in line 21 strike "140" and insert "146"; and in line 26 strike "141 and 142" and insert "147 to 152".

21. On page 49, line 5, strike "143" and insert "153"; in line 10 strike "144" and insert "154"; in line 15 strike "145" and insert "155"; in line 20 strike "146" and insert "156"; and in line 25 strike "147 to 150" and insert "157 to 160".

22. On page 50, line 4, strike "151" and insert "161"; in line 9 strike "152 and 153" and insert "162 and 163"; in line 16 strike "154" and insert "164"; in line 20 strike "155" and insert "165"; and in line 25 strike "156" and insert "166".

23. On page 51, line 2, strike "157" and insert "167"; in line 7 strike "158" and insert "168"; and in line 12 strike "159" and insert "169".

24. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 326. Placed on General File as amended.
Standing Committee amendment to LB 326:
AM1681

1. Strike original sections 1, 58, 59, and 60 and insert the following new sections:

"Section 1. AGENCY NO. 3 -- LEGISLATIVE COUNCIL
Program No. 122 - Legislative Services

	FY1993-94	FY1994-95
GENERAL FUND	19,908	106,100
PROGRAM TOTAL	19,908	106,100
SALARY LIMIT	23,015	109,322

Sec. 2. AGENCY NO. 3 -- LEGISLATIVE COUNCIL
Program No. 123 - Clerk of the Legislature

	FY1993-94	FY1994-95
GENERAL FUND	8,044	42,870
PROGRAM TOTAL	8,044	42,870
SALARY LIMIT	9,299	44,172

Sec. 3. AGENCY NO. 3 -- LEGISLATIVE COUNCIL
Program No. 126 - Legislative Research

	FY1993-94	FY1994-95
GENERAL FUND	3,196	17,034
PROGRAM TOTAL	3,196	17,034
SALARY LIMIT	3,695	17,552

Sec. 4. AGENCY NO. 3 -- LEGISLATIVE COUNCIL
Program No. 127 - Revisor of Statutes

	FY1993-94	FY1994-95
GENERAL FUND	2,648	14,114
PROGRAM TOTAL	2,648	14,114
SALARY LIMIT	3,062	14,543

Sec. 5. AGENCY NO. 3 -- LEGISLATIVE COUNCIL
Program No. 504 - Office of Public Counsel

	FY1993-94	FY1994-95
GENERAL FUND	1,126	6,003
PROGRAM TOTAL	1,126	6,003
SALARY LIMIT	1,302	6,185

Sec. 6. AGENCY NO. 3 -- LEGISLATIVE COUNCIL
Program No. 638 - Fiscal and Program Analysis

	FY1993-94	FY1994-95
GENERAL FUND	2,239	11,925

PROGRAM TOTAL	2,239	11,925
SALARY LIMIT	2,587	12,286

Sec. 63. AGENCY NO. 24 -- DEPARTMENT OF MOTOR VEHICLES

Program No. 32 - Departmental Administration

	FY1993-94	FY1994-95
GENERAL FUND	1,681	8,967
FEDERAL FUND est.	47	249
PROGRAM TOTAL	1,728	9,216
SALARY LIMIT	2,200	10,450

Sec. 64. AGENCY NO. 24 -- DEPARTMENT OF MOTOR VEHICLES

Program No. 70 - Enforcement of Standards - Motor Vehicles/Motor Vehicle Drivers

	FY1993-94	FY1994-95
GENERAL FUND	25,979	130,209
CASH FUND	5,320	28,583
PROGRAM TOTAL	31,299	158,792
SALARY LIMIT	37,360	163,685

The State Treasurer shall make transfers as directed in section 167 of this act.

Sec. 65. AGENCY NO. 24 -- DEPARTMENT OF MOTOR VEHICLES

Program No. 644 - Highway Safety

	FY1993-94	FY1994-95
GENERAL FUND	255	1,318
FEDERAL FUND est.	782	3,290
PROGRAM TOTAL	1,037	4,608
SALARY LIMIT	1,200	4,750

Sec. 106. AGENCY NO. 54 -- NEBRASKA STATE HISTORICAL SOCIETY

Program No. 542 - Branch Museums

	FY1993-94	FY1994-95
GENERAL FUND	2,249	11,986
PROGRAM TOTAL	2,249	11,986
SALARY LIMIT	2,600	12,350

Sec. 139. AGENCY NO. 72 -- DEPARTMENT OF ECONOMIC DEVELOPMENT

Program No. 601 - Community and Rural Development

	FY1993-94	FY1994-95
GENERAL FUND	341	1,796
CASH FUND	280	1,489
FEDERAL FUND est.	1,687	9,007
PROGRAM TOTAL	2,308	12,292
SALARY LIMIT	2,002	10,665

Sec. 140. AGENCY NO. 72 -- DEPARTMENT OF ECONOMIC DEVELOPMENT

Program No. 602 - Research

	FY1993-94	FY1994-95

GENERAL FUND	1,074	5,743
CASH FUND	119	634
PROGRAM TOTAL	1,193	6,377
SALARY LIMIT	1,035	5,531

Sec. 141. AGENCY NO. 72 -- DEPARTMENT OF ECONOMIC DEVELOPMENT

Program No. 603 - Business Recruitment

	FY1993-94	FY1994-95
GENERAL FUND	1,534	8,176
PROGRAM TOTAL	1,534	8,176
SALARY LIMIT	1,333	7,094

Sec. 142. AGENCY NO. 72 -- DEPARTMENT OF ECONOMIC DEVELOPMENT

Program 616 - Existing Business Assistance

	FY1993-94	FY1994-95
GENERAL FUND	1,859	9,891
FEDERAL FUND est.	170	891
PROGRAM TOTAL	2,029	10,782
SALARY LIMIT	1,762	9,357".

2. On page 6, lines 4 and 5, strike "1,123 5,990" and insert "1,551 6,830"; in line 6 strike "975 5,200" and insert "1,350 5,940"; in lines 10 and 11 strike "778 4,147" and insert "1,206 6,270"; and in line 12 strike "675 3,600" and insert "1,050 5,463".

3. On page 25, after line 19 insert:

"CASH FUND	171	911"

in line 20 strike "12,495 66,361" and insert "12,666 67,272"; and in line 21 strike "10,860 51,300" and insert "11,010 52,100".

4. On page 26, line 8, strike "49" and insert "50".

5. On page 27, lines 16 and 17, strike "13,581 72,377" and insert "11,332 60,391"; and in line 18 strike "15,700 74,575" and insert "13,100 62,225".

6. On page 29, after lines 13 and 19 insert:

"If Legislative Bill 364, Ninety-third Legislature, First Session, 1993, becomes law, the appropriation and SALARY LIMIT in this section shall be transferred to Agency No. 60 - Nebraska Ethanol Board, Program 516, on the operative date of Legislative Bill 364, Ninety-third Legislature, First Session, 1993.".

7. On page 33, after line 18 insert:

"REVOLVING FUND	570	3,041"

in line 19 strike "5,149 27,464" and insert "5,719 30,505"; and in line 20 strike "4,470 23,840" and insert "4,970 26,506".

8. On page 35, line 14, strike "7,484 39,885" and insert "2,676 14,279"; strike lines 15 and 16; in line 17 strike "9,740 51,906" and insert "2,676 14,279"; and in line 18 strike "8,455 45,040" and insert "2,323

12,393".

9. On page 43, line 9, strike "$31,299" and insert "$2,441"; and in line 22 strike "$158,792" and insert "$12,386".

10. On page 44, line 3, strike "Section 1" and insert "Sections 1 to 6"; in line 8 strike "2 to 4" and insert "7 to 9"; in line 15 strike "5 to 8" and insert "10 to 13"; in line 22 strike "9" and insert "14"; and in line 27 strike "10 to 14" and insert "15 to 19".

11. On page 45, line 6, strike "15" and insert "20"; in line 7 strike "16" and insert "21"; in line 13 strike "17" and insert "22"; in line 18 strike "18 and 19" and insert "23 and 24"; in line 20 strike "1,123 5,990" and insert "1,551 6,830"; in line 21 strike "778 4,147" and insert "1,206 6,270"; in line 22 strike "1,901 10,137" and insert "2,757 13,100"; in line 23 strike "1,650 8,800" and insert "2,400 11,403"; in line 24 strike "20" and insert "25"; and in line 25 strike "27" and insert "32".

12. On page 46, line 4, strike "28" and insert "33"; in line 5 strike "29" and insert "34"; in line 11 strike "30" and insert "35"; in line 12 strike "32" and insert "37"; in line 18 strike "33" and insert "38"; in line 19 strike "36" and insert "41"; in line 24 strike "37" and insert "42"; and in line 25 strike "46" and insert "51".

13. On page 47, line 6, strike "47 and 48" and insert "52 and 53"; in line 11 strike "49 to 51" and insert "54 to 56"; in line 18 strike "52" and insert "57"; in line 24 strike "53" and insert "58"; and in line 25 strike "54" and insert "59".

14. On page 48, line 2, strike "55 to 57" and insert "60 to 62"; in line 9 strike "58" and insert "63"; in line 10 strike "60" and insert "65"; strike lines 12 and 13 and insert:

"GENERAL FUND	27,915	140,494
CASH FUND	5,320	28,583
FEDERAL FUND est.	829	3,539"

in line 17 strike "61 to 65" and insert "66 to 70"; and in line 24 strike "66" and insert "71".

15. On page 49, line 2, strike "67 to 71" and insert "72 to 76"; in line 8 strike "72" and insert "77"; in line 14 strike "73" and insert "78"; in line 19 strike "74" and insert "79"; and in line 24 strike "75 and 76" and insert "80 and 81".

16. On page 50, line 4, strike "77" and insert "82"; in line 10 strike "78" and insert "83"; in line 11 strike "83" and insert "88"; in line 18 strike "84" and insert "89"; and in in 24 strike "85" and insert "90".

17. On page 51, line 1, strike "86" and insert "91"; in line 7 strike "87" and insert "92"; in line 14 strike

"88" and insert "93"; in line 19 strike "89" and insert "94"; and in line 25 strike "90" and insert "95".

18. On page 52, line 3, strike "91" and insert "96"; in line 8 strike "92" and insert "97"; in line 13 strike "93" and insert "98"; in line 19 strike "94" and insert "99"; and in line 27 strike "95 and 96" and insert "100 and 101".

19. On page 53, after line 1 insert:

"CASH FUND 171 911"

in line 2 strike "13,186 70,048" and insert "13,357 70,959"; in line 3 strike "11,660 55,100" and insert "11,810 55,900"; in line 5 strike "97" and insert "102"; in line 10 strike "49" and insert "50"; in line 11 strike "98" and insert "103"; in line 15 strike "99" and insert "104"; in line 20 strike "100" and insert "105"; and in line 26 strike "Section 101" and insert "Sections 106 and 107".

20. On page 54, line 4, strike "102 to 104" and insert "108 to 110"; in line 11 strike "105" and insert "111"; in line 17 strike "106" and insert "112"; in line 23 strike "107" and insert "113"; and in line 28 strike "108" and insert "114".

21. On page 55, line 1, strike "109" and insert "115"; in line 7 strike "110" and insert "116"; in line 12 strike "111" and insert "117"; in line 13 strike "112" and insert "118"; in line 20 strike "113 to 126" and insert "119 to 132"; in line 24 strike "64,701 344,823" and insert "65,271 347,864"; in line 25 strike "89,328 476,099" and insert "89,898 479,140"; in line 26 strike "77,825 414,479" and insert "78,325 417,145"; and in line 28 strike "127" and insert "133".

22. On page 56, line 6, strike "128" and insert "134"; in line 11 strike "129" and insert "135"; in line 18 strike "130" and insert "136"; and in line 23 strike "131" and insert "137".

23. On page 57, line 1, strike "132 and 133" and insert "138 to 143"; in line 9 strike "134" and insert "144"; in line 15 strike "135" and insert "145"; in line 21 strike "136" and insert "146"; and in line 27 strike "137" and insert "147".

24. On page 58, line 5, strike "138 to 141" and insert "148 to 151"; in line 13 strike "142" and insert "152"; in line 19 strike "143 and 144" and insert "153 and 154"; and in line 27 strike "145" and insert "155".

25. On page 59, line 4, strike "146" and insert "156"; in line 10 strike "147" and insert "157"; in line 16 strike "148" and insert "158"; in line 22 strike "149" and insert "159"; and in line 28 strike "150" and insert "160".

26. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 327. Placed on General File as amended.

Standing Committee amendment to LB 327:
AM1709

1. On page 3, lines 4 and 5, strike "676,624 677,926" and insert "675,959 675,959"; in lines 10 and 11 strike "560,587 561,703" and insert "555,157 555,157"; in lines 17 and 18 strike "4,991,540 5,001,770" and insert "4,965,157 4,965,157"; and in lines 23 and 24 strike "4,791,481 4,802,083" and insert "4,772,417 4,772,417".

2. On page 5, lines 9 and 10, strike "257,841" and insert "257,481"; in lines 15 and 16 strike "281,304 289,301" and insert "273,541 273,541"; and in lines 21 and 22 strike "85,508 85,521" and insert "85,495 85,495".

LEGISLATIVE BILL 328. Placed on General File.

LEGISLATIVE BILL 329. Placed on General File as amended.
Standing Committee amendment to LB 329:
AM1688

1. Strike original sections 9 and 10 and insert the following new sections:

"Sec. 7. AGENCY NO. 13 -- STATE DEPARTMENT OF EDUCATION

Program No. 903 - Western Nebraska Regional Pod

	FY1993-94	FY1994-95	FUTURE
STATE BUILDING FUND	53,591	-0-	-0-
PROGRAM TOTAL	53,591	-0-	-0-

The State Department of Education is hereby authorized to purchase classroom equipment for the Western Nebraska Regional Distance Learning Project. There is included in the appropriation to this program for FY1993-94 $53,591 from the State Building Fund to purchase such equipment.

Sec. 21. AGENCY NO. 47 -- NEBRASKA EDUCATIONAL TELECOMMUNICATIONS COMMISSION

Program No. 901 - Western Nebraska Regional Pod

	FY1993-94	FY1994-95	FUTURE
STATE BUILDING FUND	32,173	-0-	-0-
PROGRAM TOTAL	32,173	-0-	-0-

The Nebraska Educational Telecommunications Commission is hereby authorized to purchase a Codec with the funds appropriated in this section. The Codec shall be retained by the commission to use as a loaner for all NEBSAT participants, however, priority for the usage of this Codec shall at all times be given to Western Nebraska Regional Distance Learning Project.".

2. On page 4, lines 10, 11, and 14, strike "4,529,601" and insert "4,239,601"; and in line 19 strike "Addition" and insert "ADA Improvements" and strike "400,000" and insert "110,000".

3. On page 5, after line 3, insert:

"It is the intent of the Legislature that funds appropriated to the Department of Roads for capital facility projects shall only be spent for the purpose of the original appropriation and that the department shall not transfer appropriation authority from one capital facility project to another.".

4. On page 8, lines 21 and 22, strike "319,400" and insert "304,400"; and strike line 28.

5. On page 9, strike lines 1 through 3, 22, and 23; in lines 7 and 8 strike "119,500" and insert "76,500"; and in line 25 strike "18,000" and insert "10,000".

6. On page 11, line 28, strike "847,000" and insert "339,000" and strike "838,000" and insert "320,000".

7. On page 12, line 1, strike "847,000" and insert "339,000" and strike "838,000" and insert "320,000"; and after line 4 insert:

"It is the intent of the Legislature that the Game and Parks Commission shall apply for and make maximum use of federal funding on all capital construction projects which are eligible for such assistance. It is the intent of the Legislature that all funds appropriated to the Game and Parks Commission for capital construction projects shall only be spent for the purpose of the original appropriation.".

8. On page 14, line 14, after the period insert "In accordance with the provisions of section 85-322, of the amount appropriated to this program for FY1993-94, the Board of Trustees of the Nebraska State Colleges is hereby specifically authorized to expend an amount not to exceed $315,000 for improvements to the primary electrical distribution system at Peru State College.".

9. On page 22, strike beginning with "There" in line 17 through line 28 and insert "There is included in the appropriation to this program $80,000 for FY1993-94 and $80,000 for FY1994-95 for the completion of roof scans and testing, to conduct maintenance seminars, and for the development of preventive maintenance programs.

10. On page 23, strike lines 1 through 7.

11. On page 25, line 3, after "978" insert ", except that for FY1993-94 only the undisbursed balances existing on June 30, 1993, for the following projects shall be appropriated, all other unobligated June 30, 1993, balances shall lapse:

Program No. 901 -- Calamus Fish Hatchery

Program No. 967 -- Fort Robinson - reconstruction of the post playhouse

-- Smith Falls - new park development

Program No. 969 -- Pawnee SRA - construction of a

maintenance building
Program No. 971 -- Wildlife Management Areas - basic improvements
Program No. 972 -- Alliance Office - handicap facilities
-- Bassett Office - roof repairs
-- Norfolk Office - roof repairs and office renovation
-- North Platte Office - carpet
Program No. 973 -- River and stream access
-- Lake acquisition and development
-- Reservoir construction
-- Fishing access on existing areas
-- North Platte Hatchery reconstruction and improvements.".
12. Renumber remaining sections accordingly.

LEGISLATIVE BILL 331. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1690.)

LEGISLATIVE BILL 541. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1691.)

LEGISLATIVE BILL 50. Placed on General File as amended.
Standing Committee amendment to LB 50:
AM0928

1. On page 2, line 18, strike "fund" and insert "State Treasurer Administrative Fund"; strike beginning with "used" in line 19 through "Act" in line 20 and insert "credited to the Unclaimed Property Cash Fund"; and in line 22 strike "fund" and insert "State Treasurer Administrative Fund or the Unclaimed Property Cash Fund".

LEGISLATIVE BILL 321. Placed on General File as amended.
Standing Committee amendment to LB 321:
AM0980

1. Insert the following new sections:
"Sec. 3. That section 90-261, Revised Statutes Supplement, 1992, be amended to read as follows:
90-261. The Legislature hereby finds that:
~~(1) It~~ it is in the best interests of the State of Nebraska and the Strategic Air Command Museum to transfer the state's interest in the museum to a responsible, private, nonprofit entity on suitable terms and conditions in order to facilitate the ability of the museum to seek new funding

sources, insure the future growth and improvement of its ~~current~~ facilities, and guarantee that it will continue to make significant contributions to the state's economy and tourism industry. ~~; and~~

~~(2) The current location of the museum immediately adjacent to Offutt Air Force Base and the headquarters of the Strategic Air Command is historically, practically, and economically appropriate and should be preserved in any future arrangement for the private management of the museum.~~

Sec. 4. That section 90-262, Revised Statutes Supplement, 1992, be amended to read as follows:

90-262. The Governor is hereby authorized to take such action as is necessary to divest the State of Nebraska and the Department of Economic Development of any existing interest in the Strategic Air Command Museum, also known as the Strategic Aerospace Museum and the SAC Museum, under the lease originally entered into between the United States of America, the United States Air Force, the State of Nebraska, and the Game and Parks Commission in December 1969, as assigned under section 81-1222.01, at such time as the following conditions are met:

(1) Divestment by the State of Nebraska will result in the transfer of the state's interest in the museum to an appropriate, financially responsible, private, nonprofit, Nebraska entity; and

(2) The United States of America and the United States Air Force formally agree, prior to divestment, to a transfer of the state's interest in the lease to such entity. ~~; and~~

~~(3) The entity commits in writing to the Governor, and the proposed documents creating the new relationship between the entity, the United States, and the United States Air Force provide evidence of the commitment, to retain the museum and future improvements and additions at the current location for the full term of the agreement between the United States and the entity.~~".

2. On page 2, line 21, strike "and 82-136" and insert ", 82-136, 90-261, and 90-262".

3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 323. Placed on General File.

LEGISLATIVE BILL 543. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1698.)

LEGISLATIVE BILL 670. Placed on General File.

LEGISLATIVE BILL 657. Placed on General File as amended.

Standing Committee amendment to LB 657:
AM1683

1. On page 2, line 13, strike "two million" and insert "eleven thousand one hundred"; in lines 14 and 15 strike "two million one hundred thousand" and insert "eleven thousand one hundred"; in line 15 after "and" insert "if this act is challenged in court and upheld as constitutional"; and in line 16 strike "twelve million four hundred thousand" and insert "sixteen million four hundred seventy-seven thousand eight hundred".

LEGISLATIVE BILL 322. Placed on General File as amended.
Standing Committee amendment to LB 322:
AM1682

1. Strike original section 10 and insert the following new sections:

"Sec. 10. In addition to the purchasing requirements specified in sections 81-145 to 81-162 and 81-1118 to 81-1118.06, section 11 of this act shall apply to any contract for personal services which on the effective date of this act are performed by state employees when the contract is between a private entity and a state agency.

Sec. 11. Any state agency which intends to enter into a contract described in section 10 of this act shall submit a report to the Department of Administrative Services and the Legislative Fiscal Analyst. The report shall include the following:

(1) A review of the costs associated with providing the service at the time the report is submitted and under the proposed contract. The review shall include: (a) estimated costs to perform the service to be contracted if performed by state employees for each of the next five fiscal years and (b) estimated costs to perform the services if performed by a private entity for each of the next five fiscal years. The costs shall include and detail: Direct costs which shall include salaries, wages, fringe benefits, and supplies used directly to perform the services; indirect costs which shall include all other costs, including allocated administrative salaries, benefits, rent, equipment expense, utilities, maintenance, and supplies; and any transitional costs expected to convert from current operations to private contract, including unemployment compensation, benefit payouts, and data processing changes;

(2) A listing and description of measurable goals for improving service quality;

(3) An assessment of the feasibility of alternatives within the agency to contracting for performance of the service;

(4) A review of how contracting with a private

entity may effect centralized services currently used to perform the service; and

(5) A copy of the request for proposal.

It shall be the responsibility of the materiel administrator to verify that the report has been submitted to the department and Legislative Fiscal Analyst.".

2. On page 2, strike beginning with "any" in line 23 through "bidding" in line 27 and insert an underscored colon, paragraphing, and the following new subdivisions:

"(a) Any service covered by the Nebraska Consultants' Competitive Negotiation Act;

(b) Any service for erecting, furnishing, or repairing a state-owned building or improvement when such service has specific statutory guidelines for competitive bidding;

(c) Any labor contract or agreement for state government employees as outlined in appropriations bills and Chapter 84;

(d) Any service procured by a state agency for client services which deals specifically with medical services, personal health services, veterinarian services, or other services procured for individuals as part of any public assistance service or any other client-based service deemed necessary by the Director of Administrative Services or by the director's appointee from within the materiel division;

(e) Any service for which payment is to be made from the Tort Claims Fund, the Workers' Compensation Claims Fund, or the State Self-Insured Indemnification and Liability Fund; or

(f) Any services, other than attorney services, necessary for litigation in which the state is a party".

3. On page 3, line 16, strike "not inconsistent", show as stricken, and insert "consistent".

4. On page 4, lines 20, 22, 24, and 28, after "bids" insert "or proposals"; and in line 22 after "bidders" insert "or persons submitting proposals".

5. On page 5, line 1, strike "a" and "number of bidders" and show as stricken; in line 2 strike "his or her", show as stricken, and insert "a"; in line 14 after "bids" insert "or proposals"; in line 18 after "bid" insert "or the best proposal"; and in line 28 after "based" insert "only".

6. On page 7, after line 12, insert the following new paragraph:

"The materiel division may develop and utilize criteria similar to the procurement principles set forth in this section for proposals for services which are competitive but not bid which serve the best interests of the state.".

7. On page 10, line 27, after "bidding" insert "and request for proposal".

8. On page 11, line 5, after "process" insert "or a request for proposal"; in line 9 after "bidding" insert "process or a request for proposal"; in line 17 after "process" insert "or a request for proposal"; in lines 18 and 21 after "cases" insert "except as provided in section 81-161.03"; in line 19 strike "ten" and insert "fifteen"; and in line 22 strike "of less than ten" and insert "exceeding one thousand dollars but less than fifteen".

9. On page 13, lines 4 and 5, strike "81-1118, and 81-1118.03" and insert "and 81-1118".

10. Renumber the remaining section accordingly.

(Signed) Scott Moore, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 29, 1993. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Mueller, William J./Knudsen, Berkheimer, et al.
Mueller, William J. - Lincoln Andersen Consulting
Ruth, Larry L./Knudsen, Berkheimer, et al.
Ruth, Larry L. - Lincoln Andersen Consulting

UNANIMOUS CONSENT - Print in Journal

Mr. Dierks asked unanimous consent to print the following amendment to LB 739 in the Journal. No objections. So ordered.

AM1685

1. Insert the following new section:

"Sec. 4. That section 37-1507, Revised Statutes Supplement, 1992, be amended to read as follows:

37-1507. Whenever abandoned railroad right-of-way trails are developed pursuant to the Trail Development Assistance Act and section 2 of this act:

(1) Boundary ~~, boundary~~ fences shall be constructed and maintained as required for railroads in sections 74-601 to 74-609 unless such construction and maintenance is waived in writing by affected adjoining property owners. Such fences shall be deemed to be manifestly designed to exclude intruders for the purposes of subdivision (1)(c) of section 28-521;

(2) Toilet facilities shall be provided at regular intervals along the trail for use of persons using the trail;

and

(3) Camping areas may be designated and camping or open fires shall be permitted only at such designated areas.".

2. On page 2, strike beginning with "any" in line 22 through line 28 and all amendments thereto.

3. On page 3, strike line 1; in line 2 strike "(4)" and insert "(3)"; and in line 5 strike "(5)" and insert "(4)".

4. On page 3, line 20, strike "section 37-1503" and insert "sections 37-1503 and 37-1507"; and in line 21 strike "is" and insert "are".

5. Renumber the remaining sections accordingly.

Mr. Dierks asked unanimous consent to print the following amendment to LB 739 in the Journal. No objections. So ordered.

AM1684

1. Insert the following new section:

"Sec. 3. If any portions of the right-of-way accepted under section 2 of this act have not been developed as a recreational trail within five years after the date of acceptance, the Game and Parks Commission shall notify the Interstate Commerce Commission that it shall vacate such portions of the right-of-way on a date specific, which shall not be more than six months subsequent to such notification.".

2. On page 3, after line 7, insert the following new subsection:

"(6) For purposes of this section, recreational trail shall mean a linear corridor of land which has been modified or provided with day-use amenities, support facilities, or other improvements as may be required by law so as to be adapted principally to nonmotorized recreational use.".

4. Renumber the remaining sections accordingly.

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 421 in the Journal. No objections. So ordered.

AM1666

1. Insert the following new sections:

"Sec. 18. Utility shall mean any person engaged in the business of providing the storage or conveyance of water, sewage, electronic communications, telephonic communications, telegraphic communications, fiber optics, cable television, electric energy, oil, gas, or the transportation of hazardous liquids, including petroleum or petroleum products through an underground pipeline facility.

Sec. 26. A utility may enter into agreements with other utilities in the area in which it operates which provides for notice of an intended excavation to be given

directly to those other utilities. Any such agreement shall provide that notice will be given in substantial compliance with subsection (2) of section 24 of this act and that the marking or identification of any underground facilities shall be in strict compliance with section 27 of this act, except that the agreement may require that the marking or identification of the underground facilities be performed in less than two business days. A record of all notices of an intended excavation received by a utility pursuant to an agreement as provided in this section shall be maintained in the principal office of the receiving utility.".

2. On page 2, line 15, strike "17" and insert "18".

3. On page 3, line 12, after "state" insert "but shall not include a utility which has entered into an agreement pursuant to section 26 of this act".

4. On page 6, line 28, strike "A person" and insert "An excavator".

5. On page 8, line 5, strike "section 22" and insert "section 24 or 26".

6. On page 9, lines 6, 10, and 27, after "excavator" insert "or utility"; in line 7 strike "section 23" and insert "section 24 or 26"; in line 14 strike "25" and insert "27"; and in line 15 strike "person" and insert "excavator or utility".

7. On page 10, lines 1, 6, 13, 18, 22, 23, 24, and 27, after "excavator" insert "or utility"; in line 15 strike "23 and 25" and insert "24 and 27"; in line 19 strike "23" and insert "24"; in line 23 strike "26" and insert "28"; and in line 24 strike "27" and insert "29".

8. Renumber the remaining sections accordingly.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 30, 1993, at 11:25 a.m., were the following bills: 193, 431, 74, 280, 315, 364, 364A, 478, 529, 539, 545, 547, 555, 582, 625, 652, 781, and 253.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Member Excused

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

MR. HALL PRESIDING

MOTION - Return LB 629 to Select File

Mr. Ashford moved to return LB 629 to Select File for the following specific amendment:

AM1797

1. In the Ashford amendment, FA124, on page 1, line 4, strike "any" and insert "child".

2. In the Ashford amendment, AM1409:

(a) On page 2, strike beginning with "line" in line 20 through "in" in line 21; in line 21 after "25" insert a comma; and strike beginning with the semicolon in line 22 through line 27 and insert a period; and

(b) On page 3, strike lines 1 through 5.

3. On page 2, line 10, strike "or section 43-1412".

4. On page 10, lines 2 and 3, strike "42-364 or 43-1412" and all amendments thereto and insert "42-120 or 42-364"; in lines 14 and 15 strike the new matter and reinstate the stricken matter; and in line 16 reinstate the stricken "may" and strike "shall".

The Ashford motion to return prevailed with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Messrs. Dierks and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 629. The Ashford specific amendment, AM1797, found in this day's Journal, was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 629 to Select File

Mr. Wesely moved to return LB 629 to Select File for the following specific amendment:

AM1798

1. In FA123, strike "child abuse" and insert "abuse or neglect as defined in section 28-710"; before "reported" insert "timely"; and strike "the reports are founded" and insert "a report should be made pursuant to section 28-711".

2. In FA124, line 4, strike "any abuse" and insert "abuse or neglect as defined in section 28-710".

3. In FA127, strike "the reports are founded" and insert "a report should be made pursuant to section 28-711".

The Wesely motion to return prevailed with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 629. The Wesely specific amendment, AM1798, found in this day's Journal, was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Member Excused

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

GENERAL FILE

LEGISLATIVE BILL 38. Title read. Considered.

Standing Committee amendment, AM1674, found in the Journal on page 1767, was considered.

Ms. Day and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 152. Title read. Considered.

Standing Committee amendment, AM0449, found in the Journal on page 1038, was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

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

Mr. Dierks renewed his pending amendment, AM1311, found in the Journal on page 1394.

The Dierks amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Vrtiska withdrew his pending amendments, AM0992 and AM1240, found in the Journal on pages 1223 and 1395.

Mr. Vrtiska renewed his pending amendment, AM1402, found in the Journal on page 1819.

The Vrtiska amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Horgan renewed the Landis pending amendment, AM1457, found in the Journal on page 1538.

Mr. Wesely requested a ruling of the Chair on whether the Landis amendment is germane to the bill.

Mr. Horgan withdrew the Landis amendment.

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

Mr. Bromm moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 152A. Title read. Considered.

Mr. Dierks renewed his pending amendment, AM1280, found in the Journal on page 1395.

The Dierks amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 838 through 845.

LB	Committee
838	Education
839	Education
840	Health and Human Services
841	Transportation
842	Banking, Commerce and Insurance
843	Government, Military and Veterans Affairs
844	Judiciary
845	Agriculture

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

MOTION - Suspend Rules

Mr. Baack moved to suspend the rules, Rule 3, Section 13, to permit public hearings to be held on LBs 838, 839, 840, 841, 842, 843, 844, and 845 on Thursday, May 6, 1993.

The Baack motion to suspend the rules prevailed with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 844	Thursday, May 6, 1993	2:00 p.m.

(Signed) Ernie Chambers, Vice Chairperson

Government, Military and Veterans Affairs

LB 843	Thursday, May 6, 1993	2:00 p.m.

(Signed) DiAnna R. Schimek, Chairperson

Education

LB 838	Thursday, May 6, 1993	12:00 noon
LB 839	Thursday, May 6, 1993	12:00 noon

(Signed) Ardyce Bohlke, Vice Chairperson

Transportation

LB 841	Thursday, May 6, 1993	12:00 noon

(Signed) Doug Kristensen, Chairperson

Banking, Commerce and Insurance

LB 842	Thursday, May 6, 1993	12:00 noon

(Signed) George Coordsen, Vice Chairperson

Health and Human Services

LB 840	Thursday, May 6, 1993	2:00 p.m.

(Signed) Don Wesely, Chairperson

Agriculture

LB 845 Thursday, May 6, 1993 12:00 noon

(Signed) Merton L. Dierks, Chairperson

UNANIMOUS CONSENT - Print in Journal

Ms. Schimek asked unanimous consent to print the following amendments to LB 697 in the Journal. No objections. So ordered.

(1)

AM1708

(Amendments to E & R amendments, AM5481)

1. On page 1, line 13, after "excluding" insert "permanent part-time employees, temporary employees, members of any board or commission not required to render full-time service, and".

(2)

AM1795

(Amendments to E & R amendments, AM5481)

1. Insert the following new sections:

"Sec. 2. That section 81-1176, Revised Statutes Supplement, 1992, be amended to read as follows:

81-1176. (1) ~~If~~ On and after July 1, 1993, if a trip or trips included in a request for payment or reimbursement filed under sections 81-1174 and 81-1175 are made by personal automobile or otherwise, only one mileage request shall be allowed for each mile actually and necessarily traveled in each calendar month by the most direct route regardless of the fact that one or more persons are transported in the same motor vehicle. Reimbursement on such requests shall be computed ~~on the following basis: If a trip is made by personal automobile at the convenience of the agency involved, the reimbursement rate shall be twenty-four cents per mile. If a trip is made by personal automobile primarily~~ based on the rate established by the Department of Administrative Services. The department may establish different rates based on whether the personal automobile usage is at the convenience of the agency involved or at the convenience of the state officer or employee, as previously agreed upon by the officer or employee and the agency involved. ~~, the reimbursement rate shall be the prevailing rate established by the transportation services bureau of the Department of Administrative Services.~~ Funds expended for

parking may be requested in addition to mileage.

(2) The payment of mileage shall be limited to the actual cost of travel at the rates established in subsection (1) of this section or the cost of commercial transportation, whichever is less. Savings of productive time shall be taken into consideration when making the comparison. No additional rate of mileage shall be allowed to state inspectors or others who carry state equipment by motor vehicle regardless of the weight thereof.

(3) Any future adjustments made to the reimbursement rate provided in subsection (1) of this section shall be deemed to apply to all provisions of law which refer to this section for the computation of mileage.

Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 10, line 3, after "sections" insert "81-1176,".

3. Renumber the remaining sections accordingly.

(3)

AM1794

(Amendments to E & R amendments, AM5481)

1. Insert the following new section:

"Sec. 8. Any state employee who is a certified disaster service volunteer of the American Red Cross may, with the authorization of his or her supervisor, be granted a leave not to exceed fifteen working days in each year to participate in specialized disaster relief services in Nebraska for the American Red Cross, upon the request of the American Red Cross, without loss of pay, vacation time, sick leave, or earned overtime accumulation.

For purposes of this section, state employee shall have the definition found in section 81-1331.".

2. Renumber the remaining section accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 220 in the Journal. No objections. So ordered.

AM1806

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 77-3437, Revised Statutes Supplement, 1992, be amended to read as follows:

77-3437. For purposes of sections 77-3437 to 77-3440:

(1) Accessibility barrier shall mean anything which impedes entry into, exit from, or use of any building or facility by all people;

(2) Accessibility barrier elimination, only for purposes of subsection (3) of section 77-3439, shall include, but not be limited to, inspection for and removal of accessibility barriers, maintenance to reduce, lessen, put an end to, diminish, control, dispose of, or eliminate accessibility barriers, related restoration or modification of facilities or property, any related architectural and engineering services, and any other action to reduce or eliminate accessibility barriers in the public buildings or on the public grounds under the control of the governing body of the municipality or county;

(3) Accessibility barrier elimination project costs, only for purposes of subsection (3) of section 77-3439, shall include, but not be limited to, inspection, maintenance, accounting, emergency services, consultation, or any other action to reduce or eliminate accessibility barriers;

(4) Adopted budget statement shall have the definition found in section 13-503;

(5) ~~(2)~~ Fiscal year shall have the definition found in section 13-503;

(6) ~~(3)~~ Governing body shall have the definition found in section 13-503, except that governing body shall not include a school board or board of education of a school district;

(7) ~~(4)~~ Growth shall mean any property tax revenue received from (a) real property as the result of new construction, additions to existing buildings, and any improvements to real property which increase the value of such property, (b) except for tax year 1992, personal property valuation over the prior year, and (c) motor vehicle valuation over the prior year. Growth ~~but~~ shall not include any increased property tax revenue received due ~~(a)~~ (i) to a change in valuation of a class or a subclass of property or ~~(b)~~ (ii) to revaluations of individual properties; and

(8) ~~(5)~~ Property taxes shall mean all revenue budgeted to be received from the levy of taxes on property and from the motor vehicle tax, including receipts from reimbursements under sections 77-27,138.01 and 77-3523, but shall not include (a) property taxes budgeted to be collected for retirement of bonded indebtedness or for projects and practices in accordance with section 2-3229 and necessary works incident to such projects and practices, ~~or~~ (b) revenue received as a result of growth in the current year or growth in the previous year if such growth was not excluded from the property taxes budgeted the prior fiscal year, or (c) property taxes levied by the county board in a ministerial capacity on behalf of other authorities, boards, commissions, districts, entities, and political subdivisions.

Sec. 2. That section 77-3438, Revised Statutes

Supplement, 1992, be amended to read as follows:

77-3438. (1) Except as provided in sections 77-3437, 77-3438.01, 77-3439, and 77-3440, no governing body shall adopt a budget statement pursuant to section 13-506 or pursuant to the charter or ordinance of a city with a home rule charter in which the anticipated aggregate receipts from property taxes for any fiscal year exceed the anticipated aggregate receipts from property taxes for the prior fiscal year or, for a governing body which budgeted no revenue to be received from the levy of taxes on real and personal property in such year, the most recent fiscal year prior to such year for which the governing body did budget to receive property taxes.

(2) A governing body may increase property taxes by a specific dollar amount greater than that permitted by subsection (1) of this section if a final order of a court from which no appeal is taken requires reimbursement by the governing body of property taxes to a taxpayer. The increase shall not exceed the amount of the reimbursement.

(3) A county board may increase property taxes by a specific dollar amount greater than that permitted by subsection (1) of this section not to exceed the dollar amount of reduction in state aid to the county resulting from the changes made to section 77-27,136 by Laws 1992, LB 1063.

(4) For political subdivisions that have annexed property or have consolidated after December 15, 1989, or for a new educational service unit organized pursuant to section 79-2202.06 or an existing educational service unit, which new or existing unit has added or received a school district or portion thereof, the anticipated aggregate receipts from property taxes shall be computed based on the combined aggregate property taxes of each subdivision in the fiscal year immediately preceding consolidation, annexation, or addition. The estimated amount of property taxes for the immediately preceding fiscal year from the annexed, added, or consolidated property to be added to the property taxes of the political subdivision shall be computed by multiplying the property tax levy of the political subdivision for the immediately preceding fiscal year by the taxable valuation of the annexed, added, or consolidated property for the immediately preceding fiscal year.

Sec. 3. That section 77-3439, Revised Statutes Supplement, 1992, be amended to read as follows:

77-3439. (1) A governing body may increase the anticipated aggregate receipts from property taxes more than the amount permitted by section 77-3438 by the percentage change in the Consumer Price Index - All Urban Consumers, published by the United States Department of Labor, Bureau of Labor Statistics, for the previous calendar year, up to a

maximum of five percent. The increase shall be approved upon the affirmative vote of a majority of the governing body. If such increase is less than five percent more than the amount permitted by section 77-3438, a governing body may increase the anticipated aggregate receipts from property taxes by ~~up to~~ an additional amount equal to the difference between the increase approved for the percentage change in the Consumer Price Index-All Urban Consumers and five percent more than the amount permitted by section 77-3438 upon an affirmative vote of at least seventy-five percent of the governing body. Such vote shall be taken at a public meeting of the governing body following a special public hearing called for the purpose of receiving testimony on such proposed increase.

(2) In addition to the increase permitted by subsection (1) of this section, a Community College Board of Governors may increase the anticipated aggregate receipts from property taxes by the amount necessary to pay for accessibility barrier elimination project costs and for abatement of environmental hazards as such terms are defined in section 79-4,207 upon an affirmative vote of a majority of the board of governors. Such vote shall be taken at a public meeting of the board of governors following (a) a hearing called pursuant to subsection (1) of this section at which there is an opportunity for testimony on the increase proposed under this subsection or (b) a special public hearing called for the purpose of receiving testimony on the increase proposed under this subsection.

(3) In addition to the increase permitted by subsection (1) of this section, a municipality or county may increase the anticipated aggregate receipts from property taxes by the amount necessary to pay for accessibility barrier elimination project costs upon an affirmative vote of a majority of the governing body. Such vote shall be taken at a public meeting of the governing body following (a) a hearing called pursuant to subsection (1) of this section at which there is an opportunity for testimony on the increase proposed under this subsection or (b) a special public hearing called for the purpose of receiving testimony on the increase proposed under this subsection.

(4) In addition to the increase permitted by subsection (1) of this section, a municipality or county may increase the anticipated aggregate receipts from property taxes by the amount necessary to pay for repairs to infrastructure damaged by a natural disaster which is declared a disaster emergency pursuant to the Nebraska Disaster and Civil Defense Act of 1973 not reimbursed by state or federal emergency funds upon an affirmative vote of a majority of the governing body. Such vote shall be taken at a public meeting of the governing body following (a) a hearing called pursuant

to subsection (1) of this section at which there is an opportunity for testimony on the increase proposed under this subsection or (b) a special public hearing called for the purpose of receiving testimony on the increase proposed under this subsection.

(5) ~~(3)~~ The governing body or board of governors shall give at least seven calendar days' notice of a public hearing called under subsection (1), ~~or~~ (2), (3), or (4) of this section and shall publish such notice at least once in a newspaper of general circulation in the political subdivision.

Sec. 4. That original sections 77-3437, 77-3438, and 77-3439, Revised Statute Supplement, 1992, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Jones asked unanimous consent to print the following amendment to LB 739 in the Journal. No objections. So ordered.

AM1745

1. On page 2, line 15, after the period insert "The commission shall make and keep in good repair all crossings over the trail which exist at the time of acceptance, including all the grading, bridges, ditches, and culverts that may be necessary for the crossings within the right-of-way.".

Mr. Wesely asked unanimous consent to print the following amendment to LB 782 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1675.)

Mr. Avery asked unanimous consent to print the following amendment to LB 137 in the Journal. No objections. So ordered.

AM1813

1. Strike original section 1 and insert the following new sections:

"Section 1. That section 25-224, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-224. (1) For purposes of this section product liability action shall have the same meaning as in section 25-21,180.

(2) ~~All~~ Except as provided otherwise by this section, product liability actions~~, except one governed by subsection (5) of this section,~~ shall be commenced within four years next after the date on which the death, injury, or damage complained of occurs.

~~(2) Notwithstanding subsection (1) of this section~~

~~or any other statutory provision to the contrary, any product liability action, except one governed by section 2-725, Uniform Commercial Code or by subsection (5) of this section, shall be commenced within~~ but in no event more than ten years after the date when the product which allegedly caused the personal injury, death, or damage was first sold or leased for use or consumption.

(3) In all product liability actions that involve injury, death, or damage more than ten years after the date when the product which allegedly caused the personal injury, death, or damage was first sold or leased for consumption, a presumption shall arise that the harm was caused after the useful safe life of the product had expired. Useful safe life shall commence at the time of delivery of a product to its ultimate user who was not engaged in the business of either selling such products or using them as component parts of another product to be sold. The plaintiff may rebut this presumption by a preponderance of the evidence. If the plaintiff rebuts this presumption, the ten-year limitation provided in this section shall not apply. In determining whether a product's useful safe life has expired, the trier of fact may consider, among other factors:

(a) The amount of wear and tear to which the product had been subjected;

(b) The effect of deterioration from natural causes, climate, and other conditions under which the product was used or stored;

(c) The normal practices of the user, similar users, and the product manufacturer with respect to the circumstances, frequency, and purposes of the product's use and with respect to repairs, renewals and replacements;

(d) Any representations, instructions, or warnings made by the product manufacturer concerning proper maintenance, storage, and use of the product or the expected useful safe life of the product; and

(e) Any modification or alteration of the product by a user or third party.

~~(3) The limitations contained in subsection (1), (2), or (5) of this section shall not be applicable to indemnity or contribution actions brought by a manufacturer or seller of a product against a person who is or may be liable to such manufacturer or seller for all or any portion of any judgment rendered against a manufacturer or seller.~~

~~(4) Notwithstanding the provisions of subsections (1) and (2) of this section, any cause of action or claim which any person may have on July 22, 1978, may be brought not later than two years following such date.~~

(4) If a manufacturer, seller, or lessor of a product expressly warrants that its product can be utilized

safely for a period longer than ten years, the period of limitation, after which the presumption created in subsection (3) of this section arises, shall be extended according to such warranty or promise. The ten-year period of limitation shall not apply if (a) the manufacturer of a product misrepresents facts about its product or fraudulently conceals information about it and such conduct was a proximate cause of the claimant's death, injury, or damage, (b) the harm was caused by prolonged exposure to a defective product, (c) the injury-causing aspect of the product that existed at the time of delivery was not discoverable by a reasonably prudent person until more than ten years after the time or delivery, or (d) the harm caused within ten years after the time of delivery did not manifest itself until after that time.

(5) In any product liability action covered by this section in which it is claimed by one or more of the defendants that the action is barred by the statute of limitations, the statute of repose, or the expiration of the useful safe life of the product, such issue shall not be bifurcated without the consent of all parties to the action.

~~(5)~~ (6) Any action to recover damages based on injury allegedly resulting from exposure to asbestos composed of chrysotile, amosite, crocidolite, tremolite, anthrophyllite, actinolite, or any combination thereof, shall be commenced within four years after the injured person has been informed of discovery of the injury by competent medical authority and that such injury was caused by exposure to asbestos as described herein, or within four years after the discovery of facts which would reasonably lead to such discovery, whichever is earlier. No action commenced under this subsection based on the doctrine of strict liability in tort shall be commenced or maintained against any seller of a product which is alleged to contain or possess a defective condition unreasonably dangerous to the buyer, user, or consumer unless such seller is also the manufacturer of such product or the manufacturer of the part thereof claimed to be defective. Nothing in this subsection shall be construed to permit an action to be brought based on an injury described in this subsection discovered more than two years prior to August 30, 1981.

(7) The limitations contained in this section shall not be applicable to indemnity or contribution actions brought by a manufacturer or seller of a product against a person who is or may be liable to such manufacturer or seller for all or any portion of any judgment rendered against a manufacturer or seller. A product liability action governed by the Uniform Commercial Code shall follow the limitations in section 2-725, Uniform Commercial Code.

Sec. 2. It is the intent of the Legislature that

section 25-224 be applied retroactively to revive causes of action for injury caused by defective products which were barred by interpretation of this section prior to the effective date of this act.

Sec. 3. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. Renumber the remaining section accordingly.

Mr. Ashford asked unanimous consent to print the following amendment to LB 627 in the Journal. No objections. So ordered.

AM1796

(Amendments to E & R amendments, AM5453)

1. On page 10, strike beginning with "in" in line 22 through "used" in line 23 and insert "of violence or has been convicted of the knowing and intentional manufacture, distribution, delivery, or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act".

2. On page 11, strike beginning with "and" in line 9 through "government" in line 12.

3. On page 12, line 10; page 14, line 9; and page 16, line 9, before "judicial" insert "district court".

4. On page 12, line 22, strike "or a judicial district".

5. On page 13, line 9, strike ", to a judicial district,"; in line 12, after the second "county" insert "in which the proposed facility or program is to be located if not within the corporate limits of a city or village"; in line 20, strike ", a judicial district,"; and in line 23 strike "unit" through "district" and insert "governing board of the city or village or, if the facility or program is not within the corporate limits of a city or village, the governing board of the county".

6. On page 14, line 20, strike the first comma and insert "or"; and strike beginning with the last comma in line 20 through "district" in line 21.

7. On page 16, line 1, strike "probation administrator" and insert "chief probation officer"; in line 7 strike "State Court Administrator" and insert "probation administrator"; strike beginning with the first "the" in line 15 through line 16; in line 17 strike "any" and insert "the" and after "government" insert "shall submit such agreement or contract to the presiding judge of the district court judicial district in which the facility or program is located"; in line 18 strike "its"; and in line 25 strike beginning with "The" through "shall" and insert "A probation officer may".

8. On page 17, strike beginning with "An" in line 2 through "district" in line 6 and insert "A"; in lines 15 and 16 strike "unit of local government" and insert "city or village"; and in line 16 after "located" insert "or, if the facility or program will be outside the corporate limits of a city or village, the county in which the facility or program will be located".

9. On page 18, line 7, strike "any" and insert "the"; in line 13 after the first "of" insert "the"; in line 19 strike beginning with "in" through "board" and insert "the governing body of the affected unit of local government"; in lines 21 and 23 strike "county" and insert "unit of local government"; in line 21 strike "board" and insert "governing body"; in line 26 after "by" insert "the department," and before "or" insert an underscored comma.

10. On page 19, line 1, after "the" insert "department,"; and in line 2 strike "governmental" and insert "government,".

Mr. Bromm asked unanimous consent to print the following amendment to LB 137 in the Journal. No objections. So ordered.

AM1807

1. Strike original section 1 and insert the following new section:

"Section 1. That section 25-224, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-224. (1) All product liability actions as defined in section 25-21,180, except one governed by subsection (5) of this section, shall ~~be commenced~~ commence within four years ~~next~~ after the date on which the death, injury, or damage complained of occurs.

(2) Notwithstanding subsection (1) of this section or any other statutory provision to the contrary, any product liability action, except one governed by section 2-725, Uniform Commercial Code or by subsection (5) of this section, shall ~~be commenced~~ commence within ten years after the date when the product which allegedly caused the personal injury, death, or damage was first sold or leased for use or consumption.

The ten-year time limitation in this subsection shall not apply (a) if the manufacturer intentionally misrepresented or fraudulently concealed any material fact concerning the product which is a proximate cause of the injury or death, (b) if the manufacturer within such ten-year period became aware of the defect or potentially dangerous condition and failed, neglected, or refused to take reasonable steps to (i) advise the owners and general public of such defect or potentially dangerous condition and (ii) recall and

repair the defect or potentially dangerous condition, or (c) if the product liability action arises from an injury or death due to medical implants, prosthetics, appliances, or other devices surgically placed on or within the human body.

(3) The limitations contained in subsection (1), (2), or (5) of this section shall not be applicable to indemnity or contribution actions brought by a manufacturer or seller of a product against a person who is or may be liable to such manufacturer or seller for all or any portion of any judgment rendered against a manufacturer or seller.

(4) Notwithstanding ~~the provisions of~~ subsections (1) and (2) of this section, any cause of action or claim which any person may have on July 22, 1978, may be brought not later than two years following such date.

(5) Any action to recover damages based on injury allegedly resulting from exposure to asbestos composed of chrysotile, amosite, crocidolite, tremolite, anthrophyllite, actinolite, or any combination thereof, shall ~~be commenced~~ commence within four years after the injured person has been informed of discovery of the injury by competent medical authority and that such injury was caused by exposure to such asbestos, ~~as described herein,~~ or within four years after the discovery of facts which would reasonably lead to such discovery, whichever is earlier. No action commenced under this subsection based on the doctrine of strict liability in tort shall be commenced or maintained against any seller of a product which is alleged to contain or possess a defective condition unreasonably dangerous to the buyer, user, or consumer unless such seller is also the manufacturer of such product or the manufacturer of the part thereof claimed to be defective. Nothing in this subsection shall be construed to permit an action to be brought based on an injury described in this subsection discovered more than two years prior to August 30, 1981.".

UNANIMOUS CONSENT - Add Cointroducer

Mr. Wesely asked unanimous consent to have his name added as cointroducer to LB 669. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on on a Governor appointment.

Arlene Nelson - Nebraska Educational Telecommunications Commission -- Education

(Signed) Timothy J. Hall, Chairperson

Legislative Council
Executive Board

VISITORS

Visitors to the Chamber were 56 fourth grade students and teachers from Westside Elementary, Norfolk; 70 fourth grade students and sponsor from Indian Hill Elementary, Omaha; 33 fourth grade students and sponsor from Homer; and 67 fifth grade students and sponsor from Central City.

The Doctor of the Day was Tami Johnson from Cambridge.

ADJOURNMENT

At 12:38 p.m., on a motion by Mr. Haberman, the Legislature adjourned until 9:00 a.m., Monday, May 3, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTIETH DAY - MAY 3, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

SEVENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 3, 1993

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

PRAYER

The prayer was offered by Pastor David Lydick, Midlands Bible Baptist Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Ms. Day and Mrs. Rasmussen who were excused; and Messrs. Abboud, Ashford, Avery, Bernard-Stevens, Beutler, Haberman, Kristensen, Landis, Lindsay, Robinson, Warner, Mmes. Bohlke, Hudkins, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-ninth day was approved.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 248 in the Journal. No objections. So ordered.

AM1778

1. On page 2, line 18, after the semicolon insert "and"; and strike beginning with "Same" in line 19 through "(6)" in line 26.

2. On page 5, line 4, strike the comma and insert "and"; and strike beginning with the comma in line 5 through "construction" in line 6.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 88.

SELECT FILE

LEGISLATIVE BILL 544A. E & R amendment, AM5487, found in the Journal on page 1812, was adopted.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 348A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 587A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

MOTION - Suspend Rules

Mr. Baack moved to suspend Rule 3, Section 13 so as to permit the scheduling of hearings by the Transportation Committee and Education Committee for gubernatorial appointments.

The Baack motion to suspend the rules prevailed with 30 ayes, 0 nays, 5 present and not voting, and 14 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Transportation

Governor Appointments Thursday, May 6, 1993 12:00 p.m.
State Board of Public Roads Classifications and Standards
James Anderson
Arthur Yonkey
Motor Vehicle Industry Licensing Board
Kathleen D. Miller
Rodney Rhoden

(Signed) Doug Kristensen, Chairperson

Education

Governor Appointment Wednesday, May 5, 1993 1:00 p.m.
Arlene Nelson - Educational Telecommunication Commission

(Signed) Ron Withem, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hartnett asked unanimous consent to print the following amendment to LB 725 in the Journal. No objections. So ordered.

AM1638
(Amendments to Standing Committee amendments, AM0856)

1. Insert the following new section:
"Sec. 20. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".
2. On page 6, line 18, strike "eighty" and insert "twenty"; and in line 26 strike "September" and insert "April".
3. On page 7, line 19, strike "one-hundred-eighty-day".

Mr. Hartnett asked unanimous consent to print the following amendment to LB 725 in the Journal. No objections. So ordered.

AM1637
(Amendments to Standing Committee amendments, AM0856)

1. On page 3, strike lines 16 and 17 and insert "criteria established by this subdivision and (a) must be no more than five miles from another area if the zone is located within a city of the metropolitan or primary class, (b) must be located within the same county if the zone is located outside of the boundaries of a city of the metropolitan or primary class, or (c) must be located within the boundaries of the applying political subdivisions if the application for zone designation is made jointly by counties or tribal government areas pursuant to subsection (4) of section 13-2103. No area or portion of an".
2. On page 4, line 4, strike "(a)" and insert "(i)"; in line 8 strike "(b)" and insert "(ii)"; and in line 13 strike "(c)" and insert "(iii)".

GENERAL FILE

LEGISLATIVE BILL 717. Considered.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Witek renewed her pending amendment, AM1216, found in the Journal on page 1604.

Mr. Chambers requested a ruling of the Chair on whether the Witek amendment is germane to the bill.

The Chair ruled the Witek amendment is not germane to the bill.

Messrs. Lynch and Hartnett asked unanimous consent to be excused. No objections. So ordered.

Mrs. Witek moved to indefinitely postpone LB 717.

SPEAKER BAACK PRESIDING

Ms. Schimek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mrs. Witek moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mrs. Witek requested a roll call vote on her motion to indefinitely postpone.

Voting in the affirmative, 10:

Bromm	Hudkins	Moore	Schellpeper	Wehrbein
Byars	Jones	Pirsch	Vrtiska	Witek

Voting in the negative, 17:

Abboud	Bernard-Stevens	Crosby	Horgan	Preister
Ashford	Beutler	Cudaback	Kristensen	Schimek
Baack	Chambers	Fisher	Landis	Wesely
		Hohenstein	McKenzie	

Present and not voting, 15:

Avery	Elmer	Hillman	Robak	Wickersham
Coordsen	Haberman	Janssen	Robinson	Will
Dierks	Hall	Pedersen	Schmitt	Withem

Excused and not voting, 7:

Bohlke	Hartnett	Lynch	Rasmussen	Warner
Day	Lindsay			

The Witek motion to indefinitely postpone lost with 10 ayes, 17 nays, 15 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

MR. HALL PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 16:

Abboud	Beutler	Fisher	Horgan	Robak
Ashford	Chambers	Hall	Landis	Schimek
Baack	Crosby	Hohenstein	Preister	Wesely
Bernard-Stevens				

Voting in the negative, 10:

Bromm	Hudkins	Moore	Schellpeper	Witek
Byars	Jones	Pirsch	Wehrbein	Withem

Present and not voting, 17:

Avery	Elmer	Kristensen	Pedersen	Vrtiska
Coordsen	Haberman	Lindsay	Robinson	Wickersham
Cudaback	Hillman	McKenzie	Schmitt	Will
Dierks	Janssen			

Excused and not voting, 6:

Bohlke	Hartnett	Lynch	Rasmussen	Warner
Day				

Failed to advance to E & R for review with 16 ayes, 10 nays, 17 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 815 in the Journal. No objections. So ordered.

AM1789

(Amendments to Standing Committee amendments, AM1699)

1. Strike sections 22 to 26.
2. On page 17, strike beginning with the comma in

line 4 through "77-2734.03" in line 6 and insert "and section 27 of this act"; and strike beginning with "and" in line 6 through "terms" in line 8.

3. On page 27, line 19, strike "23-3594, and 77-2715.07" and insert ", and 23-3594"; and strike beginning with "sections" in line 20 through the last comma in line 25.

4. Renumber the remaining sections accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 117A. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 117, Ninety-third Legislature, First Session, 1993.

SPEAKER BAACK PRESIDING

The Chair declared the call raised.

GENERAL FILE

LEGISLATIVE BILL 137. Title read. Considered.

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

Messrs. Will and Avery offered the following amendment:
AM1817

1. Strike original section 1 and insert the following new sections:

"Section 1. That section 25-224, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-224. (1) For purposes of this section product liability action shall have the same meaning as in section 25-21,180.

(2) ~~All~~ Except as provided otherwise by this section, product liability actions~~, except one governed by subsection (5) of this section,~~ shall be commenced within four years next after the date on which the death, injury, or damage complained of occurs.

~~(2) Notwithstanding subsection (1) of this section or any other statutory provision to the contrary, any product liability action, except one governed by section 2-725, Uniform Commercial Code or by subsection (5) of this section, shall be commenced within~~ but not more than ten years after the date when the product which allegedly caused the personal

injury, death, or damage was first sold or leased for use or consumption.

(3) In product liability actions that involve injury, death, or damage more than ten years after the date when the product which allegedly caused the personal injury, death, or damage was first sold or leased for consumption, a presumption shall arise that the harm was caused after the useful safe life of the product had expired. Useful safe life shall commence at the time of delivery of a product to its ultimate user who was not engaged in the business of either selling such products or using them as component parts of another product to be sold. The plaintiff may rebut this presumption by a preponderance of the evidence. If the plaintiff rebuts this presumption, the ten-year limitation provided in this section shall not apply. In determining whether a product's useful safe life has expired, the trier of fact may consider, among other factors:

(a) The amount of wear and tear to which the product had been subjected;

(b) The effect of deterioration from natural causes, climate, and other conditions under which the product was used or stored;

(c) The normal practices of the user, similar users, and the product manufacturer with respect to the circumstances, frequency, and purposes of the product's use and with respect to repairs, renewals and replacements;

(d) Any representations, instructions, or warnings made by the product manufacturer concerning proper maintenance, storage, and use of the product or the expected useful safe life of the product; and

(e) Any modification or alteration of the product by a user or third party.

~~(3) The limitations contained in subsection (1), (2), or (5) of this section shall not be applicable to indemnity or contribution actions brought by a manufacturer or seller of a product against a person who is or may be liable to such manufacturer or seller for all or any portion of any judgment rendered against a manufacturer or seller.~~

~~(4) Notwithstanding the provisions of subsections (1) and (2) of this section, any cause of action or claim which any person may have on July 22, 1978, may be brought not later than two years following such date.~~

(4) If a manufacturer, seller, or lessor of a product expressly warrants that its product can be utilized safely for a period longer than ten years, the period of limitation, after which the presumption created in subsection (3) of this section arises, shall be extended according to such warranty or promise.

(5) The ten-year limitation provided in this section

shall not apply if the product liability action involves the manufacture, construction, design, or assembly of medical implants, prosthetics, appliances, or other devices surgically placed on or within the human body. The ten-year limitation provided in this section shall not apply if (a) the manufacturer of a product misrepresents facts about its product or fraudulently conceals information about it and such conduct was a proximate cause of the claimant's death, injury, or damage, (b) the harm was caused by prolonged exposure to a defective product, (c) the injury-causing aspect of the product that existed at the time of delivery was not discoverable by a reasonably prudent person until more than ten years after the time or delivery, or (d) the harm caused within ten years after the time of delivery did not manifest itself until after that time.

(6) In any product liability action covered by this section in which it is claimed by one or more of the defendants that the action is barred by the statute of limitations, the statute of repose, or the expiration of the useful safe life of the product, such issue shall not be bifurcated without the consent of all parties to the action.

~~(5)~~ (7) Any action to recover damages based on injury allegedly resulting from exposure to asbestos composed of chrysotile, amosite, crocidolite, tremolite, anthrophyllite, actinolite, or any combination thereof, shall be commenced within four years after the injured person has been informed of discovery of the injury by competent medical authority and that such injury was caused by exposure to asbestos as described herein~~,~~ or within four years after the discovery of facts which would reasonably lead to such discovery, whichever is earlier. No action commenced under this subsection based on the doctrine of strict liability in tort shall be commenced or maintained against any seller of a product which is alleged to contain or possess a defective condition unreasonably dangerous to the buyer, user, or consumer unless such seller is also the manufacturer of such product or the manufacturer of the part thereof claimed to be defective. Nothing in this subsection shall be construed to permit an action to be brought based on an injury described in this subsection discovered more than two years prior to August 30, 1981.

(8) The limitations contained in this section shall not be applicable to indemnity or contribution actions brought by a manufacturer or seller of a product against a person who is or may be liable to such manufacturer or seller for all or any portion of any judgment rendered against a manufacturer or seller. A product liability action governed by the Uniform Commercial Code shall follow the limitations in section 2-725, Uniform Commercial Code.

Sec. 2. It is the intent of the Legislature that section 25-224 be applied retroactively to revive causes of action for injury caused by defective products which were barred by interpretation of such section prior to the effective date of this act.

Sec. 3. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. Renumber the remaining section accordingly.

PRESIDENT MOUL PRESIDING

Mr. Kristensen requested a division of the question on the Will-Avery amendment.

The Chair sustained the division of the question.

The first Will-Avery amendment is as follows:
FA145

1. Strike original section 1 and insert the following new sections:

"Section 1. That section 25-224, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-224. (1) For purposes of this section product liability action shall have the same meaning as in section 25-21,180.

(2) ~~All~~ Except as provided otherwise by this section, product liability actions~~, except one governed by subsection (5) of this section,~~ shall be commenced within four years next after the date on which the death, injury, or damage complained of occurs.

~~(2) Notwithstanding subsection (1) of this section or any other statutory provision to the contrary, any product liability action, except one governed by section 2-725, Uniform Commercial Code or by subsection (5) of this section, shall be commenced within~~ but not more than ten years after the date when the product which allegedly caused the personal injury, death, or damage was first sold or leased for use or consumption.

(3) In product liability actions that involve injury, death, or damage more than ten years after the date when the product which allegedly caused the personal injury, death, or damage was first sold or leased for consumption, a presumption shall arise that the harm was caused after the useful safe life of the product had expired. Useful safe life shall commence at the time of delivery of a product to its ultimate user who was not engaged in the business of either selling such products or using them as component parts of

another product to be sold. The plaintiff may rebut this presumption by a preponderance of the evidence. If the plaintiff rebuts this presumption, the ten-year limitation provided in this section shall not apply. In determining whether a product's useful safe life has expired, the trier of fact may consider, among other factors:

(a) The amount of wear and tear to which the product had been subjected;

(b) The effect of deterioration from natural causes, climate, and other conditions under which the product was used or stored;

(c) The normal practices of the user, similar users, and the product manufacturer with respect to the circumstances, frequency, and purposes of the product's use and with respect to repairs, renewals and replacements;

(d) Any representations, instructions, or warnings made by the product manufacturer concerning proper maintenance, storage, and use of the product or the expected useful safe life of the product; and

(e) Any modification or alteration of the product by a user or third party.

~~(3) The limitations contained in subsection (1), (2), or (5) of this section shall not be applicable to indemnity or contribution actions brought by a manufacturer or seller of a product against a person who is or may be liable to such manufacturer or seller for all or any portion of any judgment rendered against a manufacturer or seller.~~

~~(4) Notwithstanding the provisions of subsections (1) and (2) of this section, any cause of action or claim which any person may have on July 22, 1978, may be brought not later than two years following such date.~~

(4) If a manufacturer, seller, or lessor of a product expressly warrants that its product can be utilized safely for a period longer than ten years, the period of limitation, after which the presumption created in subsection (3) of this section arises, shall be extended according to such warranty or promise.

The ten-year limitation provided in this section shall not apply if (a) the manufacturer of a product misrepresents facts about its product or fraudulently conceals information about it and such conduct was a proximate cause of the claimant's death, injury, or damage, (b) the harm was caused by prolonged exposure to a defective product, (c) the injury-causing aspect of the product that existed at the time of delivery was not discoverable by a reasonably prudent person until more than ten years after the time or delivery, or (d) the harm caused within ten years after the time of delivery did not manifest itself until after that time.

(6) In any product liability action covered by this section in which it is claimed by one or more of the defendants that the action is barred by the statute of limitations, the statute of repose, or the expiration of the useful safe life of the product, such issue shall not be bifurcated without the consent of all parties to the action.

~~(5)~~ (7) Any action to recover damages based on injury allegedly resulting from exposure to asbestos composed of chrysotile, amosite, crocidolite, tremolite, anthrophyllite, actinolite, or any combination thereof, shall be commenced within four years after the injured person has been informed of discovery of the injury by competent medical authority and that such injury was caused by exposure to asbestos as described herein~~,~~ or within four years after the discovery of facts which would reasonably lead to such discovery, whichever is earlier. No action commenced under this subsection based on the doctrine of strict liability in tort shall be commenced or maintained against any seller of a product which is alleged to contain or possess a defective condition unreasonably dangerous to the buyer, user, or consumer unless such seller is also the manufacturer of such product or the manufacturer of the part thereof claimed to be defective. Nothing in this subsection shall be construed to permit an action to be brought based on an injury described in this subsection discovered more than two years prior to August 30, 1981.

(8) The limitations contained in this section shall not be applicable to indemnity or contribution actions brought by a manufacturer or seller of a product against a person who is or may be liable to such manufacturer or seller for all or any portion of any judgment rendered against a manufacturer or seller. A product liability action governed by the Uniform Commercial Code shall follow the limitations in section 2-725, Uniform Commercial Code.

Sec. 3. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. Renumber the remaining section accordingly.

Mr. Fisher asked unanimous consent to be excused. No objections. So ordered.

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 725 in the Journal. No objections. So ordered.

AM1639

(Amendments to Standing Committee amendments, AM0856)

1. Insert the following new section:

"Sec. 17. That section 77-27,189, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,189. (1) A qualifying business shall mean any business engaged in the activities listed in subdivisions ~~(2)(a) to (g)~~ (1)(b)(i) through (vii) of this section or in the storage, warehousing, distribution, transportation, or sale of tangible personal property, except that qualifying business shall not include any business activity in which eighty percent or more of the total sales are sales to the ultimate consumer of tangible personal property which is not ~~(1)~~ (a) assembled, fabricated, manufactured, or processed by the taxpayer or ~~(2)~~ (b) used by the purchaser in any of the following activities:

~~(a)~~ (i) The assembly, fabrication, manufacture, or processing of tangible personal property;

~~(b)~~ (ii) The feeding or raising of livestock;

~~(c)~~ (iii) The conducting of research, development, or testing for scientific, agricultural, animal husbandry, or industrial purposes;

~~(d)~~ (iv) The performance of data processing, telecommunication, insurance, or financial services;

~~(e)~~ (v) Farming or ranching;

~~(f)~~ (vi) The administrative management or the headquarters of any of the activities listed in subdivisions ~~(a) to (e)~~ (i) through (vii) of this subdivision or any activity excluded solely because of its retail sales; or

~~(g)~~ (vii) Any combination of the activities listed in this section.

(2) A qualifying business shall also mean any individual or association of individuals (a) licensed pursuant to the Uniform Licensing Law to practice medicine and surgery or osteopathic medicine and surgery, (b) who practice from an office located in an enterprise zone designated pursuant to the Enterprise Zone Act, which zone is not located within the boundaries of a city of the metropolitan or primary class, and (c) whose area of practice is in the primary care areas of family practice, general practice, general internal medicine, general pediatrics, general surgery, or obstetrics and gynecology.".

2. On page 1, line 4, strike "18" and insert "19".

3. On page 25, line 5, after the second comma insert "77-27,189,".

4. Renumber the remaining sections accordingly.

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 725 in the Journal. No objections. So ordered.

AM1790

(Amendments to AM1743)

1. Strike section 17 and insert the following new section:

"Sec. 17. (1) For purposes of the Enterprise Zone Act, qualifying business shall mean any business engaged in the activities listed in subdivisions (1)(b)(i) through (vii) of this section or in the storage, warehousing, distribution, transportation, or sale of tangible personal property, except that qualifying business shall not include any business activity in which eighty percent or more of the total sales are sales to the ultimate consumer of tangible personal property which is not (a) assembled, fabricated, manufactured, or processed by the taxpayer or (b) used by the purchaser in any of the following activities:

(i) The assembly, fabrication, manufacture, or processing of tangible personal property;

(ii) The feeding or raising of livestock;

(iii) The conducting of research, development, or testing for scientific, agricultural, animal husbandry, or industrial purposes;

(iv) The performance of data processing, telecommunication, insurance, or financial services;

(v) Farming or ranching;

(vi) The administrative management or the headquarters of any of the activities listed in subdivisions (i) through (vii) of this subdivision or any activity excluded solely because of its retail sales; or

(vii) Any combination of the activities listed in this section.

(2) A qualifying business shall also mean any individual or association of individuals (a) licensed pursuant to the Uniform Licensing Law to practice medicine and surgery or osteopathic medicine and surgery, (b) who practice from an office located in an enterprise zone designated pursuant to the Enterprise Zone Act, which zone is not located within the boundaries of a city of the metropolitan or primary class, and (c) whose area of practice is in the primary care areas of family practice, general practice, general internal medicine, general pediatrics, general surgery, or obstetrics and gynecology.".

Mr. Chambers asked unanimous consent to print the following amendment to LB 717 in the Journal. No objections. So ordered.

AM1816

1. Strike original section 2 and insert the following new sections:

"Sec. 2. That section 15-326, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 390, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

15-326. (1) The marshal or chief of police shall have the immediate charge of the police, and he or she and his or her officers shall have the power and duty to arrest all offenders against the laws of the state or the ordinances of the city in the same manner as the sheriff and to keep such offenders in the city jail or other place to prevent their escape until a trial or examination may be had before a proper officer. The jurisdiction of the marshal or chief of police and his or her officers in the service of process, in all criminal cases, and in cases for the violation of city ordinances shall be coextensive with the county.

(2) Notwithstanding any prior history of bargaining concerning permissive or mandatory subjects of bargaining, the power and authority of the marshal or chief of police to supervise, control, and assign sworn law enforcement personnel to geographical areas of the city shall not be abrogated, diminished, or restricted by any labor agreement negotiated pursuant to the Industrial Relations Act.

Sec. 4. That section 17-213, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-213. (1) The marshal shall be chief of police, and shall have the immediate superintendence of the police. He or she shall at all times have power to make or order an arrest with proper process, for any offense against the laws of the state or ordinances of the village, and bring the offender to trial before the proper officer. He or she may ; ~~and to~~ arrest without process in all cases ~~where~~ when any such offense ~~shall be~~ is committed or attempted to be committed in his or her presence.

(2) Notwithstanding any prior history of bargaining concerning permissive or mandatory subjects of bargaining, the power and authority of the chief of police to supervise, control, and assign sworn law enforcement personnel to geographical areas of the city shall not be abrogated, diminished, or restricted by any labor agreement negotiated pursuant to the Industrial Relations Act.

Sec. 5. That original sections 14-602, 16-323, and 17-213, Reissue Revised Statutes of Nebraska, 1943, and section 15-326, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, LB 390, Ninety-third Legislature, First Session, 1993, are repealed.".

Messrs. Moore, Hohenstein, Ashford, Wehrbein, Avery, Bernard-Stevens, and Mrs. Hillman asked unanimous consent to print the following amendment to LB 804 in the Journal. No objections. So ordered.

AM1765

(Amendments to Standing Committee amendments, AM1500)

1. On page 4, line 19, strike "and" and in line 22 after "adults" insert "; and

(l) Provide a limit of eight prescription drugs per recipient per month".

2. On page 5, strike beginning with "(e)" in line 3 through "(f)" in line 4 and insert "or (e)".

BILL ON FIRST READING

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

LEGISLATIVE BILL 322A. Introduced by Moore, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 322, Ninety-third Legislature, First Session, 1993.

MESSAGE FROM THE GOVERNOR

April 29, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Research and Development Authority, requiring legislative approval.

APPOINTEE: David N. Simmons, 152 East 6th Street, Fremont, NE 68025

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

NOTICE OF COMMITTEE HEARING
Natural Resources

LR 79 Thursday, May 13, 1993 12:30 p.m.

(Signed) Chris Beutler, Chairperson

VISITORS

Visitors to the Chamber were 15 seniors and sponsor from Greeley High School; 30 sixth grade students and teachers from Calvert Elementary, Lincoln; Carl-Dieter Spranger from Germany and Gunter Wasserberg from Chicago; 25 third and fourth grade students and sponsor from Bradshaw; 60 fifth grade students and sponsors from Pershing Elementary, Lincoln; and Senator Hall's parents, Bernard and Katherine Hall, from Tucson, Arizona, and his sister, Bernadette Ludwig, from Omaha.

RECESS

At 11:59 a.m., on a motion by Mr. Abboud, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Ms. Day, Mrs. Rasmussen, Messrs. Fisher, Hartnett, and Lynch who were excused; and Messrs. Abboud, Avery, Coordsen, Landis, Moore, and Schellpeper who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 757. Placed on Select File as amended.
E & R amendment to LB 757:
AM5491

1. In the Landis amendment, AM1188, part 1, (adopted as FA96):

a. Renumber section 13 as section 12;

b. On page 3, line 26, strike "20 and 37" and insert "19 and 36";

c. On page 4, line 26, strike "section 48-145.04" and insert "sections 48-145.04 and 48-1,110"; and in line 27 strike "is" and insert "are";

d. On page 6, line 18, strike "31 to 33" and insert

"30 to 32"; in line 22 strike "19 and 20" and insert "18 and 19"; and in line 27 strike "and"; and

e. On page 7, line 1, strike the underscored matter and insert "18 to 22"; in line 18 strike "31" and insert "30"; in line 20 strike "31 to 33" and insert "30 and 31"; in line 24 strike "36 and 37" and insert "35 and 36"; and strike beginning with "13" in line 25 through "40" in line 26 and insert "12, 18 to 22, 28, 30 to 32, 39, and 41".

2. In the Standing Committee amendments, AM1004:

a. Renumber section 37 as section 38;

b. Strike amendment 2; and

c. On page 1, line 9, after "the" insert "Nebraska".

3. On page 1, line 5, after "48-141," insert "48-145.04,"; in line 12 after the second "to" insert "the"; and in line 15 strike "a fund" and insert "funds".

4. On page 2, line 5, strike "and the" and insert ", Commissioner of Labor, and the Nebraska"; and in line 6 strike "an operative date" and insert "for a study, hearing and report; to provide operative dates".

5. On page 3, line 27; and page 4, line 19, strike "high and low wage-paying" and insert "high-wage-paying and low-wage-paying".

6. On page 4, line 6; page 10, lines 18 and 20; page 12, lines 11 and 27; and page 13, line 1, strike the comma.

7. On page 18, line 20, strike the comma and reinstate the stricken "or".

8. On page 20, line 24, strike the new matter and reinstate the stricken "which"; and in line 25 reinstate the stricken "shall be known as the" and after "Fund" insert "which".

9. On page 35, line 26, after "of" insert "a"; and in line 28 strike the first comma.

10. On page 37, line 12, after the comma insert "and".

11. On page 44, line 20, after the third comma insert "and" and strike the fourth comma.

12. On page 45, line 20, strike the comma.

13. On page 46, line 15, strike the semicolon and insert an underscored period.

14. On page 47, line 1, strike the comma; in line 2 strike "; and" and insert an underscored period; and in line 14 strike the comma and show as stricken.

15. On page 53, line 4, strike "are" and insert "shall be".

16. On page 53, lines 22 and 24; and page 56, line 6, before "Workers'" insert "Nebraska".

17. On page 54, line 2, strike "whereby" and insert

"by which".

18. On page 58, line 18, after the first comma insert "and" and strike "and 48-1,110,".

LEGISLATIVE BILL 598. Placed on Select File as amended.
E & R amendment to LB 598:
AM5488

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 27-404, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

27-404. (1) Evidence of a person's character or a trait of his or her character is not admissible for the purpose of proving that he or she acted in conformity therewith on a particular occasion, except:

(a) Evidence of a pertinent trait of his or her character offered by an accused, or by the prosecution to rebut the same;

(b) Evidence of a pertinent trait of character of the victim of the crime offered by an accused or by the prosecution to rebut the same, or evidence of a character trait of peacefulness of the victim offered by the prosecution in a homicide case to rebut evidence that the victim was the first aggressor. In the case of sexual assault, reputation or opinion evidence of the past sexual behavior of the victim of the sexual assault will not be admissible; or

(c) Evidence of the character of a witness as provided in sections 27-607 to 27-609.

(2) Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that he or she acted in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

(3) When such evidence is admissible pursuant to this section, in criminal cases evidence of other crimes, wrongs, or acts of the accused may be offered in evidence by the prosecution if the prosecution proves to the court by clear and convincing evidence that the accused committed the crime, wrong, or act. Such proof shall first be made outside the presence of any jury.

Sec. 2. That original section 27-404, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 1, line 3, strike "in" and insert "of".

LEGISLATIVE BILL 757A. Placed on Select File.

(Signed) Kurt A. Hohenstein, Chairperson

GENERAL FILE

LEGISLATIVE BILL 237. Title read. Considered.

Standing Committee amendment, AM0827, found in the Journal on page 1136, was considered.

Messrs. Bromm and Bernard-Stevens offered the following amendment to the Standing Committee amendment:
AM1822

(Amendments to Standing Committee amendments, AM0827)

1. Insert the following section:

"Sec. 5. That section 81-15,124, Revised Statutes Supplement, 1992, be amended to read as follows:

81-15,124. Any reported or suspected release of a regulated substance from any tank shall be investigated by the State Fire Marshal and the Department of Environmental ~~Control~~ Quality. In the event that the State Fire Marshal or the Department of Environmental ~~Control~~ Quality finds an adverse effect caused by a release of a regulated substance from a tank:

(1) The State Fire Marshal shall (a) determine the immediate danger presented by the release, (b) take all steps necessary to assure immediate public safety, and (c) assist the Department of Environmental ~~Control~~ Quality in determining the source of the release and taking all steps necessary to ensure that the release is halted;

(2) By order of the Department of Environmental ~~Control~~ Quality, the owner or operator of the tank causing the release shall, after securing the source of the release, develop a plan for remedial action to be approved by the Department of Environmental ~~Control~~ Quality. The department shall inform the owner or operator of its approval or disapproval of a plan for remedial action within one hundred twenty days after receipt of a remedial action plan which contains all required information. If, after one hundred twenty days, the department fails to either deny, approve, or amend the remedial action plan submitted, the proposed plan shall be deemed approved; and

(3) The approved remedial action plan shall then be carried out by the owner or operator of the tank causing the release. All expenses incurred during the remedial action shall be paid by the owner or operator subject to reimbursement pursuant to the Petroleum Release Remedial Action Act.

If it is determined that the source of the release is unknown or that the owner or operator of the facility causing the release is unknown or unavailable, a remedial action plan shall be developed by or under the direction of

the Department of Environmental ~~Control~~ Quality. Such remedial action plan shall be developed and carried out by the department with money from the Petroleum Products and Hazardous Substances Storage and Handling Fund if funds are available. If at a later date the owner or operator of the facility which caused the release is determined, he or she shall be responsible for remedial action costs incurred on his or her behalf subject to reimbursement pursuant to the Petroleum Release Remedial Action Act. Any money received from such person shall be deposited in the Petroleum Products and Hazardous Substances Storage and Handling Fund.".

2. Insert the following new amendments:

"3. On page 2, line 17, and page 3, line 13, strike 'then' and insert '(a)'.

4. On page 2, line 19, and page 3, line 15, after 'subsection' insert 'and (b) the first cost and percent of the remaining cost not required to be paid by the person ordered to take remedial action shall be paid to the fund as a cost of remedial action by the owner or operator of the tank found to be the cause of the release'.".

3. On page 3, line 25, strike "and" and after "66-1529.02" insert ", and 81-15,124".

4. Renumber the remaining amendments accordingly.

The Bromm-Bernard-Stevens amendment was adopted with 23 ayes, 0 nays, 17 present and not voting, and 9 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Bernard-Stevens withdrew his pending amendment, AM1079, found in the Journal on page 1449.

Advanced to E & R for review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 239. Title read. Considered.

Standing Committee amendment, AM0263, found in the Journal on page 626, was considered.

MRS. CROSBY PRESIDING

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Messrs. Baack, Wickersham, and Mrs. Hillman renewed their pending amendment, AM0807, found in the Journal on page 962.

Mrs. Hillman, Messrs. Baack, and Moore offered the following amendment to the Baack et al. pending amendment:
AM1751

(Amendments to AM0807)

1. On page 1, line 7, after "facilities" insert "to house applied technology educational programs"; in line 12 strike "seven" and insert "four"; and strike beginning with "appropriations" in line 21 through "from" in line 22.

The Hillman et al. amendment was adopted with 16 ayes, 0 nays, 26 present and not voting, and 7 excused and not voting.

The Baack et al. amendment, as amended, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Withem renewed his pending amendment, AM1295, printed separately from the Journal and referred to on page 1461.

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

Mrs. Hillman and Mr. Moore offered the following amendment to the Withem pending amendment:
AM1832

(Amendments to AM1295)

1. Insert the following new amendments:

"8. On page 20, line 11, strike 'one and seventy-five hundredths', show as stricken, and insert 'four'; and in line 15 strike 'three and fifty hundredths', show as stricken, and insert 'eight'.

19. On page 45, lines 4 and 8 and 9, strike 'one thousand seven', show as stricken, and insert 'two thousand two'; and in lines 16 and 20 strike 'one thousand nine', show as stricken, and insert 'two thousand four'.".

2. On page 3, line 25, strike "Applied research" and insert "Academic support".

3. On page 5, line 8, strike "applied research" and insert "academic support".

4. Renumber the remaining amendments accordingly.

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

Mrs. Hillman and Mr. Moore withdrew their amendment.

Mr. Withem withdrew his pending amendment.

Mrs. Hillman moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 310. Title read. Considered.

Standing Committee amendment, AM1345, found in the Journal on page 1484, was considered.

SPEAKER BAACK PRESIDING

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 516. Title read. Considered.

Standing Committee amendment, AM1105, found in the Journal on page 1212, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Wickersham offered the following amendment:
AM1845

1. On page 2, line 16, after "Act" insert ", nor shall any city, village, county, township, or rural or suburban five protection district incur any liability solely by reason of any expenditure from such fund except liability for property when any city, village, county, township, or rural or suburban protection district receives title to property acquired with such fund.

(4) Nothing in this section shall be construed or deemed to permit a violation of the Nebraska Liquor Control Act.

(5) All expenditures of public funds as defined in the Nebraska Budget Act for support of a volunteer fire department or its purposes shall be submitted as claims, approved by the taxing authority supporting such department or its purposes, and published as required by law. All such claims shall be properly itemized for proposed expenditure or reimbursement for costs already incurred and paid except as may be otherwise permitted pursuant to section 35-106".

The Wickersham amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORT
Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Jo Beth Gutgsell - Power Review Board
Robert B. O'Neal - Power Review Board
David S. Sands - Environmental Control Council

VOTE: Aye: Senators Beutler, Bohlke, Bromm, Jones, McKenzie, and Preister. Absent: Senators Elmer and Hartnett.

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 395 in the Journal. No objections. So ordered.

AM1811

1. Insert the following new section:

"Sec. 22. Nothing in the Nebraska Fair Employment Practice Act with respect to sexual orientation and marital status shall apply to an employer who is engaged in or is responsible for the care and education of children under eighteen years of age in a residential care facility.".

2. In the Standing Committee amendment, AM1005, on page 1, line 5, strike "and 21" and insert "..... to 22".

3. Renumber the remaining sections accordingly.

Mr. Chambers asked unanimous consent to print the following amendments to LB 365 in the Journal. No objections. So ordered.

(1)

FA148

Page 2, lines 7-8, strike and show as stricken: "no tax shall be imposed, but" and insert: "any amount over ten million dollars shall be taxed at the rate of one percent, and".

(2)

FA149

Page 2, lines 17-20, strike new matter and reinstate stricken matter.

(3)

FA150

Page 2, lines 21-23, reinstate stricken matter.

(4)

FA151

Page 2, lines 27-28, strike new matter and reinstate stricken matter.

(5)

FA152

Page 2, line 18, strike "ten" and insert "eight". Strike line 13.

(6)

FA153

Page 2, line 18, strike "ten million" and insert "eight million, five hundred thousand". Strike line 13.

(7)

FA154

Page 2, line 18, strike "ten" and insert "nine". Strike line 13.

(8)

FA155

Page 2, line 18, strike "ten million" and insert "nine million, five hundred thousand". Strike line 13.

(9)

FA156

Page 2, line 19, strike "three" and insert "four".

(10)

FA157

Page 2, line 19, strike "three" and insert "five".

(11)

FA158

Page 2, line 19, strike "three" and insert "six".

(12)

FA159

Page 2, line 19, strike "three" and insert "seven".

(13)

FA160

Page 2, line 19, strike "three" and insert "eight".

(14)

FA161

Page 2, line 19, strike "three" and insert "nine".

(15)

FA162

Page 2, line 20, strike "two and one-half" and insert "three".

(16)

FA163

Page 3, line 5, put a period after "enclosure" and strike remaining language through "section" in line 6.

Mr. Wesely asked unanimous consent to print the following amendment to LB 816 in the Journal. No objections. So ordered.

AM1847

(Amendments to Standing Committee amendments, AM1366)

1. On page 4, strike beginning with the comma in line 13 through the comma in line 14; in line 16 strike "April" and insert "July"; strike beginning with the comma in line 20 through the first comma in line 21; strike beginning with "one" in line 23 through the comma in line 24; in line 25 strike "five" and insert "six"; and in line 27 after "perspectives" insert "and may include other health care professionals not specifically represented on the commission".

2. On page 5, line 26, after "represented" insert "if such profession or industry is required to be represented on the commission by section 6 of this act".

3. On page 6, line 3, strike "department" and insert "chairperson".

4. On page 11, line 10, strike "February 1" and insert "March 30"; and in line 17 after "of" insert "the State of Nebraska and its".

Mrs. Crosby asked unanimous consent to print the following amendments to LB 495 in the Journal. No objections. So ordered.

(1)

AM1826

1. Strike the original sections and insert the following new sections:

"Section 1. That section 69-1901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1901. The Legislature hereby finds that the state prohibits the use of smokeless tobacco products by minors and the furnishing of smokeless tobacco products to minors and that the enforcement of an age-related restriction

on the promotional distribution of smokeless tobacco products is impractical and ineffective. The Legislature further finds that smokeless tobacco product manufacturers have steadily increased advertising and promotion expenditures and that in 1991 approximately fourteen percent of all advertising and promotional expenditures, which equals nineteen million dollars of a one hundred four million dollar total, was spent on the distribution of free samples of smokeless tobacco products. It is the intent of the Legislature to control the distribution of these products and discourage illegal activity by prohibiting all promotional distribution.

Sec. 2. That original section 69-1901, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

(2)

AM1825

1. Strike the original sections and insert the following new sections:

"Section 1. That section 69-1901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1901. The Legislature hereby finds that the state prohibits the use of smokeless tobacco products by minors and the furnishing of smokeless tobacco products to minors and that the enforcement of an age-related restriction on the promotional distribution of smokeless tobacco products is impractical and ineffective. The Legislature further finds that sales of smokeless tobacco products by pounds sold and total sales revenue to manufacturers for smokeless tobacco product sales have been steadily increasing. It is the intent of the Legislature to control the distribution of these products and discourage illegal activity by prohibiting all promotional distribution.

Sec. 2. That original section 69-1901, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

(3)

AM1824

1. Strike the original sections and insert the following new sections:

"Section 1. That section 69-1901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1901. The Legislature hereby finds that the state prohibits the use of smokeless tobacco products by minors and the furnishing of smokeless tobacco products to minors and that the enforcement of an age-related restriction on the promotional distribution of smokeless tobacco products is impractical and ineffective. The Legislature further finds that the culture of smokeless tobacco product use in the United States has to a large extent centered on sports,

particularly baseball, and that when impressionable youngsters see their heroes openly using smokeless tobacco products, there is a powerful incentive to try it. The Legislature further finds that in 1989, nearly one-fourth of total promotion and advertising expenditures for smokeless tobacco products was devoted to sports and sporting events. It is the intent of the Legislature to control the distribution of these products and discourage illegal activity by prohibiting all promotional distribution.

Sec. 2. That original section 69-1901, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

(4)

AM1823

1. Strike the original sections and insert the following new sections:

"Section 1. That section 69-1901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1901. The Legislature hereby finds that the state prohibits the use of smokeless tobacco products by minors and the furnishing of smokeless tobacco products to minors and that the enforcement of an age-related restriction on the promotional distribution of smokeless tobacco products is impractical and ineffective. The Legislature further finds that the Surgeon General of the Public Health Service of the United States has concluded that oral use of smokeless tobacco products represents a significant health risk, is not a safe substitute for cigarette smoking, can cause cancer and a number of noncancerous oral conditions, and can lead to nicotine addiction and dependence. The Legislature further finds that the federal Comprehensive Smokeless Tobacco Act of 1986 banned smokeless tobacco products advertising on television and radio and required that three health warnings containing the Surgeon General's conclusions be rotated on smokeless tobacco product packages and in advertisements. It is the intent of the Legislature to control the distribution of these products and discourage illegal activity by prohibiting all promotional distribution.

Sec. 2. That original section 69-1901, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

(5)

AM1827

1. Strike the original sections and insert the following new sections:

"Section 1. That section 69-1901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1901. The Legislature hereby finds that the state prohibits the use of smokeless tobacco products by

minors and the furnishing of smokeless tobacco products to minors and that the enforcement of an age-related restriction on the promotional distribution of smokeless tobacco products is impractical and ineffective. The Legislature further finds that there are oral conditions caused by smokeless tobacco products and that these include smoke dipper's pouch which is a smokeless tobacco lesion, focal gingival recession with periodontal attachment loss, and halitosis which is bad breath. It is the intent of the Legislature to control the distribution of these products and discourage illegal activity by prohibiting all promotional distribution.

Sec. 2. That original section 69-1901, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

RESOLUTION

LEGISLATIVE RESOLUTION 90. Introduced by Dierks, 40; Byars, 30; Elmer, 38; Moore, 24; Cudaback, 36; Witek, 31; Haberman, 44; Vrtiska, 1; Robinson, 16; Wickersham, 49; Bromm, 23; Hudkins, 21; Schellpeper, 18; Jones, 43.

WHEREAS, President Clinton has proposed a broad based energy tax on all forms of energy known as the British Thermal Unit (BTU) tax; and

WHEREAS, Nebraska farmers are unfairly disadvantaged by such a tax in that they are heavy users of energy, and further, cannot pass on or recoup such increased costs in the sale of their products; and

WHEREAS, based on information gathered by the Governor's Impact Nebraska Meeting, held on March 12, 1993, the annual cost of the BTU tax may range from twenty-five cents per acre for ranch land to as high as five dollars per acre for an irrigated farm; and

WHEREAS, such tax has a disproportionate impact on Nebraskans; and

WHEREAS, Nebraskans are willing to do their fair share to strengthen America and expand its economy, the BTU tax can do nothing but produce a negative effect on economic growth and job creations.

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

1. That while the Legislature supports the President in his stated goal to reduce the national debt, that such attempts should include additional spending cuts, and that the BTU tax should not be adopted in any form due to its depressing and degrading effect on Nebraska agriculture.

2. That the Clerk of the Legislature send copies of this resolution to the President of the United States, to the Honorable Leon Panetta, Director of the Budget, and to the members of the Nebraska congressional delegation.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 90 was referred to the Reference Committee.

SELECT FILE

LEGISLATIVE BILL 627. The Chambers pending amendment, FA138, found in the Journal on page 1756, to the Witek pending amendment, FA132, found in the Journal on page 1750, was renewed.

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Baack	Crosby	Hall	McKenzie	Wickersham
Bohlke	Haberman	Lindsay	Schimek	Will
Chambers				

Voting in the negative, 15:

Abboud	Byars	Janssen	Moore	Warner
Avery	Hohenstein	Jones	Pirsch	Witek
Bromm	Hudkins	Kristensen	Vrtiska	Withem

Present and not voting, 17:

Ashford	Coordsen	Hillman	Preister	Schmitt
Bernard-Stevens	Cudaback	Horgan	Robinson	Wehrbein
Beutler	Dierks	Landis	Schellpeper	Wesely
	Elmer	Pedersen		

Excused and not voting, 6:

Day	Hartnett	Lynch	Rasmussen	Robak
Fisher				

The Chambers amendment lost with 11 ayes, 15 nays, 17 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to the Witek pending amendment:
FA164
Amend Witek Amendment (1486) FA132 to E & R Amends. (5453):
P. 1, line 18, strike "fifty" and show as stricken and insert "thirty"

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

PRESIDENT MOUL PRESIDING

Mr. Kristensen asked unanimous consent to be excused. No objections. So ordered.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bromm moved the previous question. The question is, "Shall the debate now close?"

Mr. Bromm moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 3:

Baack	Beutler	Lindsay

Voting in the negative, 26:

Abboud	Byars	Hohenstein	Landis	Vrtiska
Ashford	Coordsen	Horgan	Moore	Warner
Avery	Crosby	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Cudaback	Janssen	Robinson	Witek
Bromm	Elmer	Jones	Schellpeper	Withem
	Hillman			

Present and not voting, 12:

Bohlke	Haberman	Preister	Schmitt	Wickersham
Chambers	Hall	Schimek	Wesely	Will
Dierks	Pedersen			

Excused and not voting, 8:

Day	Hartnett	Lynch	Rasmussen	Robak
Fisher	Kristensen	McKenzie		

The Chambers amendment lost with 3 ayes, 26 nays, 12 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Ashford asked unanimous consent to print the following amendment to LB 627 in the Journal. No objections. So ordered.

AM1854

(Amendments to E & R amendments, AM5453)

1. Insert the following new sections:

"Section 1. That section 28-101, Revised Statutes Supplement, 1992, be amended to read as follows:

28-101. Sections 28-101 to 28-1348 and section 2 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 2. (1) Except as provided in subsection (2) of this section, any person who possesses a gun on the premises of a school or youth center shall be guilty of a Class IV felony. Any second or subsequent violation of this section shall be a Class III felony.

(2) It shall be an affirmative defense to a prosecution pursuant to this section that the defendant was engaged in any lawful business, calling, or employment at the time he or she possessed the gun and the circumstances in which such person was placed at the time were such as to justify a prudent person in possessing the gun for the defense of his or her person, property, or family.

(3) For purposes of this section:

(a) School shall mean any school that meets the requirements of sections 79-1701 to 79-1707 on the effective date of this act and all public schools operating under Chapter 79; and

(b) Youth center shall mean the real estate comprising any recreational facility which is intended primarily for use by persons under eighteen years of age, which provides athletic, civic, or cultural activities, and which is owned and operated by the State of Nebraska or by a nonprofit corporation holding a certificate under section 21-1930.

Sec. 3. That section 28-1205, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

28-1205. (1) Any person who uses a firearm, knife, brass or iron knuckles, or ~~any~~ other deadly weapon to commit any felony which may be prosecuted in a court of this state~~;~~ or any person who unlawfully possesses a firearm, knife, brass or iron knuckles, or ~~any~~ other deadly weapon during the commission of any felony which may be prosecuted in a court of this state commits the offense of using firearms to commit a felony.

(2) Use of firearms to commit a felony is a Class III felony, except that if the felony is committed on the premises of a school or youth center as defined in section 2 of this act, the offense shall be a Class II felony.

(3) The ~~crime~~ offense defined in this section shall be treated as a separate and distinct offense from the felony being committed, and sentences imposed under the provisions of this section shall be consecutive to any other sentence imposed.".

2. On page 21, line 14, strike "section" and insert "sections 28-1205 and"; and in line 15 strike "section" and insert "sections 28-101 and".

3. Renumber the remaining sections and correct internal references accordingly.

VISITORS

Visitors to the Chamber were 12 seniors and teacher from Fairmont High School; 50 fourth grade students and sponsor from Stoddard Elementary, Beatrice; and 35 third and fourth grade students and sponsors from Lewiston Consolidated School.

ADJOURNMENT

At 4:34 p.m., on a motion by Mr. Abboud, the Legislature adjourned until 9:00 a.m., Tuesday, May 4, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTY-FIRST DAY - MAY 4, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

SEVENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 4, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Doug Roberts, Northwest Hills United Church of Christ, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Avery, Bromm, Hall, Landis, Lindsay, Moore, Robinson, Warner, Withem, Mmes. Bohlke, Hillman, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventieth day was approved.

UNANIMOUS CONSENT - Member Excused

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

REPORT

Received 1991 and 1992 annual reports from the Interstate Agricultural Grain Marketing Commission.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 78.

A BILL FOR AN ACT relating to political subdivisions; to amend section 15-201, Reissue Revised Statutes of Nebraska, 1943; to permit cities of the primary class and other political subdivisions to exchange services as prescribed; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Abboud	Crosby	Hohenstein	McKenzie	Schimek
Baack	Cudaback	Horgan	Pedersen	Schmitt
Bernard-Stevens	Dierks	Hudkins	Pirsch	Vrtiska
	Elmer	Janssen	Preister	Wehrbein
Beutler	Fisher	Jones	Rasmussen	Wesely
Byars	Haberman	Kristensen	Robak	Will
Coordsen	Hartnett	Lynch	Schellpeper	Witek

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 14:

Ashford	Bromm	Hillman	Moore	Wickersham
Avery	Day	Landis	Robinson	Withem
Bohlke	Hall	Lindsay	Warner	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 126.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-4,120 and 60-4,150, Revised Statutes Supplement, 1992; to change and specify time periods for applications for replacement licenses and identification cards; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud	Coordsen	Hartnett	Lynch	Schellpeper
Baack	Crosby	Hohenstein	McKenzie	Schimek
Bernard-Stevens	Cudaback	Horgan	Pedersen	Schmitt
Beutler	Dierks	Hudkins	Pirsch	Wehrbein
Bohlke	Elmer	Janssen	Preister	Wesely
Byars	Fisher	Jones	Rasmussen	Will
Chambers	Haberman	Kristensen	Robak	Witek

Voting in the negative, 0.

Present and not voting, 1:

Vrtiska

Excused and not voting, 13:

Ashford	Day	Landis	Robinson	Wickersham
Avery	Hall	Lindsay	Warner	Withem
Bromm	Hillman	Moore		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 170.

A BILL FOR AN ACT relating to the military; to amend sections 55-126, 55-136, 55-140, 55-143, 55-152, 55-417, 55-426, and 55-443, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,219, Revised Statutes Supplement, 1992; to change provisions relating to the deputy adjutant general, retirement from the National Guard, the administration of oaths, fitness of an officer to serve, and discharge from service of the United States; to provide for general, special, and summary courts-martial; to change provisions relating to claims based on activities of the National Guard; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 36:

Abboud	Baack	Beutler	Bohlke	Byars

Chambers	Haberman	Jones	Preister	Schmitt
Coordsen	Hartnett	Kristensen	Rasmussen	Vrtiska
Crosby	Hohenstein	Lynch	Robak	Wehrbein
Cudaback	Horgan	McKenzie	Robinson	Wesely
Dierks	Hudkins	Pedersen	Schellpeper	Will
Elmer	Janssen	Pirsch	Schimek	Witek
Fisher				

Voting in the negative, 0.

Excused and not voting, 13:

Ashford	Bernard-Stevens	Day	Landis	Warner
Avery	Bromm	Hall	Lindsay	Wickersham
		Hillman	Moore	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 216.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend sections 8-1101 to 8-1103, 8-1106, 8-1108.01, 8-1112, 8-1118, and 59-1715, Reissue Revised Statutes of Nebraska, 1943, and sections 8-1110, 8-1111, 29-110, and 45-101.04, Revised Statutes Supplement, 1992; to define and redefine terms; to change provisions relating to fraudulent and prohibited acts; to provide for investment adviser representatives, their registration, and their fees as prescribed; to change provisions relating to registration under the act as prescribed; to change provisions relating to the powers and duties of the Director of Banking and Finance; to change provisions relating to exemptions as prescribed; to provide for personal jurisdiction over investment adviser representatives; to change provisions relating to liability under the act as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Abboud	Beutler	Chambers	Dierks	Hartnett
Ashford	Bohlke	Coordsen	Elmer	Hohenstein
Avery	Bromm	Crosby	Fisher	Horgan
Baack	Byars	Cudaback	Haberman	Hudkins

Janssen	Lynch	Preister	Schellpeper	Wehrbein
Jones	McKenzie	Rasmussen	Schimek	Wesely
Kristensen	Pedersen	Robak	Schmitt	Will
Lindsay	Pirsch	Robinson	Vrtiska	

Voting in the negative, 0.

Excused and not voting, 10:

Bernard-Stevens	Hall	Landis	Warner	Witek
Day	Hillman	Moore	Wickersham	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 250.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend section 30-2201, Reissue Revised Statutes of Nebraska, 1943; to provide for nonprobate transfers on death; to define terms; to provide forms; to eliminate provisions relating to nonprobate transfers on death; and to repeal the original section, and also sections 30-2701 to 30-2714, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud	Coordsen	Hartnett	Lynch	Schellpeper
Ashford	Crosby	Hohenstein	McKenzie	Schimek
Avery	Cudaback	Horgan	Pedersen	Schmitt
Baack	Day	Hudkins	Pirsch	Vrtiska
Beutler	Dierks	Janssen	Preister	Wehrbein
Bohlke	Elmer	Jones	Rasmussen	Wesely
Bromm	Fisher	Kristensen	Robak	Will
Byars	Haberman	Lindsay	Robinson	Witek
Chambers				

Voting in the negative, 0.

Excused and not voting, 8:

Bernard-Stevens	Hall	Landis	Warner	Withem
	Hillman	Moore	Wickersham	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 319.

A BILL FOR AN ACT relating to building codes; to amend sections 71-6403 to 71-6406, Reissue Revised Statutes of Nebraska, 1943; to adopt new editions of the state building code; to require approval of amendments; to provide for applicability of building codes to certain public buildings; to provide for negotiation on fees; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Coordsen	Hohenstein	McKenzie	Schimek
Ashford	Crosby	Horgan	Pedersen	Schmitt
Avery	Cudaback	Hudkins	Pirsch	Vrtiska
Baack	Day	Janssen	Preister	Wehrbein
Beutler	Dierks	Jones	Rasmussen	Wesely
Bohlke	Elmer	Kristensen	Robak	Wickersham
Bromm	Fisher	Lindsay	Robinson	Will
Byars	Haberman	Lynch	Schellpeper	Witek
Chambers	Hartnett			

Voting in the negative, 0.

Excused and not voting, 7:

Bernard-Stevens	Hall	Landis	Warner	Withem
	Hillman	Moore		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 375.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-1,132.07, 71-2601, 71-2602, and 71-3707, Reissue Revised Statutes of Nebraska, 1943, and sections 71-3706 and 71-4715, Revised Statutes Supplement, 1992; to change provisions for appointment and removal of members of the Board of Nursing, the Board of Registration for Environmental Health Specialists, and the Board of Hearing Aid Instrument Dispensers and Fitters; to change the number of members on the State Board of Health and the length of their terms; to eliminate certain appointment provisions; and to repeal the original

sections, and also section 71-2602.01, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud	Coordsen	Hohenstein	McKenzie	Schimek
Ashford	Crosby	Horgan	Pedersen	Schmitt
Avery	Cudaback	Hudkins	Pirsch	Vrtiska
Baack	Day	Janssen	Preister	Wehrbein
Beutler	Dierks	Jones	Rasmussen	Wesely
Bohlke	Elmer	Kristensen	Robak	Wickersham
Bromm	Fisher	Lindsay	Robinson	Will
Byars	Haberman	Lynch	Schellpeper	Witek
Chambers	Hartnett			

Voting in the negative, 0.

Excused and not voting, 7:

Bernard-Stevens	Hall	Landis	Warner	Withem
	Hillman	Moore		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

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

LEGISLATIVE BILL 423.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-820, Reissue Revised Statutes of Nebraska, 1943, section 8-157.01, Revised Statutes Supplement, 1992, as amended by section 8, Legislative Bill 81, Ninety-third Legislature, First Session, 1993, and section 40, Legislative Bill 81, Ninety-third Legislature, First Session, 1993; to provide for investment in qualified Canadian Government obligations as prescribed; to provide for the use of a national automatic teller machine program; to provide for a trust company to administer certain assets in a fiduciary capacity; to provide that certain amounts charged for loans initiated by a transaction card may be charged and collected as interest; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud	Coordsen	Hartnett	McKenzie	Schimek
Ashford	Crosby	Hohenstein	Pedersen	Schmitt
Avery	Cudaback	Horgan	Pirsch	Vrtiska
Baack	Day	Hudkins	Preister	Wehrbein
Beutler	Dierks	Jones	Rasmussen	Wesely
Bohlke	Elmer	Kristensen	Robak	Wickersham
Bromm	Fisher	Lindsay	Robinson	Will
Byars	Haberman	Lynch	Schellpeper	Witek
Chambers				

Voting in the negative, 0.

Excused and not voting, 8:

Bernard-Stevens	Hall	Janssen	Moore	Withem
	Hillman	Landis	Warner	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 78, 126, 170, 216, 250, 319, 375, and 423.

GENERAL FILE

LEGISLATIVE BILL 137. Considered.

Messrs. Wesely, Beutler, and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

The first Will-Avery pending amendment, FA145, found in the Journal on page 1897, was renewed.

Mrs. Pirsch and Mr. Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Will moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Will requested a roll call vote on the Will-Avery amendment.

Voting in the affirmative, 25:

Abboud	Bohlke	Hillman	Lindsay	Schellpeper
Ashford	Bromm	Hohenstein	Lynch	Schimek
Avery	Coordsen	Horgan	McKenzie	Wesely
Baack	Day	Hudkins	Preister	Wickersham
Beutler	Hartnett	Janssen	Rasmussen	Will

Voting in the negative, 17:

Byars	Fisher	Moore	Robinson	Warner
Crosby	Haberman	Pedersen	Schmitt	Wehrbein
Dierks	Jones	Robak	Vrtiska	Witek
Elmer	Kristensen			

Present and not voting, 1:

Chambers

Excused and not voting, 6:

Bernard-Stevens	Cudaback	Landis	Pirsch	Withem
	Hall			

The first Will-Avery amendment was adopted with 25 ayes, 17 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

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

The second Will-Avery amendment is as follows:
FA146

(5) The ten-year limitation provided in this section shall not apply if the product liability action involves the manufacture, construction, design, or assembly of medical implants, prosthetics, appliances, or other devices surgically placed on or within the human body.

Mr. Bromm offered the following amendment to the Will-Avery pending amendment:
FA165
Amend AM1817
to strike that language on lines 17 through 20 starting with "the" and ending with "." (period). The following language shall be inserted:
"non-discoverable harms resulting from prolonged exposure to defective products."

Mr. Bromm withdrew his amendment.

The second Will-Avery amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

The third Will-Avery amendment is as follows:
FA147

Sec. 2. It is the intent of the Legislature that section 25-224 be applied retroactively to revive causes of action for injury caused by defective products which were barred by interpretation of such section prior to the effective date of this act.

Mr. Will asked unanimous consent to withdraw the Will-Avery pending amendment. No objections. So ordered.

Mr. Schellpeper withdrew his pending amendment, AM0916, found in the Journal on page 1094.

Mrs. Crosby withdrew her pending amendment, AM0416, found in the Journal on page 1561.

Mr. Avery withdrew his pending amendments, AM1589 and AM1813, found in the Journal on pages 1829 and 1882.

Mr. Bromm withdrew his pending amendment, AM1807, found in the Journal on page 1886.

Mr. Wehrbein offered the following amendment:
AM1114

1. Insert the following new sections:

"Section 1. That section 25-222, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-222. Any action to recover damages based on alleged professional negligence or upon alleged breach of warranty in rendering or failure to render professional services shall be commenced within two years next after the alleged act or omission in rendering or failure to render professional services providing the basis for such action, except that ~~; PROVIDED,~~ if the cause of action is not discovered and could not be reasonably discovered within such two-year period, then the action may be commenced within one year from the date of such discovery or from the date of discovery of facts which would reasonably lead to such discovery, whichever is earlier. ~~; AND PROVIDED FURTHER, that in no event may any action be commenced to recover damages for professional negligence or breach of warranty in rendering or failure to render professional services more than ten years after the date of rendering or failure to render such professional service which provides the basis for the cause of action.~~

Sec. 3. That section 44-2828, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-2828. Except as provided in section 25-213, any action to recover damages based on alleged malpractice or professional negligence or upon alleged breach of warranty in rendering or failing to render professional services shall be commenced within two years next after the alleged act or omission in rendering or failing to render professional services providing the basis for such action, except that if the cause of action is not discovered and could not be reasonably discovered within such two-year period, the action may be commenced within one year from the date of such discovery or from the date of discovery of facts which would reasonably lead to such discovery, whichever is earlier. ~~In no event may any action be commenced to recover damages for malpractice or professional negligence or breach of warranty in rendering or failing to render professional services more than ten years after the date of rendering or failing to render such professional service which provides the basis for the cause of action.~~".

2. On page 3, line 19, strike "section 25-224" and insert "sections 25-222, 25-224, and 44-2828"; and in line 20 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Pending.

UNANIMOUS CONSENT - Print in Journal

Messrs. Horgan and Dierks asked unanimous consent to print the following amendment to LB 495 in the Journal. No objections. So ordered.

AM0537

1. Strike the original sections and insert the following new sections:

"Section 1. That section 69-1901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1901. The Legislature hereby finds that the state prohibits the use of cigarettes, cigars, smoking tobacco, and smokeless tobacco products by minors and the furnishing of ~~smokeless tobacco~~ such tobacco products to minors and that the enforcement of an age-related restriction on the promotional distribution of such tobacco ~~smokeless tobacco~~ products is impractical and ineffective. It is the intent of the Legislature to control the distribution of these products and discourage illegal activity by prohibiting all promotional distribution.

Sec. 2. That section 69-1902, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

69-1902. For purposes of sections 69-1901 to 69-1904:

(1) Distribute shall mean to give cigarettes, cigars, smoking tobacco, and smokeless tobacco products to the general public at no cost or at nominal cost or to give coupons or rebate offers with the products; ~~and~~

(2) Cigarettes shall include any roll for smoking made wholly or in part of tobacco irrespective of size or shape and whether or not such tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other material excepting tobacco;

(3) Cigars shall mean cheroots, stogies, and periques;

(4) Smoking tobacco shall mean granulated, plug cut, crimp cut, ready rubbed, and other kinds and forms of tobacco, prepared in such manner as to be suitable for smoking in a pipe or otherwise; and

(5) Smokeless tobacco product shall mean (a) loose tobacco or a flat compressed cake of tobacco that may be chewed or held in the mouth or (b) a small amount of shredded, powdered, or pulverized tobacco that may be inhaled through the nostrils, chewed, or held in the mouth.

Sec. 3. That section 69-1903, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1903. (1) Manufacturers, wholesalers, or retailers, or their representatives, of cigarettes, cigars, smoking tobacco, and smokeless tobacco products shall not distribute for promotional purposes.

(2) Evidence of distribution of cigarettes, cigars, smoking tobacco, and smokeless tobacco products to the general public shall be prima facie evidence of distribution for promotional purposes.

Sec. 4. That section 69-1904, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1904. (1) The Attorney General shall apply for an injunction in the district court in the county in which any violation of section 69-1903 occurs to enjoin the defendant from engaging in any practice which violates such section. Notice shall be given by certified mail to the defendant at least five days prior to the hearing on such injunction.

(2) The Attorney General may bring a civil action against any person violating section 69-1903. A civil penalty shall be imposed on such person in an amount of five hundred dollars for the first offense and in an amount of not less than six hundred dollars nor more than three thousand dollars for a second or subsequent offense. Each distribution of a cigarette or cigar or a single package of smoking tobacco or a

smokeless tobacco product to an individual member of the general public shall be considered a separate violation under section 69-1903.

Sec. 5. That original sections 69-1901 to 69-1904, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

NOTICE OF COMMITTEE HEARING
General Affairs

Governor Appointment Wednesday, May 26, 1993 1:15 p.m.
Sheila Hawes - Nebraska Arts Council

(Signed) Stan Schellpeper, Chairperson

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LB 216 on Final Reading.

(Signed) Kate Witek

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 4, 1993, at 10:20 a.m., were the following bills: 78, 126, 170, 216, 250, 319, 375, and 423.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MESSAGE FROM THE GOVERNOR

May 4, 1993

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 74, 280, 315, 478, 529, 539, 545, 547, 555, 582, 625, 652, 781, and 253 were received in my office on April 30, 1993.

These bills were signed by me on May 4, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

MOTION - Recess

Mrs. Pirsch moved to recess until 1:30 p.m. The motion lost with 19 ayes, 20 nays, 8 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Members Excused

Mr. Landis and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 137. Mr. Wehrbein withdrew his pending amendment, AM1114, found in this day's Journal.

Mr. Bromm offered the following amendment:
FA166
Amend AM1817
Page 3, line 20 after "body.", insert "The ten year limitation in this section shall not apply if the harm was caused by prolonged exposure to a defective product, or if the injury-causing aspect of the product that existed at the time of delivery was not discoverable by a reasonably prudent person, until more than 10 years after the time of delivery, or if the harm caused within 10 years after the time of delivery, did not manifest itself until after that time.

Pending.

MOTION - Recess

Mr. Byars moved to recess until 1:30 p.m.

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

Mr. Byars requested a roll call vote on the motion to recess.

Voting in the affirmative, 18:

Byars	Elmer	Moore	Schmitt	Wehrbein
Coordsen	Kristensen	Pedersen	Vrtiska	Witek
Cudaback	Landis	Pirsch	Warner	Withem
Dierks	Lynch	Robinson		

Voting in the negative, 28:

Abboud	Avery	Bernard-Stevens	Beutler	Bromm
Ashford	Baack		Bohlke	Chambers

Day	Hillman	Janssen	Preister	Wesely
Fisher	Hohenstein	Jones	Rasmussen	Wickersham
Hall	Horgan	Lindsay	Schellpeper	Will
Hartnett	Hudkins	McKenzie	Schimek	

Present and not voting, 1:

Crosby

Excused and not voting, 2:

Haberman Robak

The Byars motion to recess lost with 18 ayes, 28 nays, 1 present and not voting, and 2 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 137. Mr. Bromm withdrew his pending amendment, FA166, found in this day's Journal.

Advanced to E & R for review with 27 ayes, 13 nays, 7 present and not voting, and 2 excused and not voting.

VISITORS

Visitors to the Chamber were 57 eighth grade students and sponsor from St. Thomas More School, Omaha; Bob Taylor from Scottsbluff and J. T. Harris from McCook; 59 first through sixth grade students and sponsors from Uehling; 50 fourth grade students and teacher from King Science Center, Omaha; 25 seventh grade students and sponsor from Millard North Middle School, Omaha; nine students from District #81, West Point; and 30 fourth grade students and sponsor from Northern Hill School, Norfolk.

RECESS

At 12:25 p.m., on a motion by Speaker Baack, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Mr. Fisher who was excused; and Messrs. Abboud, Ashford, Bernard-Stevens,

Elmer, Haberman, Hall, Landis, Lindsay, Pedersen, Robinson, Mmes. Bohlke, and Robak who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

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

UNANIMOUS CONSENT - Print in Journal

Mr. Lindsay asked unanimous consent to print the following amendment to LB 782 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1839.)

GENERAL FILE

LEGISLATIVE BILL 798. Title read. Considered.

Messrs. Dierks and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 799. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 798A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 799A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 800. Title read. Considered.

Standing Committee amendment, AM1416, found in the Journal on page 1529, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 800A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 801. Title read. Considered.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Standing Committee amendment, AM1367, found in the Journal on page 1530, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 808. Title read. Considered.

Standing Committee amendment, AM1372, found in the Journal on page 1531, was considered.

Mr. Wesely offered the following amendment to the Standing Committee amendment:
FA167

(Amendments to Standing Committee amendments, AM1372)

1. On page 1, line 5, strike "for the next fiscal year"; and in line 8 strike "July" and insert "April".

The Wesely amendment was adopted with 20 ayes, 0 nays, 24 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 808A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 816. Title read. Considered.

Standing Committee amendment, AM1366, printed separately from the Journal and referred to on page 1532, was considered.

Mr. Wesely renewed his pending amendment, AM1847, found in the Journal on page 1913, to the Standing Committee amendment.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

The Wesely amendment was adopted with 17 ayes, 0 nays, 26 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 805. Title read. Considered.

Standing Committee amendment, AM1173, found in the Journal on page 1531, was considered.

Mr. Wesely renewed his pending amendment, AM1694, found in the Journal on page 1725, to the Standing Committee amendment.

The Wesely amendment was adopted with 20 ayes, 0 nays, 23 present and not voting, and 6 excused and not voting.

Mr. Will and Mrs. Witek asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 805A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 804. Title read. Considered.

Standing Committee amendment, AM1500, found in the Journal on page 1624, was considered.

MRS. CROSBY PRESIDING

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely offered the following amendment to the Standing Committee amendment:

AM1855

(Amendments to Standing Committee amendment, AM1500)

1. On page 3, line 11, after "for" insert "certain"; and in line 22 after "the" insert "highest" and strike "sixty-nine".

2. On page 4, line 2, strike "require" and insert "establish" and after "necessity" insert "criteria"; strike beginning with "replace" in line 3 through "purchase" in line 4 and insert "establish a selection of frame styles coverable"; in line 15 strike "covered" and insert "coverable"; in line 16 strike "reimbursements" and insert "meals"; and in line 17 strike "in" and insert "as a" and after "transportation" insert "service".

The Wesely amendment was adopted with 22 ayes, 0 nays, 20 present and not voting, and 7 excused and not voting.

Messrs. Moore, Hohenstein, Ashford, Wehrbein, Avery, Bernard-Stevens, and Mrs. Hillman renewed their pending amendment, AM1765, found in the Journal on page 1903, to the Standing Committee amendment.

Messrs. Lindsay, Vrtiska, and Hall asked unanimous consent to be excused. No objections. So ordered.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Wesely moved for a call of the house. The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

Mr. Wesely requested a roll call vote on the Moore et al. amendment.

Voting in the affirmative, 17:

Avery	Bernard-Stevens	Haberman	Hohenstein	Moore
Baack	Elmer	Hartnett	Jones	Pirsch
		Hillman	Kristensen	Robinson

Schmitt Wehrbein Wickersham Withem

Voting in the negative, 22:

Ashford	Coordsen	Horgan	McKenzie	Robak
Beutler	Crosby	Hudkins	Pedersen	Schimek
Bromm	Cudaback	Janssen	Preister	Warner
Byars	Day	Landis	Rasmussen	Wesely
Chambers	Dierks			

Excused and not voting, 10:

Abboud	Fisher	Lindsay	Schellpeper	Will
Bohlke	Hall	Lynch	Vrtiska	Witek

The Moore et al. amendment lost with 17 ayes, 22 nays, and 10 excused and not voting.

Pending.

The Chair declared the call raised.

MESSAGE FROM THE GOVERNOR

May 4, 1993

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 193 and 431 were received in my office on April 30, 1993.

These bills were signed by me on May 4, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

MOTION - Withdraw LB 845

Mr. Moore moved to withdraw LB 845.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 779 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1857.)

Mr. Landis asked unanimous consent to print the following amendment to LB 757A in the Journal. No objections. So ordered.

AM1707

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $229,511 from the General Fund and $452,144 from the Compensation Court Cash Fund for FY1993-94 and (2) $1,623,613 from the Compensation Court Cash Fund for FY1994-95 to the Nebraska Workers' Compensation Court, for Program 530, to aid in carrying out the provisions of Legislative Bill 757, Ninety-third Legislature, First Session, 1993.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $248,963 for FY1993-94 or $478,799 for FY1994-95.

Sec. 2. There is hereby appropriated (1) $147,312 from the Compensation Court Cash Fund for FY1993-94 and (2) $589,247 from the Compensation Court Cash Fund for FY1994-95 to the Nebraska Workers' Compensation Court, for Program 526, to aid in carrying out the provisions of Legislative Bill 757, Ninety-third Legislature, First Session, 1993.

Sec. 3. There is hereby appropriated (1) $147,454 from the General Fund and $145,676 from the Workplace Safety Consultation Program Cash Fund for FY1993-94 and (2) $582,703 from the Workplace Safety Consultation Program Cash Fund for FY1994-95 to the Department of Labor, for Program 187, to aid in carrying out the provisions of Legislative Bill 757, Ninety-third Legislature, First Session, 1993.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $123,354 for FY1993-94 or $338,888 for FY1994-95.

Sec. 4. The FY1994-95 General Fund appropriation to the Nebraska Workers' Compensation Court, for Program 530, shall be reduced by $671,235 to reflect the change in funding sources authorized in Legislative Bill 757, Ninety-third Legislature, First Session, 1993.

Sec. 5. The FY1993-94 General Fund appropriation to the Nebraska Workers' Compensation Court, for Program 526, shall be reduced by $147,312 to reflect funding changes

authorized in Legislative Bill 757, Ninety-third Legislature, First Session, 1993.

The FY1994-95 General Fund appropriation to the Nebraska Workers' Compensation Court, for Program 526, shall be reduced by $589,247 to reflect funding changes authorized in Legislative Bill 757, Ninety-third Legislature, First Session, 1993.

Sec. 6. The State Treasurer shall transfer $58,782 from the Vocational Rehabilitation Fund to the Compensation Court Cash Fund for the administration of the vocational rehabilitation program during FY1993-94. The State Treasurer shall transfer $58,543 from the Vocational Rehabilitation Fund to the Compensation Court Cash Fund for the administration of the vocational rehabilitation program during FY1994-95.".

Mr. Preister asked unanimous consent to print the following amendment to LB 536 in the Journal. No objections. So ordered.

AM1669

(Amendments to AM0237)

1. On page 9, strike beginning with "may" in line 19 through "concerned" in line 22, show as stricken, and insert "shall be public records subject to sections 84-712 to 84-712.09. In addition, the following information shall be deemed confidential:

(a) The names of individuals in dosimetry reports;

(b) Emergency response procedures which would present a clear threat to security or disclose names of individuals; and

(c) Any other information that is likely to present a clear threat to the security of radioactive material".

Mr. Warner asked unanimous consent to print the following amendment to LB 719 in the Journal. No objections. So ordered.

AM1815

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 2. That section 84-712.05, Reissue Revised Statutes of Nebraska, 1943, as amended by section 6, Legislative Bill 579, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

84-712.05. The following records, unless publicly disclosed in an open court, open administrative proceeding, or open meeting or disclosed by a public entity pursuant to its duties, may be withheld from the public by the lawful custodian of the records:

(1) Personal information in records regarding a student, prospective student, or former student of any

tax-supported educational institution maintaining such records, other than routine directory information;

(2) Medical records, other than records of births and deaths, in any form concerning any person, and also records of elections filed under section 44-2821;

(3) Trade secrets, academic and scientific research work which is in progress and unpublished, and other proprietary or commercial information which if released would give advantage to business competitors and serve no public purpose;

(4) Records which represent the work product of an attorney and the public body involved which are related to preparation for litigation, labor negotiations, or claims made by or against the public body or which are confidential communications as defined in section 27-503;

(5) Records developed or received by law enforcement agencies and other public bodies charged with duties of investigation or examination of persons, institutions, or businesses, when the records constitute a part of the examination, investigation, intelligence information, citizen complaints or inquiries, informant identification, or strategic or tactical information used in law enforcement training;

(6) Appraisals or appraisal information and negotiation records, concerning the purchase or sale, by a public body, of any interest in real or personal property, prior to completion of the purchase or sale;

(7) Personal information in records regarding personnel of public bodies other than salaries and routine directory information;

(8) Information solely pertaining to protection of the physical security of public property such as guard schedules or lock combinations;

(9) With respect to public utilities, personally identified private citizen account payment information, credit information on others supplied in confidence, and customer lists;

(10) Records or portions of records kept by a publicly funded library which, when examined with or without other records, reveal the identity of any library patron using the library's materials or services; ~~and~~

(11) Correspondence, memoranda, and records of telephone calls related to the performance of duties by a member of the Legislature. The lawful custodian of such correspondence, memoranda, and records of telephone calls, whether created prior to, on, or after the effective date of this act, upon approval of the Executive Board of the Legislative Council, shall release such correspondence, memoranda, and records of telephone calls which are not

designated as sensitive or confidential in nature pursuant to subsection (3) of section 81-1120.27 to the person the Executive Board of the Legislative Council has contracted with pursuant to section 1 of this act. A member's correspondence, memoranda, and records of telephone calls related to the performance of his or her legislative duties shall only be released to any other person with the explicit approval of the member;

(12) Records or portions of records kept by public bodies which would reveal the location, character, or ownership of any known archaeological, historical, or paleontological site in Nebraska. This section shall not apply to the release of information for the purpose of scholarly research, protection of a resource, examination by other public bodies or recognized tribes, the Unmarked Human Burial Sites and Skeletal Remains Protection Act, or the federal Native American Graves Protection and Repatriation Act; and

(13) Records or portions of records kept by public bodies which maintain collections of archaeological, historical, or paleontological significance which reveal the names and addresses of donors unless the donor approves disclosure, except as the records or portions thereof may be needed to carry out the purposes of the Unmarked Human Burial Sites and Skeletal Remains Protection Act or the federal Native American Graves Protection and Repatriation Act.

Sec. 3. That original section 84-712.05, Reissue Revised Statutes of Nebraska, 1943, as amended by section 6, Legislative Bill 579, Ninety-third Legislature, First Session, 1993, is repealed.".

2. On page 1, strike beginning with "children" in line 1 through line 4 and insert "records; to amend section 84-712.05, Reissue Revised Statutes of Nebraska, 1943, as amended by section 6, Legislative Bill 579, Ninety-third Legislature, First Session, 1993; to provide access to certain records relating to children by specified individuals and agencies as provided by court order; to provide for confidentiality of such records; to provide a penalty; to provide confidentiality for certain records relating to possible sites of archaeological significance and donors as prescribed; and to repeal the original section.".

3. Insert underscoring in the original section.

Mr. Chambers asked unanimous consent to print the following amendments to LB 365 in the Journal. No objections. So ordered.

(1)

FA168

Page 2, line 20, strike and show as stricken, "one-half" and insert "three-fourths".

(2)

FA169

Page 3, line 1, after "four" insert, "and one-half".

(3)

FA170

Page 3, line 1, after "four" insert, "and three-fourths".

(4)

FA171

Page 3, line 1, strike and show as stricken, "two" and insert "one".

(5)

FA172

Strike the enacting clause.

Messrs. Byars and Robinson asked unanimous consent to print the following amendment to LB 732 in the Journal. No objections. So ordered.

AM1453

(Amendments to AM1417)

1. Insert the following new section:

"Sec. 15. (1) Any city which has received voter approval to conduct an economic development program pursuant to the Local Option Municipal Economic Development Act prior to June 1, 1993, may, subject to subsection (2) of this section, issue bonds as provided by the act even though the proposed plan prepared pursuant to section 18-2710 did not contemplate or provide for the issuance of bonds and the question on the ballot approved by the voters did not set out that the city proposed to issue bonds to provide funds to carry out the economic development program.

(2) The governing body of any city proposing to issue bonds pursuant to the authority granted by subsection (1) of this section shall adopt a resolution expressing the intent of the city to issue bonds from time to time pursuant to the act to provide funds to carry out the economic development program. Such resolution shall set a date for a public hearing on the issue of exercising such authority and notice of such hearing shall be published in a newspaper of general circulation in the city at least seven days prior to the date of such hearing. Following such hearing, the governing body of the city shall amend or incorporate into the ordinance adopted pursuant to section 18-2714 a provision authorizing the governing body to exercise, in the manner set

forth in the act, the authority granted by the act to issue bonds to provide funds to carry out the economic development program.

(3) Any city desiring to exercise the authority granted by this section which complies with the provisions of subsection (2) of this section may exercise the authority to issue bonds as provided in the act.".

2. On page 10, line 3, strike "14" and insert "15".

3. Renumber the remaining sections accordingly.

Mrs. Robak asked unanimous consent to print the following amendment to LB 697 in the Journal. No objections. So ordered.

AM1861

(Amendments to AM1794)

1. On page 1, line 2, after "employee" insert "or employee of any political subdivision".

MESSAGE FROM THE GOVERNOR

May 4, 1993

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

Dear Madam President and Senators:

Today I signed LB 364 and LB 364A and delivered them to the Secretary of State.

LB 364 consolidates the Gasohol Committee and the Ethanol Authority and Development Board, and creates the Nebraska Ethanol Board. This legislation completes the consolidation begun last year when the Ethanol Production Incentive Fund was created. Under this legislation, the new board and its staff will have more time and resources to devote to ethanol marketing, plant recruitment, research, and policy development. I would like to clarify that my signature on LB 364 should in no way be construed to extend or effect the terms of any investment agreement or extension entered into by the Ethanol Authority and Development Board prior to April 30, 1992.

Nebraska's ethanol development program has historically been administered by an independent board appointed by the Governor. This approach has allowed the board to focus on specific challenges associated with ethanol market development and new plant construction. New plant construction and ethanol sales in Nebraska reached record levels in 1992. LB 364 provides a means to meet new challenges and to continue support for a program which has been highly successful.

The long-term benefits to the state from an expanded ethanol industry are enormous. Nebraska is well positioned to benefit from the projected growth of the nation's ethanol industry. Nebraska has been a national leader in ethanol marketing, promotion, and research since the industry's beginning, and LB 364 will help Nebraska maintain its leadership position.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 348 in the Journal. No objections. So ordered.

AM1869

(Amendments to E & R amendments, AM5471)

1. Strike original sections 5 and 62 and insert the following new sections:

"Sec. 5. That section 79-101.01, Revised Statutes Supplement, 1992, be amended to read as follows:

79-101.01. (1) For purposes of statutes governing schools:

(a) Affiliated school system shall mean the high school district and the Class I districts or portions of Class I districts affiliated with such high school district; and

(b) Affiliation or affiliation of school districts shall mean an ongoing association of a Class I district or portion thereof not a part of a Class VI district with one or more existing Class II, III, IV, or V districts for the purpose of (i) providing a high school program serving the Class I district students and (ii) maintaining tax support to finance such program. The services provided may include student transportation; and

(c) Class VI school system shall mean a Class VI school district and each Class I school district or portion thereof which is part of the Class VI district.

(2) Beginning January 1, 1992, any school district boundaries changed by ~~any of~~ the means provided by Nebraska law, including the methods provided by sections 79-102.01, 79-102.02, 79-402, 79-402.03 to 79-402.10, 79-402.17, 79-402.19, 79-402.20, 79-403 to 79-403.03, 79-406, 79-407, 79-408, 79-408.01 to 79-408.03, 79-409, 79-420, 79-421, 79-426.01 to 79-426.19, 79-426.23 to 79-426.26, 79-426.28, 79-480 to 79-482, 79-486, 79-512, 79-533, 79-603, 79-701, 79-1107, and 79-1108 but excluding the method provided by sections 79-801 to 79-810.01, shall be made only upon an order issued by the county superintendent. If the boundaries so

changed are in more than one county, such order shall be issued jointly by the county superintendents of all counties involved. The order shall be certified to the county clerk of each county in which boundaries are changed and shall also be certified to the State Department of Education. Such order shall be issued ~~between January 1 and June 1 of the current school fiscal year~~ no later than and shall have an effective date no later than August 1 of the ~~current school fiscal~~ same year. For purposes of the school district boundary map provided by the county superintendent pursuant to section 23-3306, determining school district counts pursuant to section 79-458, calculating nonresident high school tuition pursuant to section 79-4,102, and calculating state aid allocations pursuant to the Tax Equity and Educational Opportunities Support Act, any change in school district boundaries with an effective date between June 1 and August 1 of any year shall be considered effective June 1 of such year.

(3) Unless otherwise provided by state law or by the terms of an affiliation or reorganization plan or petition which ~~are~~ is consistent with state law, all assets, including budget authority as provided in sections 79-3814 to 79-3821, and liabilities, except bonded obligations, of school districts merged, dissolved, or annexed shall be transferred to the receiving district or districts on the basis of the proportionate share of assessed valuation received at the time of reorganization. When a Class II, III, IV, or V school district becomes a Class I school district:

(a) Which becomes part of a Class VI district which offers instruction in grades seven through twelve, 44.8276 percent of the Class II, III, IV, or V district's assets and liabilities shall be transferred to the new Class I district and the remainder shall be transferred to the Class VI district or districts of which the Class I district becomes a part on the basis of the proportionate share of assessed valuation each high school district received at the time of such change in class of district;

(b) Which is affiliated or becomes part of a Class VI district which offers instruction in grades nine through twelve, 61.3793 percent of the Class II, III, IV, or V school district's assets and liabilities shall be transferred to the new Class I district and the remainder shall be transferred to the Class VI district or districts of which the Class I district becomes a part and to the high school district or districts with which the Class I district is affiliated on the basis of the proportionate share of assessed valuation each high school district received at the time of such change in class of district; or

(c) Which is not affiliated and is not part of any Class VI district, the new Class I district shall retain

61.3793 percent of the Class II, III, IV, or V school district's budget authority as provided in sections 79-3814 to 79-3821.

Sec. 62. That section 79-3806, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3806. (1) Except as provided in subsections (2) through ~~(6)~~ (7) of this section, each district shall receive equalization aid in the amount that the total formula need of each district, as determined pursuant to ~~subsection (4)~~ subsections (5) and (6) of this section and sections 79-3805 and 79-3807, exceeds its total formula resources as determined pursuant to ~~subsection (4)~~ subsections (5) and (6) of this section and sections 79-3808 to 79-3811.

(2) A district shall not receive state aid for each of the school years 1992-93, 1993-94, and 1994-95 which is less than one hundred percent of the amount of aid received pursuant to the School Foundation and Equalization Act for school year 1989-90.

(3) No district shall receive equalization aid in an amount such that total state aid received would result in such district having a general fund tax levy of less than sixty percent of the local effort rate as computed pursuant to section 79-3808. The calculation shall be based on valuation, state aid, and levy data from the current school year and, for the calculation of state aid in school year 1992-93 and each school year thereafter, shall also take into consideration the amounts of nonresident high school tuition certified by the department pursuant to section 79-4,102 for the current school year and for the school year in which such state aid is to be paid.

(4) For the calculation of state aid to be paid in school year 1993-94 and each school year thereafter in Class I districts which have more than one general fund levy in the current year, the department shall base the calculation on a derived general fund levy for the district computed by adding the general fund property tax yield for all portions of the district and dividing the result by the total assessed valuation of the district in hundreds.

(5) For school districts or portions thereof in Class VI school systems as defined in section 79-101.01, equalization aid to be paid in school year 1993-94 and each school year thereafter shall be computed as follows:

(a) For Class I districts, the total formula need and total formula resources shall be allocated to each Class VI school system based upon the proportion of such Class I district's adjusted valuation contained in each Class VI school system;

(b) For the Class VI district and each Class I district or portion thereof allocated pursuant to subdivision

(a) of this subsection, the total formula resources shall be subtracted from the total formula need, except that the difference shall never be less than zero;

(c) Each district's total formula need, total formula resources, and difference calculated pursuant to subdivision (b) of this subsection shall be added to arrive at system formula need, system formula resources, and system total difference;

(d) System equalization aid shall equal the amount by which the system formula need exceeds system formula resources; and

(e) Each district's share of the system equalization aid shall be calculated by dividing the district's difference calculated pursuant to subdivision (b) of this subsection by the system total difference and multiplying the result by the system equalization aid.

(6) For school districts in affiliated school systems as defined in section 79-101.01, equalization aid to be paid in school year 1992-93 and each school year thereafter shall be computed as follows:

(a) For affiliated Class I districts, the total formula need and total formula resources shall be allocated to each affiliated school system based upon the proportion of such Class I district's adjusted valuation contained in each system with which it is affiliated;

(b) For the high school district and each Class I district or portion thereof allocated pursuant to subdivision (a) of this subsection, the total formula resources shall be subtracted from the total formula need, except that the difference shall never be less than zero;

(c) Each district's total formula need, total formula resources, and difference calculated pursuant to subdivision (b) of this subsection shall be added to arrive at system formula need, system formula resources, and system total difference;

(d) System equalization aid shall equal the amount by which the system formula need exceeds system formula resources; and

(e) Each district's share of the system equalization aid shall be calculated by dividing the district's difference calculated pursuant to subdivision (b) of this subsection by the system total difference and multiplying the result by the system equalization aid.

(7) ~~(5)~~ Beginning with school year 1994-95, a district which does not generate equalization aid pursuant to subsection (1) of this section and in which option students as defined in section 79-3402 were actually enrolled in the most recently available complete data year shall receive additional state aid for each such student in an amount equal to the

statewide average tiered cost per student or the option district's tiered cost per student, whichever is less.

(8) ~~(6)~~ For school years 1992-93 and 1993-94, a district which does not generate equalization aid pursuant to subsection (1) of this section and in which option students as defined in section 79-3402 were actually enrolled in the most recently available complete data year shall receive additional state aid computed by first multiplying the number of such option students, by grade group, by the district's tiered cost per student for each grade group and then summing the results for all grade groups in the district. The district shall receive additional state aid equal to the amount by which this calculation exceeds the district's actual receipts pursuant to section 79-3415 in the most recently available complete data year.

Sec. 93. That original sections 79-101.01 and 79-3806, Revised Statutes Supplement, 1992, are repealed.".

2. On page 86, line 11 after the period insert "Sections 5, 62, and 93 of this act shall become operative on August 1, 1993.".

3. On page 87, line 3, strike "79-101.01,"; and in line 6 strike "79-3806,".

14. Renumber the remaining sections and correct internal references accordingly.

Mr. Kristensen asked unanimous consent to print the following amendment to LB 137 in the Journal. No objections. So ordered.

AM1286

1. Strike the original sections and insert the following new sections:

"Section 1. The total amount recoverable under the State Tort Claims Act for claims arising out of an occurrence on or after the effective date of this act shall be limited to (1) one million dollars for any one person for any number of claims arising out of a single occurrence and (2) five million dollars for all claims arising out of a single occurrence.

Sec. 2. That section 81-8,235, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,235. Sections 81-8,209 to 81-8,235 and section 1 of this act shall be known and may be cited as the State Tort Claims Act.

Sec. 3. That original section 81-8,235, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Mr. Moore asked unanimous consent to print the following amendment to LB 804 in the Journal. No objections. So ordered.

AM1881

(Amendments to Standing Committee amendment, AM1500)

1. Strike sections 1 and 4 and insert the following new sections:

"Section 1. That section 68-1019, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1019. (1) Medical assistance on behalf of recipients shall be paid directly to vendors.

(2) On behalf of recipients over sixty-five years of age, medical assistance shall include care in an institution for mental diseases.

(3) Unless excluded under subsection (4) of this section, on ~~On~~ behalf of all recipients, medical assistance shall include:

(a) Inpatient ~~other inpatient~~ and outpatient hospital care;

(b) Laboratory ~~, laboratory~~ and X-ray services;

(c) Nursing ~~, nursing~~ home services;

(d) Care ~~, care~~ home services;

(e) Home ~~, home~~ health care services;

(f) Nursing ~~, nursing~~ services;

(g) Clinic ~~, clinic~~ services;

(h) Services ~~, services~~ of practitioners licensed by the Department of Health; ; and

(i) Such ~~such~~ drugs, appliances, and health aids as may be prescribed by practitioners licensed by the Department of Health.

(4) Medical assistance shall not include the following except as required by federal law:

(a) Services of podiatrists, chiropractors, optometrists, and dentists;

(b) Eyeglasses, including lenses and frames, and other aids to vision;

(c) Liver transplants and heart transplants;

(d) Services of physical, speech, and hearing therapists;

(e) Nonemergency medical transportation; and

(f) Dentures.

Sec. 4. (1) For the fiscal year beginning July 1, 1993, the Department of Social Services may initiate the following limits as to scope, duration, or amount of services or goods recipients may receive under the medical assistance program:

(a) Occupational therapy: Limit coverage of therapy provided by home health agencies and emphasize an increase in independent therapy by these health care providers;

(b) Limit amount of payments for ventilator-dependent recipients to the cost of care of average institutional costs and limit other in-home nursing costs to the case mix level sixty-nine per diem for nursing facilities;

(c) Visual care: Require all routine eye exams to be billed at the intermediate level of care, set maximum payment levels for eyeglass lenses rather than pay laboratory invoice costs, require medical necessity for eyeglass tints and UV coating, and replace frames with the same frame style if within one year of purchase;

(d) Durable medical equipment: Reduce payment levels for equipment and supplies, simplify policies and procedures for converting durable medical equipment rental to purchase, and eliminate future coverage of external powered prosthetic devices;

(e) Hearing aids: Reduce hearing aid dispensing fees;

(f) Medications: Further expand the mandate to use bioequivalent generic drugs; and

(g) Eliminate coverage of mileage and conference fees for home-based service providers providing outpatient psychiatric services for adults.

(2) For the fiscal year beginning July 1, 1993, the Department of Social Services shall not institute limits in scope, duration, or amount which (a) limit coverage of wheelchairs and augmentation communication devices, (b) eliminate coverage of power wheelchairs for clients receiving sixteen hours of caregiver assistance a day, (c) limit coverage of hearing aids to one aid for each adult client, or (d) limit prescriptions to a set number per month per recipient.".

UNANIMOUS CONSENT - Add Cointroducers

Mr. Hartnett asked unanimous consent to have his name added as cointroducer to LB 203. No objections. So ordered.

Mr. Hohenstein asked unanimous consent to have his name added as cointroducer to LB 237. No objections. So ordered.

VISITORS

Visitors to the Chamber were 35 seventh and eighth grade students from Trinity School, Fremont; 20 fourth grade students and sponsor from Hooper; Elnora Carr from Omaha; and 20 fifth grade students and sponsor from Walthill.

The Doctor of the Day was Les Veskrna from Lincoln.

ADJOURNMENT

At 5:32 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Wednesday, May 5, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTY-SECOND DAY - MAY 5, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

SEVENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 5, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Aaron Black, First Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Dierks, Wehrbein, and Wickersham who were excused; and Messrs. Bernard-Stevens, Hall, Hartnett, Horgan, Landis, Lindsay, Moore, Preister, Warner, and Mrs. Hudkins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-first day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 91. Introduced by Withem, 14.

WHEREAS, the Papillion-La Vista High School Odyssey of the Mind teams have achieved first place in three of four categories in state competition; and

WHEREAS, the Papillion-La Vista High School Odyssey of the Mind teams won under the supervision of one group of coaches from one program for the first time in the country; and

WHEREAS, the Papillion-La Vista High School Odyssey of the Mind teams also won the OMER award for extraordinary teamwork and poise; and

WHEREAS, the Papillion-La Vista High School Odyssey of the Mind teams have demonstrated their capacity for hard work, perseverance, and discipline to attain this distinction; and

WHEREAS, the Papillion-La Vista High School Odyssey of the Mind teams have also demonstrated their proficiency in reasoning, aptitude, and creativity; and

WHEREAS, the Papillion-La Vista High School Odyssey of the Mind teams will participate in international competition in College Park, Maryland, in June 1993.

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

1. That the Legislature congratulates members of the Papillion-La Vista High School Odyssey of the Mind teams Eric High, Marie Naumann, Monica Stone, Jenny McDonald, James Hamilton, Daniele Carnito, Judson Kingman, Ben Aken, Rich Pereksta, Jennifer Tremblett, Cindy Crook, Kristen Eggers, Cassie Mehlin, Chris Lukasina, Philip Boggs, Heidi Peterson, Stephanie Olson, Rob Long, Greg Hughes, and Carlos Chavez.

2. That the Legislature congratulates coaches Noreen Ward and Bobbie DeLoach and coach assistant Kathy Hamilton.

3. That the Legislature extends best wishes and good luck to the Papillion-La Vista High School Odyssey of the Mind teams at the international competition in College Park, Maryland, in June 1993.

4. That a copy of this resolution be forwarded to the members of the Papillion-La Vista High School Odyssey of the Mind teams and coaches Noreen Ward and Bobbie DeLoach and coach assistant Kathy Hamilton.

Laid over.

LEGISLATIVE RESOLUTION 92. Introduced by Hillman, 48.

WHEREAS, for several years prior to 1978, Sam Micklus experimented with creative problem-solving activities with his college students in an industrial design class at Glassboro State College, Glassboro, New Jersey. New and challenging problems, such as "Mad Chess," were used to probe students' minds for solutions; and

WHEREAS, information about some of these "weird" activities made the newspaper. The Director of the New Jersey State Department of Education sponsored Project ICE (Institute for Creative Education) read about these activities and suggested an incorporation of this type of activity with a spring competition for twenty-eight New Jersey junior and senior high schools. This resulted in the first creative problem-solving competition, the beginning of Odyssey of the Mind; and

WHEREAS, Mr. Arthur Lipper, an avid gifted education supporter, read about the first competition and donated two thousand dollars with

the stipulation that the money be used outside of New Jersey to spread the word about the new competition; and

WHEREAS, word about the Odyssey of the Mind reached Nebraska in the fall of 1983; and

WHEREAS, Dr. Richard Barnes, a gifted consultant with Educational Service Unit #7 in Columbus, had been successful with OM in South Dakota the year before; and

WHEREAS, Dr. Barnes arranged for Dr. Sam Micklus to come to Nebraska to tell a group of individuals about the program in the fall of 1983. Several people present at this workshop went on to form the first OM Board of Directors in Nebraska; and

WHEREAS, the first OM Tournament in Nebraska took place the following spring of 1984 with each board member putting in five dollars to get the program started, and with additional assistance coming from the Nebraska Association for the Gifted; and

WHEREAS, Odyssey of the Mind (OM), formerly Olympics of the Mind, is an exciting competition for students which combines team competition with mental creativity. Students strive for excellence as they work to solve problems, which must be solved by the team, not by parents or coaches. OM encourages the use of creativity, humor, and futuristic thinking skills and adds the challenge of designing, constructing, and presenting the solution to the problem; and

WHEREAS, Odyssey of the Mind Competition consists of three parts:

a. The long-term problem, which requires teams to prepare their solutions before competition;

b. Style, which rewards teams for the elaboration of their long-term problem solutions; and

c. Spontaneous problem solving, one of the purposes of which is to see how well the team members react to a new situation or problem.

WHEREAS, there are four divisions in OM: Division I includes students through grade 5; Division II includes grades 6 to 8, Division III includes grades 9 to 12; and Division IV includes college students; and

WHEREAS, the purpose of Odyssey of the Mind is to teach students creative problem-solving skills. OM changes one's paradigms, creating a broader perspective when trying to reach a solution to a problem. Students realize at an early age that there is more than one right answer in problem solving, creating a greater acceptance of contrasting viewpoints; and

WHEREAS, the following is a synopsis of the 1992-93 Odyssey of the Mind long-term problems to be solved:

a. PIT STOP (Div. II, III, and IV)

The team's problem is to design, build and drive a vehicle powered by one or two mechanical jacks. It will travel a course and make pit stops. At some point the vehicle will travel in reverse. Its physical features will change and it will make part of its journey in "full glory". The materials used cannot exceed one hundred dollars in value. The

time limit of the team's presentation is eight minutes. This is a non-linguistic problem.

b. DINOSAURS (Div. I, II, and III)

The team's problem is to create and present a story about dinosaurs. The performance will include team-made dinosaurs, one or more of which will perform technical tasks. Teams will also make a new dinosaur discovery that, for now, we will call a "creativosaurus". The performance will have a theme that ties together the various required aspects. The materials used cannot exceed ninety dollars in value. The time limit for the team's presentation is eight minutes.

c. CLASSICS...THE OLD MAN AND THE SEA ANALOGY (Div. I, II, III, and IV)

The team's problem is to create and present a performance based on Hemingway's classic, The Old Man and the Sea. The performance will incorporate a parody or an analogy of the team's interpretation of the story. The performance will also include a conclusion. The materials used cannot exceed eighty dollars in value. The time limit for the team's presentation is eight minutes.

d. WHICH END IS UP? (Div. I, II, and III)

The team's problem is to design and build a balsa wood structure to balance and support as much weight as possible. One end, the top or bottom, must fit entirely over a 6" x 6 "x 1" block. The opposite end must fit entirely within a 4" x 4" x 1" space. The time limit for the team's presentation is eight minutes.

e. FOLK TALES (Div. I and II)

The team's problem is to create a performance that includes a team-originated folk tale, one or more team-originated legendary or mythical characters and two or more quotes from a given list. One or two of these characters will be portrayed as the originators of the quotes. The materials used cannot exceed eighty dollars in value. The time limit for the team's presentation is eight minutes.

f. LI'L GOURMET (Primary Level, Grades K-2)

This non-competitive problem offers teams the opportunity to create and perform a skit about a well-balanced meal. The team's skit will include costumes and feature an original song created by the team. The materials used cannot exceed fifty dollars in value; and

WHEREAS, the Odyssey of the Mind competition has grown tremendously in Nebraska in the last ten years. The OM tournaments from 1984 to 1987 were held in Columbus. When the tournament outgrew the Columbus Sr. High School, the board voted to divide the state into regionals to control the number of teams at the state tournament. The state tournament was moved to Kearney in 1988 and has been held there ever since; and

WHEREAS, thirteen teams from Nebraska schools will participate in the world finals of the Odyssey of the Mind academic competition June 1-6 in Baltimore. Three teams are from Papillion-LaVista High School, while Springville Elementary School in Omaha and Arbor Park Middle School in Blair each will send two teams. Other Nebraska teams will come from Kiewit Middle School in Omaha, Holy Family

High School in Lindsay, Potter-Dix Middle School, Wahoo West Ward Elementary, Holdrege Middle School and Westmoor Elementary School in Scottsbluff; and

WHEREAS, all teams won various divisions at the tenth annual state tournament April 3 at the University of Nebraska at Kearney.

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

1. That Odyssey of the Mind be recognized by the Legislature as a worthwhile, challenging, educational competition to be encouraged and fostered in the future.

2. That a copy of this resolution be sent to Diane Boerkircher, 1992-93 OM Nebraska President, at the University of Nebraska-Kearney.

Laid over.

LEGISLATIVE RESOLUTION 89. Read. Considered.

LR 89 was adopted with 22 ayes, 0 nays, and 27 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 406.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1072, 2-1074, 2-1075, 2-1079, 2-1091, 2-1092, 2-1094, 2-1095, 2-1097, 2-1099, 2-10,100, 2-10,101, 2-10,103, 2-10,105, 2-10,113, 2-10,115, 2-10,116, and 2-10,117, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change and provide powers and duties relating to enforcement of the Plant Protection and Plant Pest Act; to provide for and change provisions relating to licensing of growers, dealers, brokers, and collectors of plants under the act; to change penalty provisions and provide for administrative fines; to provide for and change provisions relating to permits to import foreign nursery stock and plant pests as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 35:

Abboud	Baack	Bromm	Coordsen	Day
Ashford	Beutler	Byars	Crosby	Elmer
Avery	Bohlke	Chambers	Cudaback	Fisher

Haberman	Jones	Pirsch	Schellpeper	Wesely
Hillman	Kristensen	Rasmussen	Schimek	Will
Hohenstein	McKenzie	Robak	Schmitt	Witek
Janssen	Pedersen	Robinson	Vrtiska	Withem

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 13:

Bernard-Stevens	Hall	Hudkins	Moore	Wehrbein
	Hartnett	Landis	Preister	Wickersham
Dierks	Horgan	Lindsay	Warner	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 448.

A BILL FOR AN ACT relating to state government; to provide for payment for certain expenses related to volunteers and certain providers of services.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 34:

Abboud	Coordsen	Hillman	Pedersen	Schmitt
Ashford	Crosby	Hohenstein	Pirsch	Vrtiska
Avery	Cudaback	Janssen	Rasmussen	Wesely
Baack	Day	Jones	Robak	Will
Bohlke	Elmer	Kristensen	Robinson	Witek
Bromm	Fisher	Lynch	Schellpeper	Withem
Byars	Haberman	McKenzie	Schimek	

Voting in the negative, 0.

Present and not voting, 2:

Beutler Chambers

Excused and not voting, 13:

Bernard-Stevens	Hall	Hudkins	Moore	Wehrbein
Dierks	Hartnett	Landis	Preister	Wickersham
	Horgan	Lindsay	Warner	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 458.

A BILL FOR AN ACT relating to enforcement of judgments; to amend sections 25-1516, 25-1543, 25-1552, and 43-1729, Reissue Revised Statutes of Nebraska, 1943; to adopt the Nebraska Uniform Enforcement of Foreign Judgments Act; to repeal the Uniform Enforcement of Foreign Judgments Act; to eliminate and change provisions relating to writs of execution and exemptions from execution; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 25-1553, 25-1554, and 25-1587 to 25-15,104, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 35:

Abboud	Byars	Fisher	McKenzie	Schimek
Ashford	Chambers	Haberman	Pedersen	Schmitt
Avery	Coordsen	Hillman	Pirsch	Vrtiska
Baack	Crosby	Hohenstein	Rasmussen	Wesely
Beutler	Cudaback	Janssen	Robak	Will
Bohlke	Day	Jones	Robinson	Witek
Bromm	Elmer	Kristensen	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 13:

Bernard-Stevens	Hall	Hudkins	Moore	Wehrbein
Dierks	Hartnett	Landis	Preister	Wickersham
	Horgan	Lindsay	Warner	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 468.

A BILL FOR AN ACT relating to county attorneys; to amend sections 23-1201.01 and 23-1201.02, Reissue Revised Statutes of Nebraska, 1943; to change residency requirements and appointment provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud	Chambers	Haberman	McKenzie	Schimek
Ashford	Coordsen	Hillman	Pedersen	Schmitt
Avery	Crosby	Hohenstein	Pirsch	Vrtiska
Baack	Cudaback	Janssen	Rasmussen	Wesely
Beutler	Day	Jones	Robak	Will
Bohlke	Elmer	Kristensen	Robinson	Witek
Bromm	Fisher	Lynch	Schellpeper	Withem
Byars				

Voting in the negative, 0.

Excused and not voting, 13:

Bernard-Stevens	Hall	Hudkins	Moore	Wehrbein
	Hartnett	Landis	Preister	Wickersham
Dierks	Horgan	Lindsay	Warner	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 506.

A BILL FOR AN ACT relating to certified social workers; to amend section 71-1,258, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to applications for certification; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud	Beutler	Chambers	Day	Hillman
Ashford	Bohlke	Coordsen	Elmer	Hohenstein
Avery	Bromm	Crosby	Fisher	Janssen
Baack	Byars	Cudaback	Haberman	Jones

Kristensen	Pedersen	Robinson	Schmitt	Will
Lindsay	Pirsch	Schellpeper	Vrtiska	Witek
Lynch	Rasmussen	Schimek	Wesely	Withem
McKenzie	Robak			

Voting in the negative, 0.

Excused and not voting, 12:

Bernard-Stevens	Hall	Hudkins	Preister	Wehrbein
	Hartnett	Landis	Warner	Wickersham
Dierks	Horgan	Moore		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 617.

A BILL FOR AN ACT relating to the Disposition of Personal Property Landlord and Tenant Act; to amend sections 69-2302 and 69-2311, Revised Statutes Supplement, 1992; to redefine terms; to change provisions relating to self-service storage units and facilities; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud	Chambers	Haberman	Lynch	Schimek
Ashford	Coordsen	Hillman	McKenzie	Schmitt
Avery	Crosby	Hohenstein	Pedersen	Vrtiska
Baack	Cudaback	Janssen	Pirsch	Wesely
Bohlke	Day	Jones	Rasmussen	Will
Bromm	Elmer	Kristensen	Robak	Witek
Byars	Fisher	Lindsay	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 2:

Beutler	Robinson

Excused and not voting, 12:

Bernard-Stevens	Hall	Hudkins	Preister	Wehrbein
	Hartnett	Landis	Warner	Wickersham
Dierks	Horgan	Moore		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 682.

A BILL FOR AN ACT relating to the Nebraska State Historical Society; to amend section 82-118, Reissue Revised Statutes of Nebraska, 1943; to change a reference to a date of amendments to a federal act; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud	Chambers	Hillman	Moore	Schimek
Ashford	Coordsen	Hohenstein	Pedersen	Schmitt
Avery	Crosby	Janssen	Pirsch	Vrtiska
Baack	Cudaback	Jones	Rasmussen	Wesely
Beutler	Day	Kristensen	Robak	Will
Bohlke	Elmer	Lindsay	Robinson	Witek
Bromm	Fisher	Lynch	Schellpeper	Withem
Byars	Haberman	McKenzie		

Voting in the negative, 0.

Excused and not voting, 11:

Bernard-Stevens	Hall	Hudkins	Preister	Wehrbein
	Hartnett	Landis	Warner	Wickersham
Dierks	Horgan			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 690.

A BILL FOR AN ACT relating to professions; to amend sections 81-839 and 81-8,127, Reissue Revised Statutes of Nebraska, 1943; to prohibit the use of the title professional engineer or architect as prescribed; to change penalty provisions relating to land surveyors; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud	Chambers	Hillman	Moore	Schimek
Ashford	Coordsen	Hohenstein	Pedersen	Schmitt
Avery	Crosby	Janssen	Pirsch	Vrtiska
Baack	Cudaback	Jones	Rasmussen	Wesely
Beutler	Day	Kristensen	Robak	Will
Bohlke	Elmer	Lindsay	Robinson	Witek
Bromm	Fisher	Lynch	Schellpeper	Withem
Byars	Haberman	McKenzie		

Voting in the negative, 0.

Excused and not voting, 11:

Bernard-Stevens	Hall	Hudkins	Preister	Wehrbein
	Hartnett	Landis	Warner	Wickersham
Dierks	Horgan			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 750.

A BILL FOR AN ACT relating to museums; to amend section 51-511, Reissue Revised Statutes of Nebraska, 1943; to change powers and duties of museum boards relating to sale of property; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

Abboud	Byars	Haberman	Lynch	Schellpeper
Ashford	Chambers	Hillman	McKenzie	Schmitt
Avery	Coordsen	Hohenstein	Moore	Vrtiska
Baack	Crosby	Hudkins	Pedersen	Wesely
Bernard-Stevens	Cudaback	Janssen	Pirsch	Will
	Day	Jones	Rasmussen	Witek
Bohlke	Elmer	Kristensen	Robak	Withem
Bromm	Fisher	Lindsay	Robinson	

Voting in the negative, 0.

Present and not voting, 2:

Beutler	Schimek

Excused and not voting, 9:

Dierks	Hartnett	Landis	Warner	Wickersham
Hall	Horgan	Preister	Wehrbein	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 479.

A BILL FOR AN ACT relating to energy projects; to amend sections 66-1009, 81-1632, and 81-1638, Reissue Revised Statutes of Nebraska, 1943, and section 81-1633, Revised Statutes Supplement, 1992; to change provisions relating to loans from utilities for energy conservation measures and loans from the School Weatherization Fund; to authorize political subdivisions to apply for and receive disbursements for energy projects; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Abboud	Byars	Hartnett	Lynch	Schellpeper
Ashford	Chambers	Hillman	McKenzie	Schimek
Avery	Coordsen	Hohenstein	Moore	Schmitt
Baack	Crosby	Hudkins	Pedersen	Vrtiska
Bernard-Stevens	Cudaback	Janssen	Pirsch	Wesely
Beutler	Day	Jones	Rasmussen	Will
Bohlke	Elmer	Kristensen	Robak	Witek
Bromm	Haberman	Lindsay	Robinson	Withem

Voting in the negative, 0.

Present and not voting, 1:

Fisher

Excused and not voting, 8:

Dierks	Horgan	Preister	Wehrbein	Wickersham
Hall	Landis	Warner		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 544. With Emergency.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend sections 81-1102 and 81-1111, Reissue Revised Statutes of Nebraska, 1943, and section 81-1107, Revised Statutes Supplement, 1992; to define a term; to provide duties relating to long-term financing for the state; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud	Byars	Haberman	Lindsay	Robinson
Ashford	Chambers	Hartnett	Lynch	Schellpeper
Avery	Coordsen	Hillman	McKenzie	Schimek
Baack	Crosby	Hohenstein	Moore	Schmitt
Bernard-Stevens	Cudaback	Hudkins	Pedersen	Wesely
Beutler	Day	Janssen	Pirsch	Will
Bohlke	Elmer	Jones	Rasmussen	Witek
Bromm	Fisher	Kristensen	Robak	Withem

Voting in the negative, 0.

Present and not voting, 1:

Vrtiska

Excused and not voting, 8:

Dierks	Horgan	Preister	Wehrbein	Wickersham
Hall	Landis	Warner		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Suspend Rules

Mr. Dierks moved to suspend Rule 3, Section 13, so as to allow cancellation of the public hearing for LB 845 by the Agriculture Committee set for May 6, 1993.

The Dierks motion prevailed with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

NOTICE OF COMMITTEE HEARING
Agriculture

LB 845 Thursday, May 6, 1993 (cancel) 12:00 Noon

(Signed) Merton L. Dierks, Chairperson

MOTION - Withdraw LB 845

Mr. Moore renewed his pending motion, found in the Journal on page 1940, to withdraw LB 845.

The Moore motion prevailed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 406, 448, 458, 468, 506, 617, 682, 690, 750, 479, and 544.

SELECT FILE

LEGISLATIVE BILL 523A. E & R amendment, AM5444, found in the Journal on page 1366, was adopted.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 782. Title read. Considered.

Standing Committee amendment, AM0755, found in the Journal on page 1189, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER BAACK PRESIDING

Mr. Wesely renewed his pending amendment, AM1675, printed separately from the Journal and referred to on page 1882.

Mr. Lindsay renewed his pending amendment, AM1839, printed separately from the Journal and referred to on page 1936, to the Wesely pending amendment.

Mr. Lindsay withdrew his amendment.

The Wesely amendment, AM1675, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Lindsay offered the following amendment:
FA173
Amend LB 782 as follows:
by striking "January 1, 1993" and inserting "the effective date of this act". on page 5, line 4

The Lindsay amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 5, 1993, at 10:20 a.m., were the following bills: 406, 448, 458, 468, 506, 617, 682, 690, 750, 479, and 544.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

RESOLUTION

LEGISLATIVE RESOLUTION 93. Introduced by Coordsen, 32.

WHEREAS, Margaret Rasmussen was born in 1915 and has reached the age of seventy-eight; and

WHEREAS, Mrs. Rasmussen has taught children in the State of Nebraska for forty-nine years; and

WHEREAS, Mrs. Rasmussen has greatly impacted the lives of over one thousand students by teaching them the basics of education; and

WHEREAS, Mrs. Rasmussen has continued teaching thirteen years past the age of retirement because of demands by former students that their children have the same experience they had by having Mrs. Rasmussen as their teacher; and

WHEREAS, Mrs. Rasmussen's only break from teaching was a six year absence in order to raise her own children; and

WHEREAS, Mrs. Rasmussen will retire from teaching at the end of May 1993.

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

1. That the Legislature thanks Mrs. Rasmussen, a person who truly exemplifies the term "public servant", for her many years as a teacher as she retires at the end of May 1993.

Laid over.

SELECT FILE

LEGISLATIVE BILL 627. Mrs. Witek renewed her pending amendment, FA132, found in the Journal on page 1754.

Mr. Chambers moved to reconsider his pending amendment, FA164, found in the Journal on page 1918, to the Witek pending amendment, FA132.

Messrs. Withem, Janssen, Mmes. Bohlke, McKenzie, and Rasmussen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hohenstein moved the previous question. The question is, "Shall the debate now close?"

Mr. Hohenstein moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Chambers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 24:

Abboud	Coordsen	Hohenstein	Landis	Schmitt
Avery	Crosby	Horgan	Lynch	Vrtiska
Beutler	Cudaback	Hudkins	Moore	Will
Bromm	Elmer	Jones	Pirsch	Witek
Byars	Fisher	Kristensen	Robinson	

Voting in the negative, 1:

Chambers

Present and not voting, 12:

Ashford	Bernard-Stevens	Haberman	Lindsay	Schimek
Baack	Day	Hartnett	Pedersen	Wesely
		Hillman	Schellpeper	

Excused and not voting, 12:

Bohlke	Janssen	Rasmussen	Warner	Wickersham
Dierks	McKenzie	Robak	Wehrbein	Withem
Hall	Preister			

The motion to cease debate lost with 24 ayes, 1 nay, 12 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Messrs. Haberman, Schellpeper, Wesely, Mrs. Witek, and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmitt moved the previous question. The question is, "Shall the debate now close?"

Mr. Schmitt moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. Chambers requested a roll call vote on his motion to reconsider his pending amendment, FA164.

Voting in the affirmative, 2:

Chambers	Schimek

Voting in the negative, 22:

Abboud	Byars	Hohenstein	Landis	Schmitt
Ashford	Coordsen	Hudkins	Lynch	Vrtiska
Avery	Elmer	Jones	Moore	Will
Beutler	Fisher	Kristensen	Robinson	Witek
Bromm	Hillman			

Present and not voting, 9:

Baack	Crosby	Horgan	Pedersen	Wesely
Bernard-Stevens	Hartnett	Lindsay	Robak	

Excused and not voting, 16:

Bohlke	Haberman	McKenzie	Rasmussen	Wehrbein
Cudaback	Hall	Pirsch	Schellpeper	Wickersham
Day	Janssen	Preister	Warner	Withem
Dierks				

The Chambers motion to reconsider his amendment, FA164, lost with 2 ayes, 22 nays, 9 present and not voting, and 16 excused and not voting.

Pending.

MOTION - Request LB 544 be returned from Governor

Mr. Moore moved to direct the Clerk to request the Governor, pursuant to Rule 7, Section 7(d), to return LB 544 to the Legislature.

Mr. Chambers raised a point of order on whether the Moore motion to direct the Clerk to request the return of LB 544 is in order under the provisions of Rule 7, Section 7(d).

The Chair ruled the Moore motion was out of order inasmuch as the bill was not being returned for consideration of technical or clarifying amendments.

UNANIMOUS CONSENT - Print in Journal

Messrs. Lindsay, Moore, Abboud, and Ashford asked unanimous consent to print the following amendment to LB 627 in the Journal. No objections. So ordered.

AM1853

(Amendments to E & R amendments, AM5453)

1. Strike section 1 and insert the following new sections:

"Sec. 21. (1) There is hereby established a task force consisting of the following members:

(a) The chairpersons of the committees on Appropriations and on Judiciary of the Legislature;

(b) Two members of the Legislature in addition to the chairpersons appointed pursuant to subdivision (a) of this subsection, appointed by the Chairperson of the Executive Board of the Legislative Council;

(c) The Director of Correctional Services or his or her designee;

(d) The Attorney General or his or her designee; and

(e) The chairperson of the Board of Parole.

(2) The task force shall include the following members appointed by the Governor:

(a) One member of the Crime Victim's Reparations Committee;

(b) One judge of the district court;

(c) One county attorney or former county attorney;

(d) One public defender or one former public defender; and

(e) One probation officer.

(3) The chairperson of the Judiciary Committee of the Legislature shall be the chairperson of the task force. Members of the task force shall be reimbursed for their actual

and necessary expenses incurred in the performance of their duties as provided in sections 81-1174 to 81-1177. Members described in subdivisions (2)(a) through (e) of this subsection shall be appointed by the Governor within thirty days after the operative date of this section. The task force shall cease to exist on December 31, 1994.

(4) The task force appointed under subsections (1) and (2) of this section shall investigate the impact on crime rates, prison populations, and the fiscal requirements to carry out the policies proposed in Legislative Bill 627 as introduced in the Ninety-third Legislature, First Session, 1993, and the report of the Governor's Task Force on Prison Alternatives and the recommendations contained in the report. The investigation shall include, but not be limited to, an assessment of mandatory minimum sentencing, drug-free zones, boot camps, elimination of probation and parole, and the increase of penalties for certain crimes. The task force shall also review the recommendations of the Governor's Task Force on Prison Alternatives, including the role of community corrections, intensive probation, and parole and increased availability of education and treatment.

Sec. 23. Sections 21 and 25 of this act shall become operative on their effective date. The other sections of this act shall become operative three calendar months after the adjournment of this legislative session.

Sec. 25. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Renumber the remaining sections and correct internal references accordingly.

Mr. Ashford asked unanimous consent to print the following amendment to LB 627 in the Journal. No objections. So ordered.

AM1890

(Amendments to AM1854)

1. On page 1, strike lines 12 through 18 and insert:

"(2) Subsection (1) of this section shall not apply to the possession of a firearm:

(a) On private property not part of a school or youth center;

(b) If the individual possessing the firearm is licensed to do so by the state in which the school or youth center is located or a political subdivision of such state and the law of the state or political subdivision requires that, before an individual can obtain such a license, the law enforcement authorities of the state or political subdivision verify that the individual is qualified under law to receive

the license;

(c) Which is:

(i) Not loaded; and

(ii) In a locked container or in a locked firearms rack which is on a motor vehicle;

(d) By an individual for use in a program approved by a school in the school zone;

(e) By an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

(f) By a law enforcement officer acting in his or her official capacity; or

(g) That is unloaded and is possessed by an individual while traversing school or youth center premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school or youth center authorities.".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 345. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5490.)

LEGISLATIVE BILL 420. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5489.)

LEGISLATIVE BILL 203. Placed on Select File as amended.
E & R amendment to LB 203:
AM5496

1. In the Standing Committee amendments, AM1677:

a. On page 6, line 13, reinstate the stricken "the" and strike "such"; and

b. On page 16, line 19, strike "85-15,162" and insert "81-15,162".

2. On page 1, strike beginning with "waste" in line 1 through line 5 and insert "litter and waste; to amend sections 81-1534, 81-1536, 81-1542, 81-1548.01, 81-1548.02, 81-1549, 81-1553, 81-1556 to 81-1559, 81-1560.01 to 81-1561, 81-1563, and 81-1565, Reissue Revised Statutes of Nebraska, 1943, and sections 81-15,160, 81-15,163, 81-15,164, and 81-15,165, Revised Statutes Supplement, 1992; to redefine terms; to transfer certain funds; to change and eliminate fees; to change the categories of items on which litter fees are imposed and for the collection of certain fees; to provide for litter tax to be paid on a percentage of sales in certain types of businesses as prescribed; to harmonize provisions; to

provide operative dates; to repeal the original sections, and also section 81-15,163, Revised Statutes Supplement, 1992, as amended by section 20, Legislative Bill 203, Ninety-third Legislature, First Session, 1993; and to declare an emergency.".

LEGISLATIVE BILL 302. Placed on Select File as amended.
E & R amendment to LB 302:
AM5492

1. On page 1, line 1, after the semicolon insert "to amend section 46-229, Reissue Revised Statutes of Nebraska, 1943;"; and in line 2 before the period insert "; to provide procedures for termination of appropriations; to provide a termination date; and to repeal the original section".

LEGISLATIVE BILL 302A. Placed on Select File.

LEGISLATIVE BILL 421. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5493.)

LEGISLATIVE BILL 430. Placed on Select File as amended.
E & R amendment to LB 430:
AM5494

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 28-319, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-319. (1) Any person who subjects another person to sexual penetration and (a) overcomes the victim by force, threat of force, express or implied, coercion, or deception, (b) knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his or her conduct, or (c) the actor is nineteen years of age or older and the victim is less than sixteen years of age is guilty of sexual assault in the first degree.

(2) Sexual assault in the first degree is a Class II felony. The sentencing judge shall consider whether the actor ~~shall have~~ caused serious personal injury to the victim in reaching ~~his~~ a decision on the sentence.

(3) Any person who ~~shall be~~ is found guilty of sexual assault in the first degree for a second time when the first conviction was pursuant to this section or any other state or federal law with essentially the same elements as this section shall be sentenced to not less than twenty-five years and shall not be eligible for parole.

Sec. 2. That section 28-516, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-516. (1) A person commits the offense of unauthorized operation of a propelled vehicle if he intentionally exerts unauthorized control over another's propelled vehicle by operating the same without the owner's consent.

(2) Propelled vehicle shall mean an automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle.

(3) It shall be an affirmative defense to a prosecution under this section that the defendant reasonably believed that the owner would have authorized the use had he known of it.

(4) Unauthorized use of a propelled vehicle is a Class III misdemeanor for the first offense, a Class I misdemeanor for the second offense, and a Class IV felony for the third and any subsequent offenses.

Sec. 3. That section 28-707, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-707. (1) A person commits child abuse if he or she knowingly, intentionally, or negligently causes or permits a minor child to be:

(a) Placed in a situation that endangers his or her life or health; or

(b) Cruelly confined or cruelly punished; or

(c) Deprived of necessary food, clothing, shelter, or care.

(2) The statutory privilege between patient and physician and between husband and wife shall not be available for excluding or refusing testimony in any prosecution for a violation of this section.

(3) Child abuse is a Class I misdemeanor if the offense is committed negligently.

(4) Child abuse is a Class IV felony if the offense is committed knowingly and intentionally and does not result in serious bodily injury as defined in section 28-109.

(5) Child abuse is a Class III felony if the offense is committed knowingly and intentionally and results in serious bodily injury as defined in such section.

Sec. 4. No evidence offered by a defendant for the purpose of establishing an alibi to an offense shall be admitted in the trial of the case unless notice of intention to rely upon an alibi is given to the county attorney and filed with the court at least thirty days before trial, except that such notice shall be waived by the presiding judge if necessary in the interests of justice.

Sec. 5. That original sections 28-319, 28-516, and 28-707, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. On page 1, strike lines 2 through 4 and insert

"28-319, 28-516, and 28-707, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to sexual assault, unauthorized use of a propelled vehicle, and child abuse; to change and provide penalties; to require notice of alibi evidence as prescribed; and to repeal".

(Signed) Kurt A. Hohenstein, Chairperson

VISITORS

Visitors to the Chamber were 52 fourth grade students and sponsors from Parkview Height, LaVista; 16 seniors and teacher from Sterling High School; 130 eighth grade students and sponsor from Crete High School; 61 fourth grade students and sponsor from Highland Park Elementary, Columbus; 50 fourth grade students from Holling Heights Elementary, Millard; five students and sponsor from Lake Minatare School, Minatare; 63 fourth grade students and sponsors from Highland Park and West Park Schools, Columbus; and 53 fourth grade students from Bel Air School, Norfolk.

RECESS

At 12:19 p.m., on a motion by Mrs. Pirsch, the Legislature recessed until 1:45 p.m.

AFTER RECESS

The Legislature reconvened at 1:45 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Dierks and Wickersham who were excused; and Messrs. Avery, Byars, Kristensen, Landis, Wehrbein, and Mmes. Rasmussen, and Robak who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 804. Considered.

Standing Committee amendment, AM1500, found in the Journal on page 1624, was considered.

Mr. Wesely offered the following amendment to the Standing Committee amendment:
AM1898

(Amendments to Standing Committee amendment, AM1500)

1. Insert the following new section:

"Sec. 5. The Director of Social Services shall

consult with Nebraska pharmacists and pharmaceutical companies and others interested in the issue and shall establish a plan to reduce drug expenditures under the medical assistance program by one million eight hundred thousand dollars annually beginning with the 1993-94 fiscal year.".

2. Renumber the remaining sections accordingly.

The Wesely amendment was adopted with 12 ayes, 0 nays, 28 present and not voting, and 9 excused and not voting.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
AM1801

(Amendments to Standing Committee amendments, AM1500)

1. On page 4, line 15, after "services" insert "except adult day care transportation".

MR. HALL PRESIDING

Messrs. Bromm and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BAACK PRESIDING

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 11 nays, and 23 not voting.

Mr. Moore requested a record vote on the Beutler amendment to the Standing Committee amendment.

Voting in the affirmative, 21:

Baack	Crosby	Hall	McKenzie	Schimek
Beutler	Cudaback	Horgan	Preister	Wesely
Bohlke	Day	Hudkins	Rasmussen	Will
Byars	Fisher	Landis	Robak	Withem
Chambers				

Voting in the negative, 17:

Ashford	Coordsen	Janssen	Robinson	Vrtiska
Avery	Haberman	Kristensen	Schellpeper	Warner
Bernard-Stevens	Hillman	Moore	Schmitt	Witek
	Hohenstein	Pirsch		

Present and not voting, 7:

Elmer	Hartnett	Jones	Lindsay	Lynch

Pedersen Wehrbein

Excused and not voting, 4:

Abboud Bromm Dierks Wickersham

The Beutler amendment was adopted with 21 ayes, 17 nays, 7 present and not voting, and 4 excused and not voting.

Mr. Moore renewed his pending amendment, AM1881, found in the Journal on page 1951, to the Standing Committee amendment.

MR. HALL PRESIDING

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 94. Introduced by McKenzie, 34; Rasmussen, 20; Wesely, 26.

PURPOSE: The purpose of this study is to examine the extent of childhood environmental lead poisoning in the State of Nebraska, the medical treatment of children affected by childhood environmental lead poisoning, and the need for distinguishing and abating lead hazards in the environment. The study shall include the feasibility of adopting the Model Comprehensive Lead Reduction Act and other model legislation concerning environmental lead hazard recognition, treatment, and abatement.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall seek the cooperation of the Department of Health in this study.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 90 and Governor appointment.

LR	Committee
90	Agriculture

David N. Simmons - Nebraska Research and Development Authority -- Banking, Commerce and Insurance

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Print in Journal

Mr. Will asked unanimous consent to print the following amendment to LB 102 in the Journal. No objections. So ordered.

AM1814

1. Strike original section 1 and insert the following new sections:

"Section 1. That section 2-1201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1201. ~~There shall be and hereby is created a~~ The State Racing Commission ~~consisting~~ is hereby created. The commission shall consist of three members who shall be appointed ~~and~~ by the Governor with the approval of a majority of the Legislature. A member or members may be ~~for cause~~ removed by the Governor for cause. One member shall be appointed each year for a term of three years. The members shall serve until their successors are appointed and qualified. ~~Not~~ No more than two members of ~~said~~ the commission shall belong to the same political party, no more than two members ~~; no two of them~~ shall reside, when appointed, in the same congressional district, and no more than two ~~; and no two of said~~ members shall reside in any one county. Any vacancy shall be filled by appointment by the Governor with the approval of a majority of the Legislature for the unexpired term. The members shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as provided in sections 81-1174 to 81-1177. ~~for state employees.~~ The members of the commission shall be bonded under the blanket surety bond required by section 11-201.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Will asked unanimous consent to print the following amendment to LB 587 in the Journal. No objections. So ordered.

AM1800

1. Insert the following new section:

"Sec. 15. That section 49-1469, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1469. (1) Any corporation, labor organization, or industry, trade, or professional association, whether organized under the laws of this state or any other state or country and doing business in this state, without being a committee as defined in section 49-1413, may make expenditures or provide personal services. It shall not be required to file reports of independent expenditures pursuant to section 49-1467, but it shall file a report with the commission within ten days after the end of the calendar month in which any expenditure is made or personal service provided. Such report shall fully disclose the nature, date, and value of any expenditure, as well as the committee or candidate to which or in whose behalf it was made. In the case of personal services, the corporation, labor organization, or industry, trade, or professional association shall in such report fully detail the nature, date or dates, the specifics of the personal service provided, the committee or candidate to which or in whose behalf it was made, and the proposition in behalf of or in opposition to which it was made.

(2)(a) A corporation, labor organization, or industry, trade, or professional association may not receive contributions unless it establishes and administers a separate segregated political fund which shall be utilized only in the manner set forth in this subsection.

(b) The corporation, labor organization, or industry, trade, or professional association establishing and administering such a separate segregated political fund shall not make an expenditure to such fund, except that it may make expenditures and provide personal services for the establishment and administration of such separate segregated political fund.

(c) All contributions to and expenditures from such separate segregated political fund shall be limited to money or anything of ascertainable value obtained through the voluntary contributions of the employees, officers, directors, stockholders, or members of the corporation, including a nonprofit corporation, labor organization, or industry, trade, or professional association, and the affiliates thereof, under which such fund was established. No contribution or expenditure shall be received or made from such fund if obtained or made by using or threatening to use job discrimination or financial reprisals. Only expenditures to candidates and committees and independent expenditures may be made from a fund established by a corporation, labor organization, or industry, trade, or professional organization, except that such separate segregated political

fund may receive and disburse funds for the purpose of supporting or opposing candidates and committees in elections in states other than Nebraska and candidates for federal office and making independent expenditures in such elections if such receipts and disbursements are made in conformity with the solicitation provisions of this section and the corporation, labor organization, or industry, trade, or professional association which establishes and administers such fund complies with the laws of the jurisdiction in which such receipts or disbursements are made. The expenses for establishment and administration of a separate segregated political fund of ~~an~~ a corporation, labor organization, or industry, trade, or professional association may be paid from the separate segregated political fund of such industry, trade, or professional association.

(d) The corporation, labor organization, or industry, trade, or professional association which establishes and administers a separate segregated political fund shall file the reports required by subsection (1) of this section with respect to the expenditures made or personal services provided for the establishment and administration of such fund but need not file such reports for the expenditures made from such fund. If a corporation makes an expenditure to a separate segregated political fund which is established and administered by an industry, trade, or professional association of which such corporation is a member, such corporation shall not be required to file the reports required by subsection (1) of this section.

(e) Such a separate segregated political fund is hereby declared to be an independent committee and subject to all of the provisions of the Nebraska Political Accountability and Disclosure Act applicable to independent committees, and the corporation, labor organization, or industry, trade, or professional association which establishes and administers such fund shall make the reports and filings required therefor.

(3) Any person who knowingly violates the provisions of this section shall be guilty of a Class III misdemeanor.".

2. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 804. The Moore pending amendment, AM1881, found in the Journal on page 1951 and considered in this day's Journal, to the Standing Committee amendment, was renewed.

MR. CHAMBERS PRESIDING

SPEAKER BAACK PRESIDING

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

Mr. Wesely moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Wesely requested a roll call vote on the Moore amendment, to the Standing Committee amendment, be taken in reverse order.

Voting in the affirmative, 25:

Ashford	Coordsen	Hillman	Lynch	Schmitt
Avery	Elmer	Hohenstein	Moore	Vrtiska
Baack	Fisher	Janssen	Pirsch	Warner
Bernard-Stevens	Haberman	Jones	Robinson	Wehrbein
Bromm	Hartnett	Kristensen	Schellpeper	Witek

Voting in the negative, 20:

Beutler	Crosby	Hudkins	Pedersen	Schimek
Bohlke	Day	Landis	Preister	Wesely
Byars	Hall	Lindsay	Rasmussen	Will
Chambers	Horgan	McKenzie	Robak	Withem

Excused and not voting, 4:

Abboud	Cudaback	Dierks	Wickersham

The Moore amendment was adopted with 25 ayes, 20 nays, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
FA174

Amend the committee amendments to LB 804 as follows:

In the Moore amendment, AM1500, add the following language at the end of line 2 page 2:

"and (;) adult day care transportation" strike "and" on line 22, page 1.

The Beutler amendment lost with 20 ayes, 23 nays, 2 present and not voting, and 4 excused and not voting.

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

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 13 nays, and 16 not voting.

Mr. Moore offered the following amendment to the Standing Committee amendment:
FA175

Amend the committee amendment by inserting the following new section:

The Director of Social Services shall adopt and promulgate rules and regulations which provide limits as to the amount, duration, or scope of services or goods recipients may receive under the medical assistance program if such services or goods are not required under Title XIX of the Social Security Act. No limits as to the amount, duration, or scope of services or goods shall be made that affect the receipt of medically necessary services or goods. Prior to the adoption of such rules and regulations, the director shall provide a report to the Governor and the Legislature outlining proposed limits for the next fiscal year. Such report shall be provided to the Governor and the Legislature by December 1 of each year. No rules or regulations to implement such limits shall be put into effect until July 1 following the report.

The Moore amendment was adopted with 24 ayes, 0 nays, 22 present and not voting, and 3 excused and not voting.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 15 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 29 ayes, 12 nays, 6 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 804A. Title read. Considered.

Mr. Wesely offered the following amendment:
AM1906

1. On page 2, line 18, strike "$1,242,154" and insert "$3,042,154"; and in line 21 strike "$1,975,043" and insert "$4,775,093".

The Wesely amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 28 ayes, 4 nays, 15 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Cudaback asked unanimous consent to have his name added as cointroducer to LB 734. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Messrs. Lindsay, Abboud, Ashford, Avery, Baack, Bernard-Stevens, Beutler, Byars, Cudaback, Elmer, Fisher, Haberman, Hall, Hartnett, Hohenstein, Horgan, Janssen, Jones, Kristensen, Landis, Lynch, Moore, Pedersen, Preister, Robinson, Schellpeper, Schmitt, Vrtiska, Warner, Wehrbein, Wesely, Will, Withem, Mmes. Bohlke, Crosby, Hillman, Hudkins, McKenzie, Rasmussen, Robak, Mses. Day, and Schimek asked unanimous consent to print the following amendment to LB 627 in the Journal. No objections. So ordered.

AM1896

(Amendments to FA132)

1. Strike amendment 1 and insert the following new amendments:

"1. In the E & R amendments, AM5453, strike section 1 and insert the following new sections:

'Sec. 21. (1) There is hereby established a task force consisting of the following members:

(a) The chairpersons of the committees on Appropriations and on Judiciary of the Legislature;

(b) Two members of the Legislature in addition to the chairpersons appointed pursuant to subdivision (a) of this subsection, appointed by the Chairperson of the Executive Board of the Legislative Council;

(c) The Director of Correctional Services or his or her designee;

(d) The Attorney General or his or her designee; and

(e) The chairperson of the Board of Parole.

(2) The task force shall include the following members appointed by the Governor:

(a) One member of the Crime Victim's Reparations Committee;

(b) One judge of the district court;

(c) One county attorney or former county attorney;

(d) One public defender or one former public defender; and

(e) One probation officer.

(3) The chairperson of the Judiciary Committee of the Legislature shall be the chairperson of the task force. Members of the task force shall be reimbursed for their actual

and necessary expenses incurred in the performance of their duties as provided in sections 81-1174 to 81-1177. Members described in subdivisions (2)(a) through (e) of this subsection shall be appointed by the Governor within thirty days after the operative date of this section. The task force shall cease to exist on December 31, 1994.

(4) The task force appointed under subsections (1) and (2) of this section shall investigate the impact on crime rates, prison populations, and the fiscal requirements to carry out the policies proposed in Legislative Bill 627 as introduced in the Ninety-third Legislature, First Session, 1993, and the report of the Governor's Task Force on Prison Alternatives and the recommendations contained in the report. The investigation shall include, but not be limited to, an assessment of mandatory minimum sentencing, drug-free zones, boot camps, elimination of probation and parole, and the increase of penalties for certain crimes. The task force shall also review the recommendations of the Governor's Task Force on Prison Alternatives, including the role of community corrections, intensive probation, and parole and increased availability of education and treatment.

Sec. 23. Sections 21 and 25 of this act shall become operative on their effective date. The other sections of this act shall become operative three calendar months after the adjournment of this legislative session.

Sec. 25. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.'

2. Renumber the remaining sections and correct internal references accordingly.".

Mr. Landis asked unanimous consent to print the following amendment to LB 632 in the Journal. No objections. So ordered.

AM1899

1. Insert the following new sections:

"Sec. 13. The Legislature recognizes paralyzed veterans and other veterans' advocates were instrumental in enactment of the law relating to handicapped parking infractions through an ongoing effort to curtail handicapped parking abuses.

The Legislature therefor urges the Department of Veterans Affairs to utilize existing resources toward encouraging recognized veterans organizations to cooperate in achieving the objectives of such law.

Sec. 14. That section 80-401.01, Revised Statutes Supplement, 1992, as amended by section 1, Legislative Bill 2, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

80-401.01. For purposes of sections 80-401 to 80-412, unless the context otherwise requires:

(1) A recognized veterans organization shall mean a veterans organization ~~that has been chartered by the Congress of the United States, which maintains a fully staffed state headquarters, and which, at the time an appointment is to be made, has enrolled in its membership in Nebraska at least ten percent of the World War I, World War II, Korean War, and Vietnam War veterans eligible therefor, except that the Disabled American Veterans organization shall have enrolled in its membership in Nebraska at least ten percent of those Nebraska veterans receiving service-connected compensation from the United States Department of Veterans Affairs~~ recognized by the United States Department of Veterans Affairs and one that has a presence in each of the state's congressional districts and maintains a state headquarters sanctioned by its national organization. The recognized veterans organizations shall be the American Legion, American Ex-prisoners of War, Disabled American Veterans, Military Order of the Purple Heart, Paralyzed Veterans of America, ~~and~~ Veterans of Foreign Wars of the United States; and Vietnam Veterans of America;

(2) Veteran of the Spanish-American War shall mean a person who served on active duty in the armed forces of the United States between April 21, 1898, and July 4, 1902, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war;

(3) Veteran of World War I shall mean a person who served on active duty in the armed forces of the United States between April 6, 1917, and November 11, 1918, and who has received an honorable discharge, or its equivalent, from such service or who, being a resident of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war;

(4) Veteran of World War II shall mean a person who served on active duty in the armed forces of the United States between December 7, 1941, and December 31, 1946, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(5) Veteran of the Korean War shall mean a person who served on active duty in the armed forces of the United

States between June 25, 1950, and January 31, 1955, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(6) Veteran of the Vietnam War shall mean a person who served on active duty in the armed forces of the United States between August 5, 1964, and May 7, 1975, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(7) Veteran of Lebanon shall mean a person who served on active duty in the armed forces of the United States between August 25, 1982, and February 26, 1984, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(8) Veteran of Grenada shall mean a person who served on active duty in the armed forces of the United States between October 23, 1983, and November 23, 1983, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(9) Veteran of Panama shall mean a person who served on active duty in the armed forces of the United States between December 20, 1989, and January 31, 1990, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(10) Veteran of the Persian Gulf War shall mean a person who served on active duty in the armed forces of the United States beginning on August 2, 1990, and ending on the date thereafter prescribed by presidential proclamation or by law, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the

United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(11) Active duty shall mean full-time duty in the armed forces other than active duty for training; and

(12) Active duty for training shall mean full-time duty in the armed forces performed by reserves for training purposes.".

2. In AM1418, on page 5, line 15, strike the second "and"; and in line 18 after the last comma insert "and section 80-401.01, Revised Statutes Supplement, 1992, as amended by section 1, Legislative Bill 2, Ninety-third Legislature, First Session, 1993,".

3. Renumber the remaining sections accordingly.

Mr. Coordsen and Mrs. McKenzie asked unanimous consent to print the following amendment to LB 389 in the Journal. No objections. So ordered.

AM1863

1. On page 2, line 17, before "divide" insert "(1) if fifty percent or more of the total assessed valuation of the real property of such district is within the corporate limits of cities or villages,"; in line 18 strike the underscored period and insert "or (2) if less than fifty percent of the total assessed valuation of the real property of such district is within the corporate limits of cities or villages, strive to divide the district into subdistricts of substantially equal population,"; in lines 18 and 19 reinstate the stricken ", except that"; and reinstate the stricken matter beginning with "no" in line 19 through the period in line 21.

VISITORS

Visitors to the Chamber were 22 seniors, teacher, and sponsors from North Loup and Scotia; 32 home school students and sponsor from Bellevue; and 27 seventh and eighth grade students and sponsor from Hildreth.

ADJOURNMENT

At 4:56 p.m., on a motion by Mr. Ashford, the Legislature adjourned until 9:00 a.m., Thursday, May 6, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTY-THIRD DAY - MAY 6, 1993

LEGISLATIVE JOURNAL

SEVENTY-THIRD DAY - MAY 6, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

SEVENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 6, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor John Hodges, United Methodist Churches, Johnson and Brock, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Byars and Wesely who were excused; and Messrs. Abboud, Ashford, Bromm, Chambers, Hall, Hartnett, Lindsay, Moore, Warner, Wehrbein, Will, Mmes. Crosby, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-second day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 463. Placed on General File as amended.
Standing Committee amendment to LB 463:
AM1317

1. Strike original sections 4, 6 to 9, and 12 to 15 and insert the following new section:

"Sec. 4. That section 25-1553, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1553. ~~Any person desiring to avail himself of the exemption as provided for in section 25-1552, must file an inventory, under oath, in the court where the judgment is obtained, or with the officer holding the execution, of the whole of the personal property owned by him, at any time before the sale of the property and it shall be the duty of the officer to whom the execution is directed, to call to his assistance three disinterested freeholders of the county where the property may be, who, after being duly sworn by said officer, shall appraise said property at its cash value.~~ The debtor desiring to claim an exemption from execution as provided for in section 25-1552 shall file a list of the whole of the property owned by the debtor which he or she claims to be exempt from execution, along with a value for each item listed. The list shall be in writing, signed by the debtor, and shall be filed in the court where the judgment is obtained and a copy shall be delivered to the officer holding the execution. If the judgment creditor disputes the value placed on the property by the debtor, the judgment creditor shall file a written objection to the list of exempt property at least five days before the hearing set on the debtor's request for hearing. At the hearing the court shall determine the debtor's entitlement to the claimed exemption, whether the amount is owed on the judgment, and the value of the property claimed to be exempt and shall issue an exemption order after the hearing. If any of the personal property listed in the claim of exemption under this section is a motor vehicle as defined in section 39-602, the cash value of such motor vehicle for purposes of the claim of exemption may be determined by reference to a source of relevant fact commonly used in the motor vehicle industry to determine such value.".

2. On page 2, line 2; and page 3, line 17, strike "judgment".

3. On page 2, line 6, strike "Supreme Court" and insert "State Court Administrator"; and strike lines 12 through 28 and insert:

"(a) The caption of the lawsuit and the mailing address of the clerk of the court issuing the writ of execution;

(b) The following notice to debtor, in substantially the form below, which shall be printed in all capital letters immediately below the caption of the lawsuit and the address of the clerk of the court issuing the writ of execution:

NOTICE TO THE DEBTOR

YOU ARE HEREBY NOTIFIED THAT THIS COURT ISSUED A WRIT OF EXECUTION IN THIS CASE DIRECTING THAT SOME OF YOUR PROPERTY BE SOLD ACCORDING TO LAW AND THE PROCEEDS OF THE SALE BE DELIVERED TO THE CLERK OF THIS COURT TO BE USED TO SATISFY PART OR ALL OF YOUR DEBT TO THE CREDITOR. THE LAW OF NEBRASKA AND THE

LAW OF THE UNITED STATES OF AMERICA PROVIDES THAT CERTAIN PROPERTY CANNOT BE TAKEN FROM YOU AND SOLD TO PAY A DEBT. THE KINDS OF PROPERTY THAT CANNOT BE TAKEN FROM YOU, AND THE PROCEDURE FOR CLAIMING THE EXEMPTION ARE SET FORTH BELOW.

IF YOU BELIEVE THAT SOME OF YOUR PROPERTY IS EXEMPT FROM EXECUTION, YOU MAY REQUEST A HEARING BY CHECKING THE BOX ON THIS FORM AND BY DELIVERING THIS FORM AND A LIST OF YOUR PROPERTY TO THE OFFICE OF THE CLERK OF THIS COURT SET FORTH ABOVE NO LATER THAN THE END OF THE TWENTIETH DAY AFTER YOU RECEIVE THIS NOTICE. FAILURE TO CLAIM THE EXEMPTION WITHIN THE TWENTY DAY TIME PERIOD MEANS THAT YOU MAY NO LONGER CLAIM THE EXEMPTION AND THAT THE PROPERTY SEIZED WILL BE SOLD AND THE PROCEEDS APPLIED TO YOUR DEBT.

IF YOU REQUEST A HEARING, THE HEARING WILL BE CONDUCTED NO LATER THAN TEN DAYS AFTER THE COURT RECEIVES YOUR REQUEST, UNLESS YOU REQUEST AN EARLIER HEARING DATE DUE TO AN EMERGENCY, IN WHICH CASE THE COURT SHALL SCHEDULE THE HEARING AS SOON AS PRACTICABLE.

IF YOU WANT LEGAL REPRESENTATION, YOU SHOULD CONTACT YOUR LAWYER IMMEDIATELY. IF YOU NEED THE NAME OF A LAWYER, CONTACT THE LOCAL BAR ASSOCIATION OR YOUR LOCAL LEGAL AID OR LEGAL SERVICES OFFICE.

.....

REQUEST FOR HEARING

I believe that some of my property may be exempt from execution in this matter and request that a hearing be held no later than ten days after the delivery of this request to the court.

_____
Debtor

_____
Address

_____
Telephone Number

_____
Signature

(c) That along with the request for hearing, the debtor shall submit a written list, with the items valued, of the whole of the personal property that the debtor and an indication of the items claimed as exempt;

(d) That there shall be a hearing within ten days after the filing of the request for hearing unless the need for a hearing is an emergency, in which case the court shall schedule the hearing as soon as practicable after the request is made;

(e) That the clerk of the court which issued the writ of execution shall provide notice of the filing of the claim of exemption and the date and time for any hearing to

the person holding the writ and to all parties, which hearing may be by conference telephone call if permitted under local court rules;".

4. On page 3, strike lines 1 through 3; in line 4 after "exemption" insert "; and

(g) If a hearing is conducted under this section, the court shall determine what portion, if any, of the property of the judgment debtor is exempt from execution and issue an exemption order accordingly to the officer to whom the writ of execution is directed setting forth such determination and ordering the officer to sell the nonexempt property according to law and return the exempt property to the debtor immediately"; and in line 23 strike "The" and insert "In proceedings involving a writ of execution, the".

5. On page 4, strike lines 25 through 28 and show the old matter as stricken.

6. On page 5, strike lines 1 through 3, show the old matter as stricken, and insert "(1) The debtor, or his or her authorized agent, may select from the list described in section 25-1553 an amount of property not exceeding, according to the debtor's valuation, the value exempt from execution."; and strike lines 7 through 20.

7. On page 8, lines 6 and 20, strike "ten" and insert "thirty"; and in line 21 strike "judgment" and show as stricken.

8. On page 11, strike lines 27 and 28 and insert "25-1554, 40-105, and 40-107, Reissue Revised Statutes of".

9. Renumber the remaining sections accordingly.

(Signed) John Lindsay, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of May 5, 1993. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Andrew, M. Jean - Lincoln	Nebraska Voters for Choice (Withdrawn 04/15/93)
Pappas, James E. - Lincoln	Concerned Cattlemen of Howard County (Withdrawn 04/30/93)
	Nebraska Nutrients Inc. (Withdrawn 04/30/93)
	Ron Young (Withdrawn 04/30/93)
Reynolds, Arven D. - Lincoln	American Association of Retired Persons

Vickers, Tom - Lincoln — Omaha Tribal Council (Withdrawn 04/30/93)

MESSAGE FROM THE GOVERNOR

May 5, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Liquor Control Commission, requiring legislative approval.

APPOINTEE: Nancy J. McGinley, 128 N. 13th Street, Apt. 207, Lincoln, NE 68508

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

MOTION - Approve Appointments

Mr. Beutler moved the adoption of the report of the Natural Resources Committee for the following Governor appointments found in the Journal on page 1911: Jo Beth Gutgsell and Robert B. O'Neal - Power Review Board and David S. Sands - Environmental Control Council.

Voting in the affirmative, 26:

Avery	Day	Horgan	Pedersen	Schellpeper
Baack	Dierks	Hudkins	Pirsch	Schimek
Bernard-Stevens	Elmer	Janssen	Preister	Schmitt
	Fisher	Jones	Rasmussen	Vrtiska
Bohlke	Hillman	Landis	Robinson	Will
Coordsen	Hohenstein			

Voting in the negative, 0.

Present and not voting, 9:

Beutler	Haberman	Lynch	Wickersham	Withem
Cudaback	Kristensen	McKenzie	Witek	

Excused and not voting, 14:

Abboud	Byars	Hall	Moore	Wehrbein
Ashford	Chambers	Hartnett	Robak	Wesely
Bromm	Crosby	Lindsay	Warner	

These appointments were confirmed with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 89.

SELECT FILE

LEGISLATIVE BILL 231. E & R amendment, AM5480, found in the Journal on page 1740, was adopted.

Mr. Preister offered the following amendment:
FA176
For the purpose of this act the definition of gaming is gambling.

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

Mr. Withem requested a roll call vote on the Preister amendment.

Voting in the affirmative, 12:

Bohlke	Jones	Lynch	Robinson	Vrtiska
Crosby	Landis	Preister	Schmitt	Wehrbein
Hudkins	Lindsay			

Voting in the negative, 13:

Baack	Cudaback	Hillman	Kristensen	Will
Bernard-Stevens	Day	Hohenstein	Pirsch	Witek
	Dierks	Janssen	Schellpeper	

Present and not voting, 13:

Avery	Elmer	McKenzie	Robak	Wickersham
Beutler	Fisher	Pedersen	Schimek	Withem
Coordsen	Horgan	Rasmussen		

Excused and not voting, 11:

Abboud	Byars	Haberman	Hartnett	Warner
Ashford	Chambers	Hall	Moore	Wesely
Bromm				

The Preister amendment lost with 12 ayes, 13 nays, 13 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 583. E & R amendment, AM5474, found in the Journal on page 1687, was adopted.

Mr. Will offered the following amendment:
FA177
Amend LB 583 as follows:
1. Change all references to "insurance" to "protection".

Mr. Will withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 583A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 563. Mr. Schellpeper renewed his pending amendment, AM1061, found in the Journal on page 1237.

Mr. Schellpeper renewed his pending amendment, AM1217, found in the Journal on page 1313, to the Schellpeper pending amendment, AM1061.

The Schellpeper amendment, AM1217, was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

The Schellpeper amendment, AM1061, as amended, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Will withdrew his pending amendment, AM1189, found in the Journal on page 1397.

Mr. Withem withdrew his pending amendment, AM1289, found in the Journal on page 1457.

Mr. Withem renewed his pending amendment, AM1537, found in the Journal on page 1759.

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

The Withem amendment was adopted with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

Mr. Will withdrew his pending amendment, AM1415, found in the Journal on page 1525.

Mr. Will renewed his pending amendment, AM1449, found in the Journal on page 1548.

The Will amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 510. E & R amendment, AM5430, found in the Journal on page 1135, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 739. E & R amendment, AM5470, found in the Journal on page 1688, was adopted.

Mr. Wickersham moved to indefinitely postpone.

Laid over.

LEGISLATIVE BILL 632. E & R amendment, AM5475, found in the Journal on page 1697, was adopted.

Mr. Landis renewed his pending amendment, AM1899, found in the Journal on page 1986.

Mr. Chambers raised a point of order asking whether the Landis amendment is germane to the bill.

The Chair ruled the Landis amendment is not germane to the bill.

Mr. Lynch offered the following amendment:
AM1909

1. Strike original sections 2 and 4 to 6 and all amendments thereto and insert the following new sections:

"Sec. 2. Violations of statutes or ordinances regulating the use of parking spaces designated for use by handicapped or disabled persons shall be treated as civil matters as provided in sections 18-1737 and 1 to 9 of this act.

Sec. 3. A court may impose a civil sanction on the operator, person in charge, or owner of a vehicle parked in violation of any statute or ordinance regulating the use of parking spaces designated for use by handicapped or disabled persons. Such civil sanction shall not exceed (1) one hundred dollars for a first violation, (2) two hundred dollars for a second violation within a twelve month period, and (3) three hundred dollars for a third or subsequent violation within a twelve month period. All civil sanctions shall be paid within thirty days from the entry of judgment. Anyone may use a credit card authorized by the trial court as a means of payment of his or her sanction and costs.

Sec. 5. A handicapped parking civil violation case is commenced by the issuance of a uniform handicapped parking civil violation complaint citation as provided in sections 18-1737 and 1 to 9 of this act.

Sec. 6. A handicapped parking civil violation complaint citation shall be served by delivering a copy to the person charged with the violation, by attaching a copy to the offending motor vehicle, or by any means authorized by the rules of civil procedure.

Sec. 7. (1) When a citation is issued for a handicapped parking civil violation, the person issuing the citation shall enter therein all required information, including the name and address of the cited person or, if not known, the license number and description of the offending motor vehicle, the violation committed, and the time and place the cited person is to appear in court to admit or deny the allegations of the complaint.

(2) A person served with a handicapped parking civil violation complaint citation shall appear at the time and place stated in the citation, or may appear prior to such time, if so authorized by the court, and upon the directions contained in the citation and admit or deny the allegations of the complaint. Allegations not denied at the time of appearance are deemed admitted. Unless the person cited requests an earlier date, the time of appearance shall be at least three days after the issuance of the citation. At least twenty-four hours before the time set for the appearance of the cited person, the county attorney or other person authorized by law to file a complaint for the violation shall file such complaint charging the person with the handicapped parking civil violation or such person shall be released from the obligation to appear as specified.

(3) If the allegations of the complaint are admitted, the court shall enter judgment for the state and impose an appropriate civil sanction.

(4) If the person denies the allegations of the complaint, the court shall set the matter for hearing. All

such hearings are informal and without a jury, and the state shall be required to prove the violation charged by a preponderance of the evidence. Technical rules of evidence do not apply, except for statutory provisions relating to privileged communications. If the person elects to be represented by counsel the person shall notify the court at least five days prior to the hearing date. Hearings shall be recorded. If the court finds in favor of the person, the court shall enter an order dismissing the allegation. If the court finds in favor of the state, the court shall enter judgment for the state and impose an appropriate civil sanction.

(5) If the person served with a handicapped parking civil violation complaint citation fails to appear on or before the time directed to appear or at the time set for hearing by the court, the allegations of the complaint shall be deemed admitted and the court shall enter judgment for the state, impose a civil sanction, and refer the matter to the appropriate individual for further action. Any person failing to appear or otherwise comply with the command of a court regarding a handicapped parking civil violation shall be guilty of a Class III misdemeanor.

Sec. 8. Any party may appeal the judgment of the court to the Court of Appeals. The posting of an appeal bond shall stay the enforcement of the judgment.".

2. On page 2, line 1, after "sections" insert "18-1737 and" and strike "8" and all amendments thereto and insert "9"; in line 2 strike "infraction" and insert "civil violation"; in line 4 strike "offense" and insert "violation"; in line 5 strike "infraction" and insert "civil violation" and after the second "a" insert "handicapped parking civil violation complaint"; in line 7 after "issue" insert "such"; in line 8 strike "infraction" and insert "civil violation"; in line 9 strike "3 and 4" and insert "18-1737 and 1 to 9 of"; in line 17 strike "infractions" and insert "civil violations"; in line 18 strike "infraction" and insert "civil violation"; and in line 22 strike beginning with "Supreme" through the first "the" and strike "constitutes" and insert "shall constitute".

3. On page 3, line 25, after "sections" insert "18-1737 and" and strike "7" and insert "9"; and in line 28 strike "infractions" and insert "civil violations".

4. On page 5, line 3, after "who" insert "stops, stands, or"; in line 12 strike "be guilty of a", show as stricken, and insert "have committed a"; in line 14 strike "infraction" and insert "civil violation"; in line 16 after "sections" insert "18-1737 and" and strike "7" and insert "9"; in line 20 strike "guilty and" and show as stricken; in line 21 strike "penalties", show as stricken, and insert "civil sanction" and in line 25 strike "traffic infraction", show as

stricken, and insert "handicapped parking civil violation complaint".

5. In the E & R amendments, AM5475, strike amendments 3 and 4.

6. Renumber the remaining sections accordingly.

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

Mr. Chambers requested a roll call vote on the Lynch amendment.

Voting in the affirmative, 29:

Abboud	Dierks	Janssen	Pedersen	Vrtiska
Beutler	Elmer	Jones	Preister	Wehrbein
Bohlke	Fisher	Landis	Rasmussen	Will
Crosby	Hillman	Lindsay	Robinson	Witek
Cudaback	Horgan	Lynch	Schellpeper	Withem
Day	Hudkins	McKenzie	Schmitt	

Voting in the negative, 3:

Bernard-Stevens	Chambers	Moore

Present and not voting, 11:

Avery	Coordsen	Kristensen	Robak	Warner
Baack	Hohenstein	Pirsch	Schimek	Wickersham
Bromm				

Excused and not voting, 6:

Ashford	Haberman	Hall	Hartnett	Wesely
Byars				

The Lynch amendment was adopted with 29 ayes, 3 nays, 11 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mrs. Robak, Messrs. Lindsay, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA178
Add "E" Clause.

Mr. Schellpeper and Mrs. Witek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Abboud	Beutler	Day	Hudkins	Moore
Avery	Bohlke	Elmer	Janssen	Pirsch
Baack	Chambers	Fisher	Jones	Schmitt
Bernard-Stevens	Coordsen	Hillman	Kristensen	Warner
	Cudaback	Hohenstein	McKenzie	Wickersham

Voting in the negative, 13:

Bromm	Landis	Rasmussen	Vrtiska	Will
Crosby	Lynch	Robinson	Wehrbein	Withem
Horgan	Pedersen	Schimek		

Present and not voting, 1:

Preister

Excused and not voting, 11:

Ashford	Haberman	Hartnett	Robak	Wesely
Byars	Hall	Lindsay	Schellpeper	Witek
Dierks				

The Chambers amendment lost with 24 ayes, 13 nays, 1 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 732. E & R amendment, AM5477, found in the Journal on page 1698, was adopted.

Mr. Will offered the following Hartnett amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1417.)

The Hartnett amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Robinson renewed the pending Byars-Robinson amendment, AM1453, found in the Journal on page 1945.

The Byars-Robinson amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 121. E & R amendment, AM5478, printed separately from the Journal and referred to on page 1698, was adopted.

Mr. Kristensen renewed his pending amendment, AM0039, on file in the Clerk's Office and referred to in the Journal on page 1767.

The Kristensen amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 121A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 500. E & R amendment, AM5484, found in the Journal on page 1731, was adopted.

Mr. Landis offered the following Lindsay amendment:
AM1884

1. Insert the following new section:

"Sec. 54. That section 43-1415, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-1415. ~~The~~ When the results of the tests~~,~~ ~~including the statistical~~ done pursuant to section 43-1414 or pursuant to agreement include a probability of paternity of ninety-nine percent or greater or when the alleged father has signed a notarized acknowledgment, there shall ~~be admissible evidence and shall be weighed along with other evidence~~ exist a rebuttable presumption of paternity as against the alleged father joined in this action. Such ~~evidence~~ test results may be introduced by verified written report unless there is a timely request for personal testimony of the expert at least thirty days prior to trial.".

2. On page 33, line 15, strike "section" and insert "sections 43-1415 and".

3. Renumber the remaining sections accordingly.

Mr. Landis asked unanimous consent to pass over LB 500. No objections. So ordered.

LEGISLATIVE BILL 507. Messrs. Moore and Bernard-Stevens offered the following amendment:

FA179
Add the emergency clause

The Moore-Bernard-Stevens amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Abboud moved to indefinitely postpone.

Mr. Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 544A and 629.

Enrollment and Review Change to LB 629

The following changes, required to be reported for publication in the Journal, have been made:
ER7268

1. Because of the Wesely amendment, AM1798, in the Ashford amendment, AM1797, amendment 1 has been struck.
2. In the Ashford amendment, FA127, "a hearing in camera" has been struck and "an in camera hearing" inserted.
3. On page 1, line 1, "infants" has been struck and "families" inserted and "43-1412" has been struck and "42-120" inserted; and the matter beginning with "provide" in line 4 through "decree" in line 5 has been struck and "change provisions relating to decrees concerning marriage validity, divorce, and legal separation" inserted.
4. On page 2, lines 9 and 20, paragraphing has been inserted after the period.
5. On page 6, line 11, paragraphing has been inserted before "No".

(Signed) Kurt Hohenstein, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Warner, Kristensen, Schellpeper, Withem, Beutler, Wickersham, Will, Landis, and Coordsen asked unanimous consent to print the following amendment to LB 345 in the Journal. No objections. So ordered.

AM1844

(Amendments to E & R amendments, AM5490)

1. On page 43, line 14, strike "improperly states" and insert "willfully understates".

Mr. Wesely asked unanimous consent to print the following amendment to LB 817 in the Journal. No objections. So ordered.

AM1245

1. Insert the following new section:

"Sec. 7. (1) The department shall require the parties to a cooperative agreement for which a certificate of public advantage has been issued to report annually on the functioning of the cooperative agreement for the preceding year. The report shall be in such form and contain such information as the department in its discretion deems necessary to make the determination required by section 6 of this act.

(2) Any interested person may petition the department to determine that the likely benefits resulting from a certified cooperative agreement no longer outweigh any disadvantages attributable to any potential reduction in competition resulting from the agreement. In such case, the department may initiate proceedings to terminate the certificate of public advantage in accordance with the Administrative Procedure Act.

(3) It shall be unlawful for an employer to take any adverse job action against any employee because such employee has petitioned, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under the Hospital Cooperation Act.".

2. On page 2, line 5, after "hospitals" insert "or hospitals and other providers"; on line 8 after "offered" insert "or purchased"; in line 9 strike "and"; and in line 16 after "services" insert "; and

(4) Provider shall mean a person furnishing goods or services to or in competition with hospitals but shall not include a physician"; and in line 18 after "with" insert "providers or".

3. On page 3, line 28, after "involved" insert "or by other hospitals in this state".

4. On page 4, line 2, strike "and"; and in line 3 after "resources" insert ";

(f) Enhancement, maintenance, or preservation of competition for the services or goods involved; and

(g) Mitigation of adverse environmental impact or enhancement of positive environmental impact".

5. Renumber the remaining section accordingly.

VISITORS

Visitors to the Chamber were 95 fourth grade students and sponsor from Newell Elementary, Grand Island; 29 fourth grade students and sponsor from Rockbrook Elementary, Omaha; 28 fourth, fifth, and sixth grade students and sponsor from Marquette Elementary; and 50 fourth grade students and sponsor from Lincoln and Edison Elementary Schools, York.

ADJOURNMENT

At 11:56 a.m., on a motion by Mr. Warner, the Legislature adjourned until 9:00 a.m., Tuesday, May 11, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTY-FOURTH DAY - MAY 11, 1993

LEGISLATIVE JOURNAL

SEVENTY-FOURTH DAY - MAY 11, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

SEVENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 11, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Father Gerald Gonderinger, St. Stephen the Martyr Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Landis who was excused; and Messrs. Abboud, Avery, Bernard-Stevens, Byars, Chambers, Kristensen, Lindsay, Moore, Wehrbein, Wickersham, Will, Withem, Mmes. McKenzie, Pirsch, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-third day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 669. Placed on Select File as amended.
E & R amendment to LB 669:
AM5498

1. In the Bernard-Stevens amendment, AM1768, page 1, line 7, strike "shall make" and insert "makes"; and in line 11 strike the first "shall" and strike "shall indicate" and insert "indicates".

2. In the Standing Committee amendments, AM1080:

a. On page 4, line 1; and page 5, line 14, strike the underscored comma;

b. On page 12, line 21; and page 15, lines 4 and 20, strike "lay", show as stricken, and insert "layperson";

c. On page 29, line 5, after "act" insert an underscored comma;

d. Renumber sections 25 to 30 as 26 to 30 and 25 respectively;

e. On page 31, lines 9 and 21, before "Mental" insert paragraphing; and in line 24 strike "28 to 30" and insert "25, 29, and 30";

f. On page 39, strike beginning with "Board" in line 17 through "Practice" in line 18 and insert "board";

g. On page 40, line 2, strike "certified";

h. On page 62, line 14, after "section" insert an underscored comma; and

i. On page 68, line 25, strike "arises" and insert "shall arise".

3. On page 1, line 11, after "board" insert ", committees,"; and in line 15 after the second semicolon insert "to provide severability;".

LEGISLATIVE BILL 669A. Placed on Select File.

LEGISLATIVE BILL 38. Placed on Select File as amended.
E & R amendment to LB 38:
AM5495

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. On or before July 15 of each year, the Tax Commissioner and the Legislative Fiscal Analyst shall certify the monthly estimate of General Fund net receipts for each month of the current fiscal year. Such certification shall be filed with the Clerk of the Legislature. The certification shall include estimates of gross receipts to the General Fund and refunds for sales, corporate income, individual income, and other miscellaneous receipts and refunds by month. The total of the monthly estimates for the fiscal year shall take into consideration the most recent net receipts forecast provided during a regular legislative session by the Nebraska Economic Forecasting Advisory Board pursuant to section 77-27,158 plus any revisions due to legislation enacted which has an impact on receipts that were not included in the forecast. If the total of monthly estimates so certified is at variance with the estimates of the Nebraska Economic Forecasting Advisory Board, the certification shall include a statement of the specific statistical or economic reasons for the variance.

Sec. 2. (1) Within fifteen days after the end of each month, the Tax Commissioner shall provide a public statement of actual General Fund net receipts and a comparison of such actual net receipts to the monthly estimate certified pursuant to section 1 of this act.

(2) Within fifteen days after the end of each fiscal quarter, the public statement shall also include a summary of actual General Fund net receipts and estimated General Fund net receipts for the preceding three months.

(3) If the actual General Fund net receipts for the preceding three months as reported in subsection (2) of this section exceed estimated receipts for the three-month period, the Tax Commissioner shall immediately certify to the Director of Administrative Services such excess amount. The State Treasurer shall immediately transfer an amount equal to such excess amount from the General Fund to the Cash Reserve Fund upon certification by the director of such excess amount. If the actual General Fund net receipts for the preceding three months are less than estimated General Fund net receipts for the three-month period, the Tax Commissioner shall immediately certify such amount to the director. If there are sufficient funds in the Cash Reserve Fund, the director shall authorize the State Treasurer to transfer the amount certified from the Cash Reserve Fund to the General Fund.

Sec. 3. If an estimate of General Fund net receipts is changed in a regular or extraordinary meeting of the Nebraska Economic Forecasting Advisory Board and such change results in a special session of the Legislature to revise current fiscal year General Fund appropriations, the Tax Commissioner and the Legislative Fiscal Analyst shall certify the monthly receipt estimates for the remaining months of the fiscal year, taking into consideration the most recent estimate of General Fund net receipts made by the Nebraska Economic Forecasting Advisory Board plus legislation enacted which has an impact on receipts that were not included in the forecast. The new monthly certification shall be made by the fifteenth day of the month following the adjournment of the special session of the Legislature.

Sec. 4. That section 84-612, Revised Statutes Supplement, 1992, be amended to read as follows:

84-612. (1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used pursuant to this section.

(2) The State Treasurer shall transfer funds from the Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services that the current cash balance in the General Fund is inadequate to meet current obligations. Such certification shall include the dollar amount to be transferred.

(3) Any transfers made pursuant to subsection (2) of this section shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available.

~~(4) On or before June 15, 1991, the State Treasurer shall transfer eight million one hundred thousand dollars from the Cash Reserve Fund to the General Fund in recognition of the legislative intent established in Laws 1988, LB 1041, section 82.~~

~~(5)~~ (4) On or before July 15, 1991, the State Treasurer shall transfer three million dollars from the Cash Reserve Fund to the General Fund. Such transfer shall be reversed at such time as the Nebraska Railway Council has repaid the principal amount to the General Fund, which repayment shall take place no later than July 15, 2006.

~~(6)~~ (5) On June 15, 1992, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the General Fund. Such transfer shall be reversed on June 15, 1994.

~~(7)~~ (6) On June 15, 1993, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the General Fund. Such transfer shall be reversed on June 15, 1995.

~~(8)~~ (7) On June 30, 1993, the State Treasurer shall transfer four million five hundred thousand dollars from the Cash Reserve Fund to the General Fund. Such transfer shall be reversed in the amount of two million two hundred fifty thousand dollars on June 15, 1994, and in the amount of two million two hundred fifty thousand dollars on June 15, 1995.

(8) The State Treasurer shall transfer funds from the Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services pursuant to section 2 of this act.

Sec. 5. That original section 84-612, Revised Statutes Supplement, 1992, is repealed.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, line 1, strike "sections 50-419 and" and insert "section"; strike beginning with "to" in line 4 through the semicolon in line 5; in line 7 strike "and" and after "Commissioner" insert ", and the State Treasurer"; and in line 8 strike "sections" and insert "section".

LEGISLATIVE BILL 152. Placed on Select File.
LEGISLATIVE BILL 152A. Placed on Select File.
LEGISLATIVE BILL 348A. Placed on Select File.
LEGISLATIVE BILL 587A. Placed on Select File.

LEGISLATIVE BILL 237. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5502.)

LEGISLATIVE BILL 239. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5505.)

LEGISLATIVE BILL 310. Placed on Select File as amended.
E & R amendment to LB 310:
AM5497

1. On page 1, strike beginning with "power" in line 1 through line 8 and insert "public power and irrigation; to amend sections 18-2451, 70-623, 70-623.03, 84-304.01, and 84-304.02, Reissue Revised Statutes of Nebraska, 1943, and sections 13-501 and 70-623.02, Revised Statutes Supplement, 1992; to exempt public power and irrigation districts and agencies from the Nebraska Budget Act; to change audit requirements and provide audit procedures; to require and provide a procedure for preparation of a budget; to change powers and duties of the Auditor of Public Accounts; to harmonize provisions; and to repeal the original sections.".

LEGISLATIVE BILL 516. Placed on Select File as amended.
E & R amendment to LB 516:
AM5499

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) For purposes of this section, volunteer department shall mean volunteer fire department or volunteer first-aid, rescue, or emergency squad or volunteer fire company serving any city, village, county, township, or rural or suburban fire protection district.

(2) Each volunteer department may establish a volunteer department trust fund. All donations, contributions, bequests, or annuities made to the volunteer department and all money raised by or for the volunteer department shall be deposited in the trust fund. The trust fund shall be under the control of the volunteer department, and the volunteer department may make expenditures from the trust fund as it deems necessary. The treasurer of the volunteer department shall be the custodian of the trust fund.

(3) The trust fund shall not be considered public funds or funds of any city, village, county, township, or rural or suburban fire protection district for any purpose, including the Nebraska Budget Act, nor shall any city, village, county, township, or rural or suburban five protection district incur any liability solely by reason of any expenditure from such fund except liability for property when any city, village, county, township, or rural or suburban protection district receives title to property acquired with money from such fund.

(4) Nothing in this section shall be construed or

deemed to permit a violation of the Nebraska Liquor Control Act.

(5) All expenditures of public funds as defined in the Nebraska Budget Act for support of a volunteer department or its purposes shall be submitted as claims, approved by the taxing authority supporting such department or its purposes, and published as required by law. All such claims shall be properly itemized for proposed expenditure or reimbursement for costs already incurred and paid except as may be otherwise permitted pursuant to section 35-106.

(6) All money raised pursuant to the Nebraska Bingo Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, and the Nebraska Small Lottery and Raffle Act shall be subject to such acts with respect to the deposit and expenditure of such money.

Sec. 2. That section 35-511, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

35-511. (1) All funds collected on behalf of the district through the levy of taxes~~,~~ and (2) all donations, contributions, bequests, ~~or~~ annuities, ~~and (3) all~~ or borrowed money received by or on behalf of the district shall be deposited with the county treasurer to the credit of the district fund and shall be drawn out only upon proper order and warrant or check, with voucher attached. Such order and warrant or check shall be authorized by the board of directors and shall bear the signature of the treasurer and the countersignature of the president of such district. The secretary-treasurer of the district shall, at each annual public meeting of the district, present a financial report concerning the affairs of the district.

Sec. 3. That section 84-304, Revised Statutes Supplement, 1992, as amended by section 4, Legislative Bill 579, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

84-304. (1) It shall be the duty of the Auditor of Public Accounts:

(a) To give information in writing to the Legislature, whenever required, upon any subject relating to the fiscal affairs of the state or with regard to any duty of his or her office;

(b) To furnish offices for himself or herself and all fuel, lights, books, blanks, forms, paper, and stationery required for the proper discharge of the duties of his or her office;

(c)(i) To examine or cause to be examined, at such time as he or she shall determine, books, accounts, vouchers, records, and expenditures of all state officers, state bureaus, state boards, state commissioners, the state library, societies and associations supported by the state, state

institutions, state colleges, and the University of Nebraska, except when required to be performed by other officers or persons, (ii) to examine or cause to be examined, at the expense of the political subdivision, when the Auditor of Public Accounts determines such examination necessary or when requested by the political subdivision, the books, accounts, vouchers, records, and expenditures of an agricultural association formed under Chapter 2, article 20, county agricultural society, joint airport authority formed under Chapter 3, article 7, city or county airport authority, development district, regional council, drainage district, fire protection district, health district, historical society, hospital authority or district, county hospital, housing authority, irrigation district, regional, county, or municipal library, community mental health center, railroad transportation safety district, rural water district, township, or the Wyuka Cemetery, and (iii) to report promptly to the Director of Administrative Services and the appropriate standing committee of the Legislature the fiscal condition shown by such examinations, including any irregularities or misconduct of officers or employees, any misappropriation or misuse of public funds or property, and any improper system or method of bookkeeping or condition of accounts. An examination of any volunteer department as defined in section 1 of this act shall not include an examination of the volunteer department trust fund. The Auditor of Public Accounts shall appoint two assistant deputies (A) whose entire time shall be devoted to the service of the state as directed by the auditor, (B) who shall be certified public accountants with at least five years' experience, (C) who shall be selected without regard to party affiliation or to place of residence at the time of appointment, (D) who shall promptly report in duplicate to the auditor the fiscal condition shown by each examination, including any irregularities or misconduct of officers or employees, any misappropriation or misuse of public funds or property, and any improper system or method of bookkeeping or condition of accounts, and it shall be the duty of the auditor to file promptly with the Governor a duplicate of such report, and (E) who shall qualify by taking an oath which shall be filed in the office of the Secretary of State; and

(d) Conduct audits and related activities for state agencies, political subdivisions of this state, or grantees of federal funds disbursed by a receiving agency on a contractual or other basis for reimbursement to assure proper accounting by all such agencies, political subdivisions, and grantees for funds appropriated by the Legislature and federal funds disbursed by any receiving agency. The Auditor of Public Accounts may contract with any political subdivision to

perform the audit of such political subdivision required by or provided for in section 23-1608 or 79-2210.04 or this section and charge the political subdivision for conducting the audit. The fees charged by the auditor for conducting audits on a contractual basis shall be in an amount sufficient to pay the cost of the audit. The fees remitted to the auditor for such audits and services shall be deposited in the Auditor of Public Accounts Cash Fund.

(2) Nothing in this section shall be construed to authorize or require the Auditor of Public Accounts to perform any auditing functions relating to the Legislature, the Legislative Council, the Executive Board of the Legislative Council, or any member of the Legislature.

Sec. 4. That original section 35-511, Reissue Revised Statutes of Nebraska, 1943, and section 84-304, Revised Statutes Supplement, 1992, as amended by section 4, Legislative Bill 579, Ninety-third Legislature, First Session, 1993, are repealed.".

2. On page 1, strike beginning with "volunteer" in line 1 through line 5 and insert "volunteer departments; to amend section 35-511, Reissue Revised Statutes of Nebraska, 1943, and section 84-304, Revised Statutes Supplement, 1992, as amended by section 4, Legislative Bill 579, Ninety-third Legislature, First Session, 1993; to change provisions relating to nontax funds as prescribed; and to repeal the original sections.".

LEGISLATIVE BILL 137. Placed on Select File as amended.
E & R amendment to LB 137:
AM5500

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 25-224, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-224. (1) For purposes of this section, product liability action shall have the same meaning as in section 25-21,180.

(2) Except as provided otherwise by this section, ~~All~~ product liability actions~~, except one governed by subsection (5) of this section,~~ shall be commenced within four years next after the date on which the death, injury, or damage complained of occurs.

~~(2) Notwithstanding subsection (1) of this section or any other statutory provision to the contrary, any product liability action, except one governed by section 2-725, Uniform Commercial Code or by subsection (5) of this section, shall be commenced within~~ but not more than ten years after the date when the product which allegedly caused the personal injury, death, or damage was first sold or leased for use or

consumption.

(3) In product liability actions that involve injury, death, or damage more than ten years after the date when the product which allegedly caused the personal injury, death, or damage was first sold or leased for use or consumption, a presumption shall arise that the harm was caused after the useful safe life of the product had expired. Useful safe life shall commence at the time of delivery of a product to its ultimate user who was not engaged in the business of either selling such products or using them as component parts of another product to be sold. The plaintiff may rebut this presumption by a preponderance of the evidence. If the plaintiff rebuts this presumption, the ten-year limitation provided in this section shall not apply. In determining whether a product's useful safe life has expired, the trier of fact may consider, among other factors:

(a) The amount of wear and tear to which the product had been subjected;

(b) The effect of deterioration from natural causes, climate, and other conditions under which the product was used or stored;

(c) The normal practices of the user, similar users, and the product manufacturer with respect to the circumstances, frequency, and purposes of the product's use and with respect to repairs, renewals, and replacements;

(d) Any representations, instructions, or warnings made by the product manufacturer concerning proper maintenance, storage, and use of the product or the expected useful safe life of the product; and

(e) Any modification or alteration of the product by a user or a third party.

~~(3) The limitations contained in subsection (1), (2), or (5) of this section shall not be applicable to indemnity or contribution actions brought by a manufacturer or seller of a product against a person who is or may be liable to such manufacturer or seller for all or any portion of any judgment rendered against a manufacturer or seller.~~

~~(4) Notwithstanding the provisions of subsections (1) and (2) of this section, any cause of action or claim which any person may have on July 22, 1978, may be brought not later than two years following such date.~~

(4) If a manufacturer, seller, or lessor of a product expressly warrants that its product can be utilized safely for a period longer than ten years, the period of limitation, after which the presumption created in subsection (3) of this section arises, shall be extended according to such warranty or promise.

(5) The ten-year limitation provided in this section shall not apply if the product liability action involves the

manufacture, construction, design, or assembly of medical implants, prosthetics, appliances, or other devices surgically placed on or within the human body. The ten-year limitation provided in this section shall not apply if (a) the manufacturer of a product misrepresents facts about its product or fraudulently conceals information about it and such conduct was a proximate cause of the claimant's death, injury, or damage, (b) the harm was caused by prolonged exposure to a defective product, (c) the injury-causing aspect of the product that existed at the time of delivery was not discoverable by a reasonably prudent person until more than ten years after the time of delivery, or (d) the harm caused within ten years after the time of delivery did not manifest itself until after that time.

(6) In any product liability action covered by this section in which it is claimed by one or more of the defendants that the action is barred by the statute of limitations, the statute of repose, or the expiration of the useful safe life of the product, such issue shall not be bifurcated without the consent of all parties to the action.

~~(5)~~ (7) Any action to recover damages based on injury allegedly resulting from exposure to asbestos composed of chrysotile, amosite, crocidolite, tremolite, anthrophyllite, actinolite, or any combination thereof~~;~~ shall be commenced within four years after the injured person has been informed of discovery of the injury by competent medical authority and that such injury was caused by exposure to asbestos as described ~~herein;~~ in this subsection or within four years after the discovery of facts which would reasonably lead to such discovery, whichever is earlier. No action commenced under this subsection based on the doctrine of strict liability in tort shall be commenced or maintained against any seller of a product which is alleged to contain or possess a defective condition unreasonably dangerous to the buyer, user, or consumer unless such seller is also the manufacturer of such product or the manufacturer of the part thereof claimed to be defective. Nothing in this subsection shall be construed to permit an action to be brought based on an injury described in this subsection discovered more than two years prior to August 30, 1981.

(8) The limitations contained in this section shall not be applicable to indemnity or contribution actions brought by a manufacturer or seller of a product against a person who is or may be liable to such manufacturer or seller for all or any portion of any judgment rendered against a manufacturer or seller. A product liability action governed by the Uniform Commercial Code shall follow the limitations in section 2-725, Uniform Commercial Code.

Sec. 2. If any section in this act or any part of

any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 3. That original section 25-224, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 1, line 4, after the semicolon insert "to provide severability;".

LEGISLATIVE BILL 798. Placed on Select File.
LEGISLATIVE BILL 798A. Placed on Select File.

LEGISLATIVE BILL 799. Placed on Select File as amended.
E & R amendment to LB 799:
AM5503

1. On page 1, line 4, after "facilities" insert "and long-term care hospitals".

LEGISLATIVE BILL 799A. Placed on Select File.

LEGISLATIVE BILL 800. Placed on Select File as amended.
E & R amendment to LB 800:
AM5501

1. On page 1, strike beginning with the second "to" in line 1 through the semicolon in line 2; and strike line 5 and insert "declare an emergency.".

LEGISLATIVE BILL 800A. Placed on Select File.

LEGISLATIVE BILL 801. Placed on Select File as amended.
E & R amendment to LB 801:
AM5504

1. In the Standing Committee amendments, AM1367:

a. On page 1, line 9, strike "program" and insert "project"; in line 16 strike "of" and insert "on"; and in line 23 before "project" insert "pilot"; and

b. On page 2, line 1, before "project" insert "pilot"; and in line 5 strike "home" and insert "facility".

2. On page 1, strike beginning with "the" in line 1 through line 6 and insert "nursing facilities; to state intent; to provide for a pilot project for preadmission screening; to provide powers and duties for the Department of Social Services, the Department on Aging, and the Department of Public Institutions; and to provide for the purchase of services identified by care plans.".

(Signed) Kurt A. Hohenstein, Chairperson

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 840. Placed on General File.

(Signed) Jessie Rasmussen, Vice Chairperson

NOTICE OF COMMITTEE HEARING
Health and Human Services

Governor Appointments Monday, May 17, 1993 11:00 a.m.
Nebraska Board of Health
Patricia McQuillan
Patricia Kuehl
Dr. Christopher Caudill
Margaret Allington
Carl Maltas

(Signed) Don Wesely, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 95. Introduced by Abboud, 12.

PURPOSE: Several legislative bills dealing with increases in the weekly unemployment benefit amount were referenced to the Business and Labor Committee in the Ninety-third Legislature, First Session.

A comparison between the current tiered system and the proposal utilizing a percentage of the state average weekly wage as in Legislative Bill 286, Ninety-third Legislature, First Session, 1993, should be undertaken to estimate the impact upon employers and the unemployment compensation system.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MESSAGES FROM THE GOVERNOR

May 7, 1993

Madam President, Mr. Speaker
and Members of the Legislature

State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Coordinating Commission for Postsecondary Education, requiring legislative approval.

APPOINTEE: Allen Johnson, Great West Casualty Company, P.O. Box 277, South Sioux City, NE 68776

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

May 6, 1993

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 126, 170, 216, 250, 319, 375, and 423 were received in my office on May 4, 1993.

These bills were signed by me on May 6, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

May 8, 1993

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 78 was received in my office on May 4, 1993; engrossed Legislative Bills 406, 448, 458, 468, 479, 506, 544, 617, 682, 690, and 750 were received in my office on May 5, 1993.

These bills were signed by me on May 8, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

REPORTS

Received quarterly report from the Nebraska Investment Finance Authority (NIFA) on the use of the proceeds of the 1992 Series A and Series B Community Development Loan Notes (City of Lincoln - 1992) Program pursuant to Neb. Rev. Stat. § 58-270(4).

Received annual report from the Nebraska Department of Labor, Nebraska Job Training Council, for the Job Training Program.

RESOLUTIONS

LEGISLATIVE RESOLUTION 92. Read. Considered.

LR 92 was adopted with 22 ayes, 0 nays, and 27 not voting.

LEGISLATIVE RESOLUTION 93. Read. Considered.

LR 93 was adopted with 24 ayes, 0 nays, and 25 not voting.

MOTION - Return LB 734 to Select File

Mr. Cudaback moved to return LB 734 to Select File for the following Cudaback-Hartnett-Hillman-Warner specific amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1944.)

The Cudaback motion to return prevailed with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 734. The Cudaback et al. specific amendment, AM1944, on file and referred to in this day's Journal, was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

WITHDRAW - Amendment to LB 734

Mr. Warner withdrew his pending amendment, AM1791, found in the Journal on page 1829, to LB 734.

MOTION - Return LB 734 to Select File

Mrs. Hillman, Messrs. Cudaback, Hartnett, and Warner moved to return LB 734 to Select File for the following specific amendment:
AM1970

(Amendments to AM1944)

1. Insert the following new section:

"Sec. 33. That section 23-920, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-920. In counties having two hundred thousand or more inhabitants, the fiscal year shall begin January 1 and end December 31. Any such county may by an affirmative vote of a majority of all the members of the county board elect to change its fiscal year from a period of twelve months commencing January 1 to a period commencing July 1, and to become subject to all the terms of sections 23-901 to 23-919. Any county hospital operating under sections 23-3501 through 23-3527 may, by an affirmative vote of a majority of the members of the board of trustees of such facility, elect to change its fiscal year to any period of twelve months for determining and carrying on its financial affairs.".

2. On page 6, strike beginning with the first "and" in line 4 through "officials" in line 5; in line 9 after the first comma insert "county hospitals,"; and in line 27 after the first comma insert "county hospitals,".

3. On page 8, line 7, strike "shall" and insert "may"; and strike beginning with "the" in line 24 through "at" in line 25 and insert "individuals attending".

4. On page 9, line 10, strike the second "and" and insert "or".

5. On page 15, line 2, strike "mandated" and insert "authorized".

6. On page 57, line 5, strike "41" through "54" and insert "42, 54, and 55"; and in line 12 strike "and 23-914" and insert "23-914, and 23-920".

7. Renumber the remaining sections accordingly.

The Hillman et al. motion to return prevailed with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 734. The Hillman et al. specific amendment, AM1970, found in this day's Journal, was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 734 to Select File

Mr. Hall moved to return LB 734 to Select File for the following specific amendment:
FA180
Amend AM1944 p. 47, line 10, strike "shall" and insert "may"

The Hall motion to return prevailed with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 734. The Hall specific amendment, FA180, found in this day's Journal, was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 739. Mr. Wickersham withdrew his pending motion, found in the Journal on page 1997, to indefinitely postpone.

Mr. Dierks withdrew his pending amendments, AM1685 and AM1684, found in the Journal on pages 1870 and 1871.

Mr. Jones withdrew his pending amendment, AM1745, found in the Journal on page 1882.

Mr. Beutler offered the following amendment:
AM1971

1. Strike original sections 3 and 4 and insert the following new sections:

"Sec. 3. If any portions of the right-of-way accepted under section 2 of this act are not immediately developed as a recreational trail or for habitat, the Game and Parks Commission shall use its best efforts to lease undeveloped portions of the right-of-way, with first priority to adjacent landowners, for the purposes stated in such section or for other purposes which are not inconsistent with the purposes of this act until such time as a recreational trail or habitat may be developed. Any lease or use allowed shall be subject to all prescriptions of the National Trails System Act.

Sec. 4. The Game and Parks Commission shall have the same responsibility with regard to division fences as a private landowner as provided in sections 34-101 to 34-117, except that in those areas where a recreational trail is developed, the commission shall have the same responsibility as a railroad as provided in sections 74-601 to 74-604.

Sec. 5. If the right-of-way or any portion thereof

is used as a recreational trail pursuant to sections 2 and 3 of this act, appropriate sanitary facilities shall be provided along the trail for use of persons using the trail. Camping or open fires shall be prohibited on such right-of-way or portion thereof.

Sec. 6. If the right-of-way or portion thereof is used as a trail or for other purposes as provided in sections 2 and 3 of this act, the Game and Parks Commission shall adopt and promulgate rules and regulations to carry out the purposes of this act.".

2. On page 2, strike beginning with "The" in line 6 through line 16 and insert "Pursuant to the National Trails System Act, 16 U.S.C. 1241 et seq., the Game and Parks Commission is hereby authorized and directed to accept as a gift, when and if offered, from any present or future owner the entire right-of-way of the Chicago and Northwestern Railroad which lies between milepost 83.3 and milepost 404.5 in Nebraska. In the event a portion of the right-of-way continues in actual rail service, the Game and Parks Commission is authorized and directed to accept as a gift the remaining section. So long as the integrity of the right-of-way as an interim recreational trail and for future rail use is not disturbed, the Game and Parks Commission is authorized to lease and to grant easement rights on the right-of-way. All revenue collected from such leases shall be remitted to the State Treasurer for credit to the Cowboy Trail Fund and shall be used for the development and maintenance of the Cowboy Trail. The commission shall hold the right-of-way for interim trail use as a state recreational trail, to preserve wildlife habitat, and to provide a conservation, communication, utilities, and transportation corridor and for other uses approved by the commission and allowed by the National Trails System Act. The commission shall keep in good repair all crossings over the trail in accordance with its legal obligations, including all the grading, bridges, ditches, and culverts that may be necessary for such crossings within the right-of-way.

(2) The right-of-way may be accepted without any further legislative action or approval of the Governor but only if the State of Nebraska's predecessors in interest shall remain responsible for the costs of remedial action and environmental cleanup for conditions arising prior to conveyance to the state, and the title is free and clear of all liens and mortgage or deed of trust encumbrances."; in line 17 strike "(2)" and insert "(3)"; in line 24 strike "(3)" and insert "(4)"; and in lines 23 and 24 strike "Chicago and Northwestern" and insert "Cowboy".

3. On page 3, line 2 strike "(4)" and insert "(5)"; and in line 5 strike "(5)" and insert "(6)".

4. Remove the underscoring in original sections 1 and 2 of this act.

Mr. Wickersham offered the following amendment to the Beutler pending amendment:
FA181
AM1971 to LB 739
pg 3 line 9 at the ' strike through and insert after the word Nebraska in line 9 on page 3 is indemnified in a manner satisfactory to the Game & Parks Commission against

Mrs. Hillman asked unanimous consent to be excused. No objections. So ordered.

The Wickersham amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

MR. HALL PRESIDING

SPEAKER BAACK PRESIDING

Ms. Schimek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Beutler amendment, as amended, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Ms. Schimek and Mr. Horgan asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens moved to indefinitely postpone LB 739.

Laid over.

STANDING COMMITTEE REPORT
Transportation

The Committee on Transportation desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

State Board of Public Roads Classifications and Standards
James Anderson
Arthur Yonkey
Motor Vehicle Industry Licensing Board
Kathleen D. Miller
Rodney Rhoden

VOTE: Aye: Senators Day, Fisher, Kristensen, Pedersen, and Schmitt. Nay: none. Absent: Senators Byars, Horgan, and Pirsch.

(Signed) Doug Kristensen, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 413 in the Journal. No objections. So ordered.

AM1912

1. Insert the following new section:

"Sec. 2. That section 75-303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-303. Sections 75-301 to 75-322.04 shall apply to the transportation of passengers or property by motor carriers for hire engaged in intrastate commerce except:

(1) A motor carrier for hire engaged in the transportation of school children and teachers to and from school;

(2) A motor carrier for hire operated in connection with a part of a streetcar system;

(3) A motor carrier for hire engaged in the transportation of newspapers under a contract with the publisher or a distributor thereof if no other property or person is being transported for hire on the same load with such newspapers;

(4) The operation of any motor carrier owned in or within a radius of five miles of the corporate limits of any city or village of this state engaged in the transportation of property, except carriers of hazardous materials who are subject to section 75-364, within such city or village or ~~within a radius of five miles beyond the corporate limits thereof~~ such radius;

(5) To ranch, dairy, or farm products, including livestock, being transported by motor vehicle from or to any ranch, dairy, farm, feedlot, or market;

(6) To supplies or merchandise being transported by motor vehicle from or to any ranch, dairy, feedlot, or farm for use thereon when originating at or destined to a neighboring trading point or points;

(7) To ambulances or their owners, to hearses, or to automobiles used exclusively as an incident to conducting a funeral;

(8) To motor vehicles owned and operated by any industrial, processing, or manufacturing plant when used by such plant in the transportation of raw materials and supplies to its plant or plants, or in the delivery of its products, supplies, or raw materials to purchasers thereof, when not for

hire;

(9) To star route carriers employed by the ~~post office department of the~~ United States Postal Service while operating a motor vehicle not exceeding one-half ton manufacturer's rated capacity on their regular routes;

(10) To wrecked or disabled motor vehicles being transported by winch or tow truck;

(11) To a motor carrier exempt by the provisions of subdivision (1) of this section who hauls for hire, (a) persons of a religious, fraternal, educational, or charitable organization, (b) pupils of a school to athletic events, (c) players of American Legion baseball teams when the point of origin or termination is within five miles of the domicile of the carrier, and (d) the elderly, as defined in section 13-1203, and their spouses and dependents under a contract with a municipality or county authorized in section 13-1208;

(12) To motor vehicles owned and operated by farmers or ranchers when hauling gravel or other road building material by agreement with the county board of the county in which their farms or ranches are situated for use upon the public roads within such county and when the compensation for the use of such motor vehicles shall not exceed the reimbursement for the motor vehicle fuel used during such hauling;

(13) A motor carrier operated by a city and engaged in the transportation of passengers, and such exempt operations shall be no broader than those authorized in intrastate commerce at the time the city or other political subdivision assumed ownership of the operation;

(14) Motor vehicles owned and operated by a nonprofit organization which has been exempted from the payment of federal income taxes, as provided by section 501(c)(4), Internal Revenue Code of ~~1954~~ 1986, as amended, transporting solely those persons over age sixty, those persons who are spouses and dependents of persons over age sixty, and the handicapped;

(15) A motor carrier engaged in the transportation of passengers operated by a transit authority created under and acting pursuant to the laws of the State of Nebraska;

(16) A motor carrier operated by a municipality or county, as authorized in section 13-1208, in the transportation of the elderly;

(17) Motor vehicles having a seating capacity of twenty or less, which are operated by a governmental subdivision or a qualified public-purpose organization, as defined in section 13-1203, engaged in the transportation of passengers in the state; and

(18) A motor carrier engaged in the transportation or movement of livestock and poultry feed, or livestock and

poultry feed and related health products and supplements when transported in the same vehicle, between a livestock and poultry feed manufacturer and the manufacturer's dealer ~~as long as~~ if such transportation is performed on a vehicle licensed under ~~the provisions of~~ section 60-305.09 or 60-331.".

2. On page 5, line 5, strike "7" and insert "8"; and in line 14 after the first comma insert "75-303,".

3. Renumber the remaining sections accordingly.

Mr. Will asked unanimous consent to print the following amendment to LB 587 in the Journal. No objections. So ordered.

AM1934

1. Insert the following new section:

"Sec. 15. That section 49-1469, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1469. (1) Any corporation, labor organization, or industry, trade, or professional association, whether organized under the laws of this state or any other state or country and doing business in this state, without being a committee as defined in section 49-1413, may make expenditures or provide personal services. It shall not be required to file reports of independent expenditures pursuant to section 49-1467, but it shall file a report with the commission within ten days after the end of the calendar month in which any expenditure is made or personal service provided. Such report shall fully disclose the nature, date, and value of any expenditure, as well as the committee or candidate to which or in whose behalf it was made. In the case of personal services, the corporation, labor organization, or industry, trade, or professional association shall in such report fully detail the nature, date or dates, the specifics of the personal service provided, the committee or candidate to which or in whose behalf it was made, and the proposition in behalf of or in opposition to which it was made.

(2)(a) A corporation, labor organization, or industry, trade, or professional association may not receive contributions unless it establishes and administers a separate segregated political fund which shall be utilized only in the manner set forth in this subsection.

(b) The corporation, labor organization, or industry, trade, or professional association establishing and administering such a separate segregated political fund shall not make an expenditure to such fund, except that it may make expenditures and provide personal services for the establishment and administration of such separate segregated political fund.

(c) All contributions to and expenditures from such

separate segregated political fund shall be limited to money or anything of ascertainable value obtained through the voluntary contributions of the employees, officers, directors, stockholders, or members of the corporation, including a nonprofit corporation, labor organization, or industry, trade, or professional association, and the affiliates thereof, under which such fund was established. No contribution or expenditure shall be received or made from such fund if obtained or made by using or threatening to use job discrimination or financial reprisals. Only expenditures to candidates and committees and independent expenditures may be made from a fund established by a corporation, labor organization, or industry, trade, or professional organization, except that such separate segregated political fund may receive and disburse funds for the purpose of supporting or opposing candidates and committees in elections in states other than Nebraska and candidates for federal office and making independent expenditures in such elections if such receipts and disbursements are made in conformity with the solicitation provisions of this section and the corporation, labor organization, or industry, trade, or professional association which establishes and administers such fund complies with the laws of the jurisdiction in which such receipts or disbursements are made. The expenses for establishment and administration of a separate segregated political fund of ~~an~~ a corporation, labor organization, or industry, trade, or professional association may be paid from the separate segregated political fund of such corporation, labor organization, or industry, trade, or professional association.

(d) The corporation, labor organization, or industry, trade, or professional association which establishes and administers a separate segregated political fund shall file the reports required by subsection (1) of this section with respect to the expenditures made or personal services provided for the establishment and administration of such fund but need not file such reports for the expenditures made from such fund. If a corporation makes an expenditure to a separate segregated political fund which is established and administered by an industry, trade, or professional association of which such corporation is a member, such corporation shall not be required to file the reports required by subsection (1) of this section.

(e) Such a separate segregated political fund is hereby declared to be an independent committee and subject to all of the provisions of the Nebraska Political Accountability and Disclosure Act applicable to independent committees, and the corporation, labor organization, or industry, trade, or professional association which establishes and administers

such fund shall make the reports and filings required therefor.

(3) Any person who knowingly violates the provisions of this section shall be guilty of a Class III misdemeanor.".

2. Renumber the remaining sections accordingly.

The Building Maintenance Committee asked unanimous consent to print the following amendment to LB 22 in the Journal. No objections. So ordered.

AM1838

1. On page 2, line 22, strike "2009", show as stricken, and insert "1997"; and strike beginning with "Commencing" in line 24 through the period in line 26, show the old matter as stricken, and insert "Commencing July 1, 1997, and continuing until July 1, 2009, the State Treasurer shall place the equivalent of ~~twenty-one~~ sixteen cents of such tax less three million dollars of proceeds of such tax in the General Fund and the equivalent of five cents of such tax in the Building Renewal Allocation Fund. Commencing July 1, 2009, the State Treasurer shall place the equivalent of ~~twenty-one~~ sixteen cents of proceeds of such tax in the General Fund and the equivalent of five cents of such tax in the Building Renewal Allocation Fund.".

2. On page 6, line 23, after "Fund" insert "and the Building Renewal Allocation Fund,"; in line 26 after "(b)" insert "the Building Renewal Allocation Fund, (c)"; and in line 27 strike "(c)", show as stricken, and insert "(d)" and strike "(d)", show as stricken, and insert "(e)".

3. On page 7, line 1, strike "(e)", show as stricken, and insert "(f)"; in line 3 strike "(f)", show as stricken, and insert "(g)"; and in lines 4 and 7 strike "(g)", show as stricken, and insert "(h)".

BILLS ON FIRST READING

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

LEGISLATIVE BILL 203A. Introduced by Horgan, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 203, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

LEGISLATIVE BILL 734A. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 734,

Ninety-third Legislature, First Session, 1993; and to declare an emergency.

SELECT FILE

LEGISLATIVE BILL 507. Mr. Abboud withdrew his pending motion, found in the Journal on page 2003, to indefinitely postpone.

Mrs. Witek offered the following amendment:
AM1916

1. On page 2, strike line 28.
2. On page 3 strike lines 1 and 2; and in line 3 strike "(5)" and insert "(4)".

Ms. Day, Messrs. Beutler, Robinson, and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mrs. Witek withdrew her amendment.

Messrs. Withem and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mrs. Pirsch requested a machine vote on the advancement of the bill.

Mr. Bernard-Stevens requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

Abboud	Chambers	Fisher	Lynch	Schmitt
Ashford	Coordsen	Hall	McKenzie	Warner
Baack	Crosby	Hartnett	Moore	Wehrbein
Bernard-Stevens	Cudaback	Hohenstein	Pedersen	Wesely
	Day	Hudkins	Preister	Wickersham
Bohlke	Dierks	Janssen	Rasmussen	Will
Byars	Elmer	Kristensen		

Voting in the negative, 2:

Pirsch Witek

Present and not voting, 4:

Avery	Bromm	Jones	Schellpeper

Excused and not voting, 11:

Beutler	Horgan	Lindsay	Robinson	Vrtiska
Haberman	Landis	Robak	Schimek	Withem
Hillman				

Advanced to E & R for engrossment with 32 ayes, 2 nays, 4 present and not voting, and 11 excused and not voting.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 838. Placed on General File.
LEGISLATIVE BILL 839. Placed on General File.

The Committee on Education desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Educational Telecommunications Commission
Sharon Rankin
Harold McClure
Arlene Nelson
Educational Lands and Funds Board
Richard Powell

VOTE: Aye: Senators Withem, Bohlke, McKenzie, Janssen, Warner, Wickersham, and Rasmussen. Nay: None. Absent: None. Present and not voting: Senator Beutler.

(Signed) Ron Withem, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 96. Introduced by Schimek, 27; Crosby, 29; Beutler, 28; Wesely, 26; Warner, 25.

WHEREAS, American Signature traces its roots back to the Nebraska Farmer and an inhouse printing operation to one of the nation's largest print operations; and

WHEREAS, the company continued to grow and change hands from the Nebraska Farmer to Mid-America Web Press to Foote and Davies and is now known as American Signature; and

WHEREAS, American Signature employs approximately nine hundred people, is one of the largest employers in Lincoln, and generates work for other companies throughout this area; and

WHEREAS, the union employees have contributed to the quality and growth of American Signature and are tax-paying citizens; and

WHEREAS, the union has taken a stand of solidarity to strive to maintain the benefits agreed to in a previous collectively bargained contract; and

WHEREAS, the working employees at American Signature have been an important component of that company's success.

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

1. That the Legislature encourages the negotiators representing American Signature and the negotiators from the union to continue to try for an equitable compromise.

2. That the State of Nebraska as well as the city of Lincoln will benefit from an agreement between American Signature and the union.

3. That copies of this resolution be sent to American Signature's chief executive officer and the president of the local union.

Laid over.

LEGISLATIVE RESOLUTION 97. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Lynch, 13; Wehrbein, 2.

WHEREAS, Melvin Bahensky filed an original action in the Nebraska Supreme Court seeking a declaratory judgment on the constitutionality of sections 20 to 25, Legislative Bill 829, Ninety-second Legislature, First Session, 1991; and

WHEREAS, the Nebraska Supreme Court, in the case of Bahensky v. State, 241 Neb. 147 (1992), ruled that sections 20 to 25, Legislative Bill 829, Ninety-second Legislature, First Session, 1991, were unconstitutional; and

WHEREAS, the Nebraska Supreme Court ruled in the case of Bahensky v. State, 241 Neb. 147 (1992), that Mr. Bahensky was entitled to seven thousand five hundred dollars to apply on his attorney fees, having met the conditions set out in section 24-204.01, Reissue Revised Statutes of Nebraska, 1943; and

WHEREAS, the Appropriations Committee of the Legislature included funding in Legislative Bill 541, Ninety-third Legislature, First Session, 1993, in the amount of seven thousand five hundred dollars for payment to Melvin Bahensky for such attorney fees; and

WHEREAS, section 24-204.01, Reissue Revised Statutes of Nebraska, 1943, provides that no such payment shall be made until approval thereof shall have been given by the Legislature by resolution adopted by a majority vote of its members.

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

1. That the Legislature approves the payment of seven thousand five hundred dollars to Melvin Bahensky to apply on his attorney fees in the case of Bahensky v. State, 241 Neb. 147 (1992), having met the conditions set out in section 24-204.01, Reissue Revised Statutes of Nebraska, 1943.

2. That payment be made from seven thousand five hundred dollars General Funds appropriated to the Attorney General for FY1993-94, pursuant to section 24-204.01, Reissue Revised Statutes of Nebraska, 1943.

Laid over.

LEGISLATIVE RESOLUTION 98. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Lynch, 13; Wehrbein, 2.

WHEREAS, Edward Jaksha filed an original action in the Nebraska Supreme Court seeking a declaratory judgment on the constitutionality of sections 7 and 14, Legislative Bill 829, Ninety-second Legislature, First Session, 1991; and

WHEREAS, the Nebraska Supreme Court, in the case of Jaksha v. State, 241 Neb. 106, ruled that sections 7 and 14, Legislative Bill 829, Ninety-second Legislature, First Session, 1991, were unconstitutional; and

WHEREAS, the Nebraska Supreme Court ruled in the case of Jaksha v. State, 241 Neb. 106, that Mr. Jaksha is entitled to ten thousand dollars to apply on his attorney fees, having met the conditions set out in section 24-204.01, Reissue Revised Statutes of Nebraska, 1943; and

WHEREAS, the Appropriations Committee of the Legislature included funding in Legislative Bill 541, Ninety-third Legislature, First Session, 1993, in the amount of ten thousand dollars for payment to Edward Jaksha for such attorney fees; and

WHEREAS, section 24-204.01, Reissue Revised Statutes of Nebraska, 1943, provides that no such payment shall be made until approval thereof shall have been given by the Legislature by resolution adopted by a majority vote of its members.

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

1. That the Legislature approves the payment of ten thousand dollars to Edward Jaksha to apply on his attorney fees in the case of Jaksha v. State, 241 Neb. 106, having met the conditions set out in section 24-204.01, Reissue Revised Statutes of Nebraska, 1943.

2. That payment be made from ten thousand dollars General Funds appropriated to the Attorney General for FY1993-94, pursuant to section 24-204.01, Reissue Revised Statutes of Nebraska, 1943.

Laid over.

LEGISLATIVE RESOLUTION 99. Introduced by Bernard-Stevens, 42; Wehrbein, 2; Withem, 14.

WHEREAS, the Legislature recognizes that it is imperative for Nebraska's students to graduate from high school with the knowledge and skills to be good citizens and productive workers and that an important part of that capability rests on their understanding of the economic system and how it operates; and

WHEREAS, it is essential for our teachers to be highly trained in economics so that they may provide our children with a sound economic education; and

WHEREAS, the National Science Foundation has awarded the Nebraska Council on Economic Education and the University of Nebraska-Lincoln a grant for seven hundred fifty thousand dollars to conduct a three-year Nebraska Economics Fellows Institute for Secondary Teachers which will prepare thirty-five of our state's most outstanding teachers to help hundreds of other educators teach their students about economics and the market system; and

WHEREAS, the following teachers have been selected as Fellows of the Institute through a highly competitive evaluation process: Carol Andriga, Lincoln; Stephen Bischof, Elkhorn; Toby Boss, Waverly; Thomas Carman, Omaha; John Clark, Lincoln; Sid Conrad, Firth; Randall Datus, McCook; Eric Enholm, Grand Island; Alan Fanning, Omaha; Thomas Focht, Lincoln; Jerrie Glassman, Omaha; Dan Hersh, Ord; Larry Hummel, Central City; Gary Kastrick, Omaha; Virginia Krajewski, Brule; Gary Lundberg, Wausa; Ken Major, South Sioux City; Carol Mathias, Lincoln; Steve McManigal, Wisner; Russell Moerer, Red Cloud; Judy Moore, Superior; David Neeley, Seward; Dale Nielsen, Brainard; Kathleen O'Brien, Kimball; Rodney Olson, Cedar Rapids; Lynn Joan Patterson, Arthur; David Ross, Omaha; Barry Shultz, Grand Island; Derry Trampe, Bertrand; Michelle Turner, Omaha; Mark Welte, Valentine; Jeffery Wiles, Plattsmouth; Paul Windsor, Harrison; Standley Wudtke, Maywood; and Michael Young, Omaha.

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

1. That the Legislature extends its congratulations to the Nebraska Council on Economic Education and the University of Nebraska-Lincoln for winning this coveted award for our state and to each of the teachers for their dedication and their interest in the future of Nebraska's children.

Laid over.

VISITORS

Visitors to the Chamber were 41 fourth grade students and sponsor from Louisville Elementary; 25 fourth grade students and sponsor from Stanton Elementary; 20 sixth, seventh, and eighth grade students and sponsor from Zion Lutheran School, Worms; 29 second grade students and teachers from Shelby; and 22 fourth grade students and sponsor from Lincoln Elementary, Norfolk.

RECESS

At 12:18 p.m., on a motion by Mr. Hohenstein, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman and Mr. Landis who were excused; and Messrs. Ashford, Avery, Dierks, Haberman, Lynch, Pedersen, Warner, Wehrbein, Will, Mmes. Rasmussen, and Robak who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 325. Title read. Considered.

Standing Committee amendment, AM1596, found in the Journal on page 1853, was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 325A. Title read. Considered.

Standing Committee amendment, AM1680, found in the Journal on page 1855, was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 326. Title read. Considered.

Standing Committee amendment, AM1681, found in the Journal on page 1859, was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 327. Title read. Considered.

Standing Committee amendment, AM1709, found in the Journal on page 1863, was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 328. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 329. Title read. Considered.

Standing Committee amendment, AM1688, found in the Journal on page 1864, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 331. Title read. Considered.

Standing Committee amendment, AM1690, printed separately from the Journal and referred to on page 1866, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARING
Agriculture

LR 90 Wednesday, May 19, 1993 1:00 p.m.

(Signed) Merton L. Dierks, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Robinson asked unanimous consent to print the following amendment to LB 389 in the Journal. No objections. So ordered.

AM1850

1. On page 3, line 11, after the period insert "By January 1, 1997 any county or part thereof which has at least fifteen thousand inhabitants within a natural resources district shall constitute a separate subdistrict for purposes of electing directors.".

Mr. Lynch asked unanimous consent to print the following amendment to LB 697 in the Journal. No objections. So ordered.

AM1527

1. Insert the following new section:

"Section 1. That section 23-1112, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1112. (1) When it is necessary for any county officer or his or her deputy or assistants, except any county sheriff or his or her deputy, to travel on business of the county, he or she shall be allowed mileage at the rate of ~~twenty-four and one-half~~ twenty-eight cents per mile for each mile actually and necessarily traveled by the most direct route if the trip or trips are made by automobile, but if travel by rail or bus is economical and practical, he or she shall be allowed only the actual cost of rail or bus transportation upon the presentation of his or her bill for the same accompanied by a proper voucher to the county board of his or her county in like manner as is provided for as to all other claims against the county.

(2) Any future adjustments made to the reimbursement rate provided in subsection (1) of this section shall be deemed to apply to all provisions of law which refer to this section for the computation of mileage.".

2. On page 9, line 24, after "sections" insert "23-1112,".

3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 541. Title read. Considered.

Standing Committee amendment, AM1691, printed separately from the Journal and referred to on page 1866, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 50. Title read. Considered.

Standing Committee amendment, AM0928, found in the Journal on page 1866, was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 321. Title read. Considered.

Standing Committee amendment, AM0980, found in the Journal on page 1866, was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 323. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 543. Title read. Considered.

Standing Committee amendment, AM1698, printed separately from the Journal and referred to on page 1867, was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 670. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 808. Placed on Select File as amended.
E & R amendment to LB 808:
AM5506

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 68-1019, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1019. (1) Medical assistance on behalf of recipients shall be paid directly to vendors.

(2) On behalf of recipients over sixty-five years of age, medical assistance shall include care in an institution for mental diseases.

(3) On behalf of all recipients, medical assistance shall include:

(a) Inpatient ~~other inpatient~~ and outpatient hospital care;

(b) Laboratory ~~, laboratory~~ and X-ray services;

(c) Nursing ~~, nursing~~ home services;

(d) Care ~~, care~~ home services;

(e) Home ~~, home~~ health care services;

(f) Nursing ~~, nursing~~ services;

(g) Clinic ~~, clinic~~ services;

(h) Services ~~, services~~ of practitioners licensed by the Department of Health; ~~,~~ and

(i) Such ~~such~~ drugs, appliances, and health aids as may be prescribed by practitioners licensed by the Department of Health.

(4) The Director of Social Services shall adopt a schedule of copayments and deductibles for goods and services provided under the medical assistance program as may be allowed by Title XIX of the Social Security Act. The system of copayments and deductibles in the schedule shall discourage abuse of high-cost services and encourage the utilization of cost-effective services. Prior to the adoption of the schedule of copayments and deductibles, the director shall provide a report to the Governor and the Legislature outlining proposed copayments and deductibles. The report shall also provide information as to other cost-containment mechanisms which have been implemented or proposed by the Department of Social Services for the fiscal year. The report shall be provided to the Governor and the Legislature by December 1 of each year. No schedule of copayments and deductibles shall be put into effect until April 1 following the report. A health care provider shall be responsible for collecting any applicable copayment or deductible from the recipient.

Sec. 2. That section 68-1021, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1021. For the purpose of paying medical assistance as defined in sections 68-1002, 68-1006, and 68-1018 to 68-1025, the State of Nebraska hereby accepts and assents to all applicable provisions of Title XIX of an Act of Congress identified as H.R. 6675, 89th Congress, approved July 30, 1965. The Director of Social Services is authorized to promulgate rules and regulations, to enter into agreements, ~~and~~ to adopt fee schedules with regard to medical assistance benefits, rehabilitation services, and any other remedial services, and to adopt copayments and deductibles with respect to such benefits and services if the requirements of

subsection (4) of section 68-1019 are met.

Sec. 3. That original sections 68-1019 and 68-1021, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. On page 1, line 2, after "to" insert "provide for a schedule of copayments and deductibles; to"; and in line 4 after the semicolon insert "to require collection of any applicable copayment or deductible by the health care provider;".

LEGISLATIVE BILL 808A. Placed on Select File as amended.
E & R amendment to LB 808A:
AM5507

1. On page 1, line 3, after "1993" insert "; and to reduce appropriations".

2. On page 2, line 2, strike the first "the".

LEGISLATIVE BILL 816. Placed on Select File as amended.
E & R amendment to LB 816:
AM5509

1. In the Standing Committee amendments, AM1366:

a. On page 1, line 18, strike the comma;

b. On page 3, line 11, strike "and";

c. On page 4, line 27; and page 5, lines 7 and 26, after the period insert paragraphing; and

d. On page 5, line 8, after "Governor" insert an underscored comma.

2. On page 1, line 1, after the semicolon insert "to amend sections 68-1030 and 68-1031, Reissue Revised Statutes of Nebraska, 1943;"; and in line 2 after the semicolon insert "to change and eliminate provisions relating to contracts for goods and services under the medical assistance program; to eliminate provisions relating to pharmacy services; to repeal the original sections, and also sections 68-1023.01 and 68-1032, Reissue Revised Statutes of Nebraska, 1943;".

LEGISLATIVE BILL 805. Placed on Select File as amended.
E & R amendment to LB 805:
AM5508

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 71-162, Revised Statutes Supplement, 1992, be amended to read as follows:

71-162. (1) The following fees shall be collected by the department and remitted to the State Treasurer as is now provided by law:

(a) Not less than fifty dollars and not more than three hundred dollars for a license issued on the basis of an examination given by the department or organization specified

by the department or for a license issued on the basis of a license granted by another state or territory to practice audiology, athletic training, chiropractic, dental hygiene, dentistry, embalming, funeral directing, massage therapy, optometry, pharmacy, physical therapy, podiatry, respiratory care, speech-language pathology, or veterinary medicine;

(b) Not less than one hundred dollars and not more than six hundred dollars for a license issued on the basis of examination or on the basis of a license granted by another state or territory to practice psychology;

(c) Not less than three hundred dollars and not more than seven hundred seventy-five dollars for a license issued on the basis of examination given by the department or organization specified by the department to practice medicine and surgery or osteopathic medicine, and not less than two hundred dollars and not more than five hundred dollars for a license issued on the basis of a license granted by another state or territory to practice medicine and surgery or osteopathic medicine;

(d) For a certificate as a certified professional counselor, not less than one hundred twenty-five dollars and not more than three hundred dollars. The fee for renewal of a certificate as a certified professional counselor shall be not less than one hundred dollars and not more than four hundred dollars. The fee for certification by reciprocity shall be not less than one hundred twenty-five dollars and not more than three hundred dollars;

(e) For a certificate as a certified master social worker, not less than one hundred dollars and not more than three hundred dollars. The fee for a certificate as a certified social worker shall be not less than one hundred dollars and not more than three hundred dollars. The fee for renewal of a certificate as a certified master social worker shall be not less than one hundred dollars and not more than four hundred dollars. The fee for renewal of a certificate as a certified social worker shall be not less than seventy-five dollars and not more than four hundred dollars. The fee for certification by reciprocity shall be not less than one hundred dollars and not more than three hundred dollars;

(f)(i) For a license to operate a massage therapy school, not less than one hundred dollars and not more than three hundred dollars, and for renewal of a license, not less than one hundred dollars and not more than four hundred dollars, and (ii) for a license to operate a massage therapy establishment, not less than one hundred dollars and not more than three hundred dollars, and for renewal of a license, not less than one hundred dollars and not more than four hundred dollars;

(g) For a certificate as a certified nutritionist,

not less than fifty dollars and not more than three hundred dollars. The fee for renewal of a certificate as a certified nutritionist shall be not less than twenty dollars and not more than four hundred dollars. The fee for certification by reciprocity shall be not less than fifty dollars and not more than three hundred dollars;

(h) For the biennial renewal of a license to practice medicine and surgery, osteopathic medicine, psychology, or any of the professions enumerated in subdivision (a) of this subsection, not less than twenty dollars and not more than four hundred dollars. For the biennial renewal of a license to practice medicine and surgery or osteopathic medicine, there shall be a surcharge of three hundred dollars. The surcharge shall terminate on October 1, 1996. Funds raised by the surcharge shall be used to increase fees paid by the medical assistance program to primary care physicians for services for recipients of the medical assistance program;

(i) For a certified statement that a licensee or certificate holder is licensed or certified in this state, twenty-five dollars, and for verification that a licensee or certificate holder is licensed or certified in this state, five dollars; and

(j) For a duplicate original or reissued license or certificate, ten dollars.

All money paid as licensure, certification, and renewal fees shall be kept in a separate fund to be used for the benefit of the profession so paying such fees, except that the funds raised by the surcharge pursuant to subdivision (h) of this subsection shall be credited to the General Fund.

(2) The department, upon the recommendation of the appropriate board of examiners, shall adopt and promulgate rules and regulations to specify the fee to be charged for the cost of the licensure or certification examination, for licensure or certification, and for licensure or certification renewal in each profession enumerated in subsection (1) of this section. The fee for the licensure or certification examination shall not exceed the cost of such examination.

Sec. 2. That original section 71-162, Revised Statutes Supplement, 1992, is repealed.".

2. On page 1, line 2, strike "change" and insert "provide for a surcharge on"; and in line 4 strike "change" and insert "provide for" and strike "fee" and insert "surcharge".

LEGISLATIVE BILL 805A. Placed on Select File.

(Signed) Kurt A. Hohenstein, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 420A. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 420, Ninety-third Legislature, First Session, 1993.

UNANIMOUS CONSENT - Member Excused

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

SELECT FILE

LEGISLATIVE BILL 500. Mr. Lindsay withdrew his pending amendment, AM1884, found in the Journal on page 2002.

Mrs. Crosby offered the following amendment:
AM1924

1. Insert the following new section:

"Sec. 54. That section 43-1415, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-1415. The results of the tests, including the statistical probability of paternity, shall be admissible evidence and shall be weighed along with other evidence of paternity. Such evidence may be introduced by verified written report unless there is a timely request for personal testimony of the expert at least thirty days prior to trial. When the alleged father has signed a notarized acknowledgment there shall exist a rebuttable presumption of paternity as against the alleged father joined in the action.".

2. On page 33, line 15, strike "section" and insert "sections 43-1415 and".

3. Renumber the remaining sections accordingly.

The Crosby amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Beutler offered the following amendment:
AM1923

1. In AM1585, on page 3, line 3, strike the comma; and in line 4, after "correspondence" insert ", and the person entitled to visitation may telephone the child and the custodial parent shall not interfere with such calls if reasonable in length and number and made during the child's normal activity hours".

The Beutler amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Beutler offered the following amendment:
AM1965

1. Insert the following new section:

"Sec. 52. That section 42-371, Revised Statutes Supplement, 1992, be amended to read as follows:

42-371. Under the Uniform Interstate Family Support Act and sections 42-347 to 42-379, 43-290, 43-512 to 43-512.10, and 43-1401 to 43-1418:

(1) All judgments and orders for payment of money shall be liens, as in other actions, upon real property and any personal property registered with any county office and may be enforced or collected by execution and the means authorized for collection of money judgments. The judgment creditor may execute (a) a partial or total release of the judgment or (b) a document subordinating the lien of the judgment to any other lien, generally or on specific real or personal property. Release of ~~judgments~~ a judgment for child support or spousal support or subordination of a lien of a judgment for child support or spousal support must be approved by the court which rendered the judgment unless all such payments are current, in which case a release or subordination document executed by the judgment creditor shall be sufficient to remove or subordinate the lien. A properly executed, notarized release or subordination document, explicitly reciting that all child support payments or spousal support payments are current, shall be prima facie evidence that such payments are in fact current. The judgment debtor may petition the court which rendered the original judgment for an order releasing or subordinating the lien as to specific real or personal property. The court shall grant such order upon a showing by the judgment debtor that sufficient real or personal property or property interests ~~shall~~ will remain subject to the lien or will maintain priority over other liens sufficient to cover all support due and which may become due;

(2) Child support and spousal support judgments shall cease to be liens on real or registered personal property ten years from the date (a) the youngest child becomes of age or dies or (b) the most recent execution was issued to collect the judgment, whichever is later, and such lien shall not be reinstated;

(3) Alimony and property settlement award judgments, if not covered by subdivision (2) of this section, shall cease to be a lien on real or registered personal property ten years from the date (a) the judgment was entered, (b) the most recent payment was made, or (c) the most recent execution was

issued to collect the judgment, whichever is latest, and such lien shall not be reinstated;

(4) Whenever a judgment creditor refuses to execute a release of the judgment or subordination of a lien as provided in this section, the person desiring such release or subordination may file an application for the relief desired. A copy of the application and a notice of hearing shall be served on the judgment creditor either personally or by registered or certified mail no less than ten days before the date of hearing. If the court finds that the release or subordination is not requested for the purpose of avoiding payment and that the release or subordination will not unduly reduce the security, the court may ~~release~~ issue an order releasing real or personal property from the judgment lien or issue an order subordinating the judgment lien. As a condition for such release or subordination, the court may require the posting of a bond with the clerk in an amount fixed by the court, guaranteeing payment of the judgment;

(5) The court may in any case, upon application or its own motion, after notice and hearing, order a person required to make payments to post sufficient security, bond, or other guarantee with the clerk to insure payment of both current and any delinquent amounts. Upon failure to comply with the order, the court may also appoint a receiver to take charge of the debtor's property to insure payment. Any bond, security, or other guarantee paid in cash may, when the court deems it appropriate, be applied either to current payments or to reduce any accumulated arrearage; ~~and~~

(6)(a) The lien of a mortgage or deed of trust which secures a loan, the proceeds of which are used to purchase real property, and (b) any lien given priority pursuant to a subordination document under this section shall attach prior to any lien authorized by this section. Any mortgage or deed of trust which secures the refinancing, renewal, or extension of a real property purchase money mortgage or deed of trust shall have the same lien priority with respect to any lien authorized by this section as the original real property purchase money mortgage or deed of trust to the extent that the amount of the loan refinanced, renewed, or extended does not exceed the amount used to pay the principal and interest on the existing real property purchase money mortgage or deed of trust, plus the costs of the refinancing, renewal, or extension; and

(7) Any lien authorized by this section against personal property registered with any county consisting of a motor vehicle or mobile home shall attach upon notation of the lien against the motor vehicle or mobile home certificate of title and shall have its priority established pursuant to the terms of section 60-110 or a subordination document executed

under this section.".

2. On page 13, line 19, after the underscored semicolon insert paragraphing and "(12) Issue an order releasing or subordinating a lien pursuant to section 42-371;"; and in line 20 strike "(12)" and insert "(13)".

3. On page 33, line 16, strike "43-1406" and insert "42-371, 43-1406,".

4. In AM1585, on page 3, line 20, strike "56" and insert "57".

5. Renumber the remaining sections accordingly.

The Beutler amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

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

Mrs. Rasmussen offered the following amendment:
FA182

Amend section 56 by inserting the following language after the ";" in subsection (3)(a):

i. Shall provide the child with regular and nutritious food, clean and appropriate clothing, sanitary living and sleeping quarters;

ii. Shall require the child to attend school unless excused for medical reasons or excused by the school or by the court;

iii. Shall personally supervise the conduct of the child except when he or she is at school, in known and usual recreational activities, or in the immediate care of another competent person; and

iv. Shall advise persons entitled to visitation and who exercise their visitation rights of all school or police disciplinary contacts and all medical contacts and reports;

(b) Unless otherwise provided, the person having visitation may take the child to such reasonable places for such activities as such person may determine. The custodial parent shall have the child ready and available promptly for all visits and the non-custodial parent shall return the child at the agreed upon time along with any personal items that the child may have brought with him or her, and if advised in advance, the custodial parent shall provide the child with clothing as may be appropriate for the planned activities as long as no special purchase of clothing is required unless mutually agreed to by both parents. If a child is invited or desires to participate in other activities which may interfere with a visit, the custodial parent shall not encourage, permit, or consent to such activities without prior notification of the person whose visitation will be interfered with. The person entitled to visitation may correspond with the child, and the custodial parent shall not censor such correspondence;

(c) Willful violation of any of the order or directives set forth in the statements prescribed in subdivisions (3)(1) and (3)(b) of this section

shall be considered contempt of court. Upon conviction a person may be fined or imprisoned; and

(d) Either party having knowledge of a violation of the order may make application under oath to the court for a citation for contempt or the court may do so on its own motion. The person making such application shall be responsible for the presentation of legal evidence in support thereof. If such citation is issued, the party or parties concerned shall be notified to appear and make answer thereto. A frivolous application shall result in appropriate action by the court."

Mr. Lindsay offered the following amendment to the Rasmussen pending amendment:
FA183

Amend the Rasmussen amendment to LB 500 by adding the following new section.

Strike the original language in AM1585 on page 2, line 2 through "Court" on page 3, line 18.

The Lindsay amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

MR. HALL PRESIDING

Ms. Schimek and Mr. Fisher asked unanimous consent to be excused until they return. No objections. So ordered.

The Rasmussen amendment, as amended, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Hohenstein offered the following amendment:
FA184

Amend by adding the following language;

"In determining whether an application is frivolous, the Court shall consider the age of the child, the violation complained of, the attempts of the parties to remedy the alleged violation of the order prior to filing, and both parties' reasonableness in their past compliance with the visitation order."

The Hohenstein amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

Ms. Schimek asked unanimous consent to print the following amendment to LB 697 in the Journal. No objections. So ordered.

AM1959

(Amendments to E & R amendments, AM5481)

1. Strike sections 1, 6, and 7.

2. On page 10, line 2, strike "81-117," and strike the last comma; in line 3 before "sections" insert "and"; in line 4 strike beginning with the first comma through "84-108.01" and insert "and 81-1317.01"; and strike beginning with "and" in line 5 through line 10.

3. Renumber the remaining sections accordingly.

Messrs. Schellpeper, Byars, and Mrs. Crosby asked unanimous consent to print the following amendment to LB 815 in the Journal. No objections. So ordered.

AM1925

(Amendments to Standing Committee amendments, AM1699)

1. Strike sections 13 and 15 to 26.

2. On page 17, line 9, strike "13" and insert "12".

3. On page 1, line 6; and page 27, line 13; strike "14" and insert "13"; in line 19 strike "23-3594, and 77-2715.07" and insert "and 23-3594"; and strike beginning with "sections" in line 20 through the last comma in line 25.

4. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 843. Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

SELECT FILE

LEGISLATIVE BILL 500A. Mr. Lindsay offered the following amendment:

AM1748

1. Strike original section 1 and insert the following new section:

"Section 1. There is hereby appropriated $7,400 from the General Fund for FY1993-94 to the Department of Social Services, for Program 341, to aid in carrying out the provisions of Legislative Bill 500, Ninety-third Legislature, First Session, 1993.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

The Lindsay amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 627. Mr. Coordsen moved to bracket until June 8, 1993.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Hohenstein asked unanimous consent to print the following amendment to LB 231 in the Journal. No objections. So ordered.

AM1927

(Amendments to E & R amendments, AM5480)

1. On page 2, line 6, after the semicolon insert "and"; and strike beginning with the semicolon in line 12 through "statutes" in line 18.

Mr. Hall asked unanimous consent to print the following amendment to LB 345 in the Journal. No objections. So ordered.

AM1809

(Amendments to E & R amendments, AM5490)

1. Insert the following new section:

"Sec. 55. That section 77-2716, Revised Statutes Supplement, 1992, be amended to read as follows:

77-2716. (1) The following adjustments to federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be made for interest or dividends received:

(a) There shall be subtracted interest or dividends received by the owner of obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States;

(b) There shall be subtracted that portion of the total dividends and other income received from a regulated investment company which is attributable to obligations described in subdivision (a) of this subsection as reported to the recipient by the regulated investment company;

(c) There shall be added interest or dividends received by the owner of obligations of the District of Columbia, other states of the United States, or their political subdivisions, authorities, commissions, or instrumentalities to the extent excluded in the computation of gross income for federal income tax purposes except that such interest or dividends shall not be added if received by a

corporation which is a regulated investment company;

(d) There shall be added that portion of the total dividends and other income received from a regulated investment company which is attributable to obligations described in subdivision (c) of this subsection and excluded for federal income tax purposes as reported to the recipient by the regulated investment company; and

(e)(i) Any amount subtracted under this subsection shall be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this subsection or the investment in the regulated investment company and by any expenses incurred in the production of interest or dividend income described in this subsection to the extent that such expenses, including amortizable bond premiums, are deductible in determining federal taxable income.

(ii) Any amount added under this subsection shall be reduced by any expenses incurred in the production of such income to the extent disallowed in the computation of federal taxable income.

(2) There shall be allowed a net operating loss derived from or connected with Nebraska sources computed under rules and regulations adopted and promulgated by the Tax Commissioner consistent, to the extent possible under the Nebraska Revenue Act of 1967, with the laws of the United States. For a resident individual, the net operating loss computed on the federal income tax return shall be adjusted by the modifications contained in this section. For a nonresident individual or partial-year resident individual, the net operating loss computed on the federal return shall be adjusted by the modifications contained in this section and any carryovers or carrybacks shall be limited to the portion of the loss derived from or connected with Nebraska sources.

(3) There shall be subtracted from federal adjusted gross income for all taxable years beginning on or after January 1, 1987, the amount of any state income tax refund to the extent such refund was deducted under the Internal Revenue Code <u>of 1986, as amended,</u> was not allowed in the computation of the tax due under the Nebraska Revenue Act of 1967, and is included in federal adjusted gross income.

(4) Federal adjusted gross income shall be modified to exclude the portion of the income or loss received from a small business corporation with an election in effect under subchapter S of the Internal Revenue Code <u>of 1986, as amended,</u> that is not derived from or connected with Nebraska sources as determined in section 77-2734.01.

(5) There shall be subtracted from federal adjusted gross income or, for corporations and fiduciaries, federal taxable income dividends received or deemed to be received

from corporations which are not subject to the Internal Revenue Code of 1986, as amended.

(6) There shall be subtracted from federal taxable income a portion of the income earned by a corporation subject to the Internal Revenue Code of 1986, as amended, that is actually taxed by a foreign country or one of its political subdivisions at a rate in excess of the maximum federal tax rate for corporations. The taxpayer may make the computation for each foreign country or for groups of foreign countries. The portion of the taxes that may be deducted shall be computed in the following manner:

(a) The amount of federal taxable income from operations within a foreign taxing jurisdiction shall be reduced by the amount of taxes actually paid to the foreign jurisdiction that are not deductible solely because the foreign tax credit was elected on the federal income tax return;

(b) The amount of after-tax income shall be divided by one minus the maximum tax rate for corporations in the Internal Revenue Code of 1986, as amended; and

(c) The result of the calculation in subdivision (b) of this subsection shall be subtracted from the amount of federal taxable income used in subdivision (a) of this subsection. The result of such calculation, if greater than zero, shall be subtracted from federal taxable income.

(7) Federal adjusted gross income shall be modified to exclude any amount repaid by the taxpayer for which a reduction in federal tax is allowed under section 1341(a)(5) of the Internal Revenue Code of 1986, as amended.

(8) Federal adjusted gross income shall be modified to exclude the amount received by an individual as a qualified federal governmental pension. This modification shall be limited to the maximum excludable social security benefits, reduced by the social security benefits, as defined in section 86(d) of the Internal Revenue Code of 1986, as amended, and any amount of a qualified federal governmental pension which were excluded from gross income. The exclusion shall not be applicable until the year the federal annuitant or survivor is sixty-five years of age on the first day of the calendar year.

For purposes of this subsection:

(a) Applicable maximum benefit amount shall mean (i) for an unmarried individual, including one filing as a head of household, the maximum individual social security benefit, (ii) for a married individual filing a joint return, one hundred fifty percent of the maximum individual social security benefit, or (iii) for a married individual filing a separate return, seventy-five percent of the maximum individual social security benefit;

(b) Maximum excludable social security benefit shall

mean an amount which would be excluded from gross income if the applicable maximum benefit amount were treated as social security, as defined in section 86(d) of the Internal Revenue Code of 1986, as amended, received during the taxable year;

(c) Maximum individual social security benefit shall mean the maximum total amount, as certified by the Secretary of Health and Human Services, which could be paid for all months in the calendar year ending in the taxable year of old age insurance under sections 202(a) of the federal Social Security Act, without regard to any reduction, deduction, or offset under section 202(k) or section 203 of the act, to any individual who has attained sixty-five years of age and filed application for the benefit, on the first day of the calendar year; and

(d) Qualified federal governmental pension shall mean any pension or annuity received under the federal civil service or military retirement system to the extent the pension or annuity is not attributable to service which constitutes employment for purposes of chapter 21 of the Federal Insurance Contributions Act or which is covered by an agreement made pursuant to section 218 of the federal Social Security Act.".

2. Correct the operative date provision and repealer so that the section added by this amendment becomes operative for taxable years beginning or deemed to begin on or after January 1, 1993.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Hall asked unanimous consent to print the following amendment to LB 345 in the Journal. No objections. So ordered.

AM1810

(Amendments to E & R amendments, AM5490)

1. Insert the following new section:

"Sec. 55. That section 77-2716.01, Revised Statutes Supplement, 1992, be amended to read as follows:

77-2716.01. (1) Every individual shall be allowed to subtract from federal adjusted gross income an amount for personal exemptions. For tax year 1987, the amount allowed to be subtracted shall be one thousand one hundred dollars multiplied by the number of exemptions allowed on the federal return. For tax year 1988, the amount allowed to be subtracted shall be one thousand one hundred thirty dollars multiplied by the number of exemptions allowed on the federal return. For tax year 1989, the amount allowed to be subtracted shall be one thousand one hundred eighty dollars multiplied by the number of exemptions allowed on the federal return. For tax year 1990 and each tax year thereafter, the

amount to be subtracted shall be the amount of the exemption for tax year 1989 adjusted for inflation by the method provided in section 151 of the Internal Revenue Code. If any amount to be subtracted is not a multiple of ten dollars, the amount shall be rounded to the next lowest multiple of ten dollars. The amount shall then be multiplied by the number of exemptions allowed on the federal return.

(2) Every individual who did not itemize deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income a standard deduction equal to the federal standard deduction for the filing status used on the federal return.

(3) Every individual who itemized deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income the greater of either the standard deduction allowed in subsection (2) of this section or all of his or her federal itemized deductions, except for the amount deducted on the federal return for state or local income taxes paid.

(4)(a) Every resident individual shall be allowed to subtract from federal adjusted gross income the actual amount paid to others for tuition, textbooks, and transportation during the tax year not in excess of one thousand two hundred dollars for each dependent in grades kindergarten through six and two thousand five hundred dollars for each dependent in grades seven through twelve attending a public or nonpublic elementary or secondary school. No deduction shall be allowed under this subsection unless the school is located in the state, is not operated for profit, does not discriminate on the basis of race, color, or national origin, does not permit the infliction of corporal punishment, and fulfills the school term requirements prescribed in section 79-201.

(b) For purposes of this subsection:

(i) Dependent shall mean a person for whom the individual claims a dependency exemption on his or her federal income tax return;

(ii) Textbooks shall mean and include books, instructional materials, and equipment used in teaching the elementary or secondary instructional program prescribed by the rules and regulations of the State Board of Education. Textbooks shall not include books, instructional materials, or equipment used in the teaching of religious tenets, doctrines, or worship or for extracurricular activities;

(iii) Transportation shall not include transportation to and from extracurricular activities; and

(iv) Tuition shall mean any amount charged for the opportunity to be enrolled in an instructional program by a public or nonpublic elementary or secondary school approved or accredited under rules and regulations established by the

State Board of Education pursuant to subdivision (5)(c) of section 79-328.".

2. Correct the operative date provision and repealer so that the section added by this amendment becomes operative for taxable years beginning or deemed to begin on or after January 1, 1993.

3. Renumber the remaining sections and correct internal references accordingly.

MOTION - Adjournment

Mr. Bromm moved to adjourn until 9:00 a.m., Wednesday, May 12, 1993. The motion lost with 8 ayes, 19 nays, 16 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 627. The Coordsen pending motion, found in this day's Journal, to bracket until June 8, 1993, was renewed.

Messrs. Bromm, Jones, and Will asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Coordsen moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Witek requested a record vote on the Coordsen motion to bracket LB 627.

Voting in the affirmative, 11:

Beutler	Cudaback	Fisher	Janssen	Schellpeper
Coordsen	Elmer	Haberman	Pirsch	Witek
Crosby				

Voting in the negative, 27:

Ashford	Chambers	Hudkins	Preister	Warner
Avery	Day	Kristensen	Rasmussen	Wehrbein
Baack	Hall	Lindsay	Robinson	Wesely
Bernard-Stevens	Hartnett	McKenzie	Schimek	Wickersham
	Hohenstein	Moore	Schmitt	Withem
Bohlke	Horgan	Pedersen		

Present and not voting, 4:

Abboud	Byars	Robak	Vrtiska	

Excused and not voting, 7:

Bromm	Hillman	Landis	Lynch	Will
Dierks	Jones			

The Coordsen motion to bracket lost with 11 ayes, 27 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

The Witek pending amendment, FA132, found in the Journal on page 1754, and considered on pages 1917 and 1970, was renewed.

Mr. Chambers offered the following amendment to the Witek pending amendment:

FA185

Amend Witek Amendment FA132 to E & R Amends. (5453):

P. 1, line 15, strike "fifty" and show as stricken and insert "forty".

Mr. Chambers asked unanimous consent to replace his pending amendment, FA185, with a substitute amendment. No objections. So ordered.

Mr. Chambers withdrew his pending amendment, FA185.

Mr. Lindsay renewed the Lindsay et al. substitute amendment, AM1896, found in the Journal on page 1985, to the Witek pending amendment.

SPEAKER BAACK PRESIDING

Messrs. Janssen, Cudaback, Mmes. Pirsch, and Robak asked unanimous consent to be excused. No objections. So ordered.

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Lindsay amendment was adopted with 35 ayes, 1 nay, 2 present and not voting, and 11 excused and not voting.

Messrs. Pedersen and Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 827. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1926.)

(Signed) Don Wesely, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 523A.

(Signed) Kurt A. Hohenstein, Chairperson

VISITORS

Visitors to the Chamber were 16 fourth and fifth grade students and sponsor from Duncan Elementary; Senator Fisher's wife, Alice, and daughter, Amy Fisher DeAlmedia, from Portland, Oregon; former Senator Lowell Johnson; 56 fourth grade students and sponsor from Arbor Park Middle School, Blair; 31 fourth grade students and sponsor from Washington, Kansas; and 52 third, fourth, and fifth grade students and sponsor from Bancroft/Rosalie Elementary, Rosalie.

The Doctor of the Day was Don Larson from Lincoln.

ADJOURNMENT

At 5:30 p.m., on a motion by Mr. Bernard-Stevens, the Legislature adjourned until 9:00 a.m., Wednesday, May 12, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

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SEVENTY-FIFTH DAY - MAY 12, 1993

LEGISLATIVE JOURNAL

SEVENTY-FIFTH DAY - MAY 12, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

SEVENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 12, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Bishop Dr. Joel Martinez, United Methodist Church, Nebraska Conference.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman, Messrs. Horgan, and Landis who were excused; and Messrs. Abboud, Ashford, Chambers, Hall, Lindsay, Moore, Will, Mmes. Bohlke, McKenzie, Pirsch, Rasmussen, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-fourth day was approved.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 92 and LR 93.

RESOLUTIONS

LEGISLATIVE RESOLUTION 91. Read. Considered.

LR 91 was adopted with 22 ayes, 0 nays, and 27 not voting.

LEGISLATIVE RESOLUTION 99. Read. Considered.

LR 99 was adopted with 21 ayes, 0 nays, and 28 not voting.

MOTION - Approve Appointments

Mr. Kristensen moved the adoption of the report of the Transportation Committee for the following Governor appointments found in the Journal on page 2023: James Anderson and Arthur Yonkey - State Board of Public Roads Classifications and Standards and Kathleen D. Miller and Rodney Rhoden - Motor Vehicle Industry Licensing Board.

Voting in the affirmative, 25:

Avery	Crosby	Hudkins	Pedersen	Warner
Baack	Dierks	Janssen	Robinson	Wehrbein
Bromm	Fisher	Jones	Schellpeper	Wickersham
Byars	Hartnett	Kristensen	Schimek	Witek
Coordsen	Hohenstein	Moore	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 10:

Bernard-Stevens	Cudaback	Elmer	Lynch	Vrtiska
Beutler	Day	Haberman	Preister	Wesely

Excused and not voting, 14:

Abboud	Chambers	Horgan	McKenzie	Robak
Ashford	Hall	Landis	Pirsch	Will
Bohlke	Hillman	Lindsay	Rasmussen	

These appointments were confirmed with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Withem moved the adoption of the report of the Education Committee for the following Governor appointments found in the Journal on page 2030: Sharon Rankin, Harold McClure, and Arlene Nelson - Nebraska Educational Telecommunications Commission and Richard Powell - Educational Lands and Funds Board.

Voting in the affirmative, 25:

Avery	Coordsen	Janssen	Robinson	Wehrbein
Baack	Cudaback	Jones	Schellpeper	Wesely
Bernard-Stevens	Fisher	Kristensen	Schimek	Wickersham
Beutler	Hartnett	Pedersen	Schmitt	Witek
Bromm	Hudkins	Preister	Warner	Withem

Voting in the negative, 0.

Present and not voting, 11:

Ashford	Day	Elmer	Hohenstein	Moore
Byars	Dierks	Haberman	Lynch	Vrtiska
Crosby				

Excused and not voting, 13:

Abboud	Hall	Landis	Pirsch	Robak
Bohlke	Hillman	Lindsay	Rasmussen	Will
Chambers	Horgan	McKenzie		

These appointments were confirmed with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 815. Title read. Considered.

Standing Committee amendment, AM1699, printed separately from the Journal and referred to on page 1710, was considered.

Mr. Warner offered the following amendment to the Standing Committee amendment:
AM1996
(Amendments to Standing Committee amendments, AM1699)

1. Strike section 12 and insert the following new section:

"Sec. 12. If federal financial participation is eliminated, disallowed, or significantly reduced as a result of the state's receipt of funds transferred pursuant to intergovernmental agreements, the Director of Social Services shall certify such fact to the Department of Revenue. Upon certification by the director, sections 4 and 6 to 11 of this act shall become ineffective, no further intergovernmental transfers shall be required, and any hospital authority, city, county, or university hospital shall be entitled to a refund of all funds transferred under section 8 of this act. Any intergovernmental transfers that have not been disbursed as of the date of certification shall be refunded to the hospital authorities and to the county, university, or city hospitals from which such intergovernmental transfers were received. Hospital authorities receiving intergovernmental transfer refunds shall refund to the hospitals within their jurisdiction the amounts of all such refunds, with pro rata allocation being made in accordance with the taxes paid by

each hospital in the event that the amounts paid are insufficient to make refunds to such hospitals in full at the time of such refunds.

The hospital authority or city, county, or university hospital seeking a refund shall file a claim for the same with the State Treasurer within one year after certification, and the State Treasurer shall remit within six months of such filing all amounts due. A hospital within the jurisdiction of a hospital authority that has received a refund of intergovernmental transfer payments shall be entitled to a refund of all taxes it has paid to the hospital authority in the amount of its pro rata share of the refund received by the hospital authority. Such pro rata share shall be based on the total amount of taxes paid by the hospital to the hospital authority in relation to the total amount of taxes paid to the hospital authority by all hospitals. A hospital shall file its claim for refund with the clerk of the hospital authority within one year after certification, and the hospital authority shall remit, within six months of such filing, all amounts due.".

2. On page 4, line 27, strike "each" and insert "the second".

3. On page 5, strike beginning with "be" in line 1 through "years" in line 5 and insert "expire on July 1, 1995, or upon certification under section 12 of this act, whichever is sooner".

4. On page 11, line 4, after "authority" insert "board reorganized under section 4 of this act"; in line 11 after the period insert "The board may also impose a penalty of five percent of any tax levied pursuant to this section which is not paid within thirty days after the date of notification of assessment of such tax. Any tax assessed and any penalty imposed under this section due and unpaid shall constitute a lien in favor of the authority on the property of the hospital."; and strike beginning with "shall" in line 26 through line 27 and insert "and".

5. On page 12, line 6, after "class" insert "shall enter into an agreement pursuant to the Interlocal Cooperation Act".

6. On page 13, strike beginning with "that" in line 14 through "act" in line 17.

7. On page 15, lines 15 and 19, after the second "of" insert "intergovernmental"; in line 19 after "offset" insert "sixty percent of"; in line 25 after "the" insert "Tax Commissioner shall set the"; and in line 26 strike "shall" through "rate".

8. On page 16, line 4, strike "July" and insert "August"; in line 5 strike "three million" and insert "four million six hundred thousand" and strike "four" and insert

"six"; in line 6 strike "five" and insert "nine" and strike "six" and insert "nine"; in line 7 after the first "million" insert "two hundred thousand" and strike "seven million five" and insert "eleven million eight"; in line 8 strike "nine million" and insert "fourteen million four hundred thousand"; strike beginning with "ten" in line 9 through "thousand" in line 10 and insert "seventeen million"; in line 10 strike "twelve million" and insert "nineteen million six hundred thousand"; in lines 12 and 13 strike "transfers and the" and insert "intergovernmental transfers and certify such amount to the Tax Commissioner who shall"; in line 13 strike "in"; in line 14 after "act" insert "in an amount" and after "offset" insert "sixty percent of"; in line 15 after "of" insert "intergovernmental"; and strike beginning with "The" in line 17 through line 21.

9. On page 17, line 1, after "eliminated" insert ", disallowed,"; in line 9 after "sections" insert "4 and"; and in line 20 after "(3)" insert "Director shall mean the Director of Social Services;

(4)"; in line 26 strike "(4)" and insert "(5)".

10. On page 18, line 23, strike "Director of Social Services" and insert "director".

11. On page 19, line 4, strike "director" and insert "Tax Commissioner"; in line 14 strike "All" and insert "Upon certification by the director under subsection (1) or (2) of section 13 of this act, all"; in line 15 strike "September 15" and insert "November 30" and after "year" insert "or the last day of the month following such certification, whichever is later"; in line 16 strike "four" and strike ". The" and insert ", with the"; in line 17 strike "shall be" and after "return" insert "and the remaining amount due in quarterly installments on a schedule established by the Tax Commissioner"; and strike beginning with "The" in line 17 through line 20.

The Warner amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Schellpeper withdrew his pending amendment, AM1789, found in the Journal on page 1893.

Messrs. Schellpeper, Byars, and Mrs. Crosby withdrew their pending amendment, AM1925, found in the Journal on page 2047.

Messrs. Schellpeper, Byars, and Mrs. Crosby offered the following amendment to the Standing Committee amendment:

AM2002

(Amendments to Standing Committee amendments, AM1699)

1. Strike sections 13 and 15 to 26.

2. On page 1, line 6; and page 27, line 13; strike "14" and insert "13"; in line 19 strike "23-3594, and 77-2715.07" and insert "and 23-3594"; and strike beginning with "sections" in line 20 through the last comma in line 25.

3. On page 11, line 26, after the second period insert "(1)".

4. On page 13, after line 6 insert the following new subsection:

"(2) The following amounts of intergovernmental transfers shall be made in the aggregate by the date specified:

(a) One million five hundred thousand dollars by August 31, 1993;

(b) Three million dollars by October 31, 1993;

(c) Eight million five hundred thousand dollars by January 31, 1994;

(d) Nine million two hundred thousand dollars by April 30, 1994;

(e) Eleven million eight hundred thousand dollars by July 31, 1994;

(f) Fourteen million four hundred thousand dollars by October 31, 1994;

(g) Seventeen million dollars by January 31, 1995; and

(h) Nineteen million six hundred thousand dollars by April 30, 1995.".

5. On page 17, line 9, strike "13" and insert "12

6. Renumber the remaining sections accordingly.

Mr. Moore requested a division of the question on the Schellpeper et al. amendment.

The Chair sustained the division of the question.

The first Schellpeper-Byars-Crosby amendment, to the Standing Committee amendment, is as follows:

FA187

(Amendments to Standing Committee amendments, AM1699)

Strike Section 23 on pg 21, line 6, thru pg 24 line 10.

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Vrtiska moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The first Schellpeper et al. amendment was adopted with 28 ayes, 13 nays, 3 present and not voting, and 5 excused and not voting.

The second Schellpeper-Byars-Crosby amendment, to the Standing Committee amendment, is as follows:

FA188

(Amendments to Standing Committee amendments, AM1699)

1. Strike sections 13 and 15 to 22 and 24 to 26.

2. On page 1, line 6; and page 27, line 13; strike "14" and insert "13"; in line 19 strike "23-3594, and 77-2715.07" and insert "and 23-3594"; and strike beginning with "sections" in line 20 through the last comma in line 25.

3. On page 11, line 26, after the second period insert "(1)".

4. On page 13, after line 6 insert the following new subsection:

"(2) The following amounts of intergovernmental transfers shall be made in the aggregate by the date specified:

(a) One million five hundred thousand dollars by August 31, 1993;

(b) Three million dollars by October 31, 1993;

(c) Eight million five hundred thousand dollars by January 31, 1994;

(d) Nine million two hundred thousand dollars by April 30, 1994;

(e) Eleven million eight hundred thousand dollars by July 31, 1994;

(f) Fourteen million four hundred thousand dollars by October 31, 1994;

(g) Seventeen million dollars by January 31, 1995; and

(h) Nineteen million six hundred thousand dollars by April 30, 1995.".

5. On page 17, line 9, strike "13" and insert "12

6. Renumber the remaining sections accordingly.

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

MRS. CROSBY PRESIDING

SPEAKER BAACK PRESIDING

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 10 nays, and 20 not voting.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Schellpeper moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Schellpeper requested a roll call vote on the Schellpeper et al. amendment.

Mr. Moore requested the roll call vote be taken in reverse order.

Voting in the affirmative, 21:

Abboud	Bromm	Fisher	Jones	Robinson
Avery	Byars	Haberman	Pedersen	Schellpeper
Bernard-Stevens	Crosby	Hohenstein	Pirsch	Schmitt
Bohlke	Cudaback	Hudkins	Robak	Vrtiska
	Dierks			

Voting in the negative, 24:

Baack	Elmer	Lindsay	Rasmussen	Wickersham
Beutler	Hall	Lynch	Schimek	Will
Chambers	Hartnett	McKenzie	Warner	Witek
Coordsen	Janssen	Moore	Wehrbein	Withem
Day	Kristensen	Preister	Wesely	

Excused and not voting, 4:

Ashford	Hillman	Horgan	Landis

The second Schellpeper et al. amendment lost with 21 ayes, 24 nays, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 3 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 34 ayes, 7 nays, 4 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Abboud asked unanimous consent to print the following amendment to LB 835 in the Journal. No objections. So ordered.

AM1886

(Amendments to Standing Committee amendments, AM1760)

1. On page 1, line 19, after "Fund" insert "for employee wages"; and after "62.57" insert "and out of the Data Processing Revolving Fund for the employer's share of

F.I.C.A. payments 4.79
Total appropriation 67.36".

2. On page 2, line 4, strike "305.47" and insert "310.26"; and in line 5 strike "223,377.46" and insert "223,382.25".

Messrs. Elmer and Haberman asked unanimous consent to print the following amendment to LB 345 in the Journal. No objections. So ordered.

AM1922

(Amendments to E & R amendments, AM5490)

1. Insert the following new sections:

"Sec. 72. (1) The proceeds derived from the sale of production from any well producing oil, gas, or related hydrocarbons in the State of Nebraska shall be paid to all persons legally entitled to the proceeds, except as otherwise provided in sections 72 to 75 of this act, commencing not later than six months after the first day of the month following the date of first sale and thereafter not later than sixty days after the end of the calendar month within which subsequent production is sold unless other periods or arrangements for the first and subsequent payments are provided for in a valid contract with the person or persons entitled to the proceeds. Payment shall be made directly to the person or persons entitled to the proceeds by the lessee or operator or by any party who assumes such payment obligation under any legal arrangement.

(2) Payments shall be remitted to the person or persons entitled to proceeds from production annually for the aggregate of up to twelve months accumulation of proceeds if the total amount owed is twenty-five dollars or less.

(3) The lessee or operator shall be exempt from sections 72 to 75 of this act, and the purchaser shall assume the operator's responsibilities for making such payments, if the operator and purchaser have entered into arrangements by which the proceeds are paid by the purchaser to those legally entitled to the proceeds.

Sec. 73. Any delay in determining any person legally entitled to an interest in the proceeds from production as provided in section 72 of this act shall not affect payments to all other persons entitled to payment. When payment cannot be made for any reason within the time limits specified in such section, the lessee or operator, purchaser, or other party legally responsible for payment shall deposit all proceeds credited to the eventual interest owner to an escrow account in a federally insured bank or savings and loan institution, using a standard escrow document form, which deposit shall earn interest at the highest rate

being offered by that institution for the amount and term of such deposits. The escrow agent may commingle money received into escrow from any one lessee or operator, purchaser, or other party legally responsible for payment. Payment of principal and accrued interest from such accounts shall be paid by the escrow agent to all persons legally entitled thereto within thirty days from the date of receipt by the escrow agent of final legal determination of entitlement. Applicable escrow fees shall be deducted from the payments.

Sec. 74. (1) The district court for the county in which a well producing oil, gas, or related hydrocarbons is located shall have jurisdiction over all proceedings brought pursuant to sections 72 to 75 of this act, and the prevailing party in any proceedings brought pursuant to such sections shall be entitled to recover all court costs and reasonable attorney's fees.

(2) Any person who fails to provide royalty information as provided in section 75 of this act shall be liable to the affected royalty, overriding royalty, or other nonworking interest owner in the amount of one hundred dollars per month that complete reporting is not provided to the interest owners.

Sec. 75. (1) A division order may not alter or amend the terms of an oil or gas lease or other contractual agreement. An order that alters or amends the terms of an oil and gas lease or other contractual agreement shall be invalid to the extent of the alteration or amendment, and the terms of the oil and gas lease or other contractual agreement shall take precedence.

(2) Whenever payment is made for oil or gas production to an interest owner, all of the following information shall be included and labeled on the check stub or on an attachment to the form of payment unless the information is otherwise provided on a regular monthly basis:

(a) The lease, property, or well name or any lease, property, or well identification number used to identify the lease property or well;

(b) The month and year during which sales occurred for which payment is being made;

(c) The total number of barrels of oil or thousands of cubic feet of gas sold;

(d) The price per barrel of oil or the price per thousand cubic feet of gas;

(e) The total amount of severance, property, and other production taxes;

(f) An itemized list of any other deductions or adjustments;

(g) The net value of total sales after deductions;

(h) The owner's interest in sales from the lease,

property, or well expressed as a decimal;

(i) The owner's share of the total value of sales prior to any deductions;

(j) The owner's share of the sales value less deductions; and

(k) An address where additional information pertaining to the owner's interest in production may be obtained and questions answered. If information is requested by certified mail, an answer shall be mailed by certified mail within thirty days of receipt of the request.".

2. Change the operative date provision so that the sections added by this amendment become operative on their effective date.

3. Renumber the remaining sections accordingly and correct the internal references.

Mr. Dierks asked unanimous consent to print the following amendment to LB 541 in the Journal. No objections. So ordered.

AM1976

(Amendments to Standing Committee amendments, AM1691)

1. On page 32, line 24, strike "1,149,205 1,149,205" and insert "1,209,205 1,209,205"; and in line 27 strike "23,978,845 23,978,845" and insert "24,038,845 24,038,845".

2. On page 33, lines 2 and 6 strike "$1,149,205" and insert "$1,209,205".

3. On page 168, line 11, strike "6,852,422 6,884,450" and insert "6,912,422 6,944,450"; and in line 14 strike "51,882,001 51,966,069" and insert "51,942,001 52,026,069".

Mr. Ashford asked unanimous consent to print the following amendment to LB 22 in the Journal. No objections. So ordered.

AM2003

1. On page 2, line 12; and page 3, line 1, strike "thirty-two" and insert "forty-eight".

2. On page 2, lines 19, 23, and 26, strike "twenty-one" and insert "thirty-seven".

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 837. Placed on General File as amended.
Standing Committee amendment to LB 837:
AM1982

1. On page 7, line 7, strike "accurate" and insert "adequate"; and in line 12 strike beginning with the first

3 "or" through "oneself" and insert "to oneself or, except in
4 the case of a medical emergency, to one's spouse or child".

(Signed) Don Wesely, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 93037

DATE: May 6, 1993

SUBJECT: Constitutionality of One Provision of LB 757 and Amendment No. 1188 to LB 757 Relating to the Use of Independent Medical Examiners in Workers' Compensation Cases

REQUESTED BY: Senator Chris Abboud, Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Lisa D. Martin-Price, Assistant Attorney General

In your letter dated April 20, 1993, you ask our opinion concerning one provision of LB 757 and Amendment No. 1188 to LB 757 concerning the use of independent medical examiners in workers' compensation cases. Specifically, you question whether these two provisions violate Article I, § 13, of the Nebraska Constitution, which provides that, "{a}ll courts shall be open, and every person, for any injury done him in his lands, goods, person or reputation, shall have a remedy by due course of law, and justice administered without denial or delay."

In your first question, you cite to the following language found on page 48, commencing with line 9, of LB 757: "No petition may be filed with the compensation court regarding the issue of reasonableness and necessity of medical treatment unless a medical finding on such issue has been rendered by an independent medical examiner." You ask whether this requirement violates an injured employee's right to access the courts in violation of Article I, § 13, of the Nebraska Constitution. It is our opinion that this provision does not violate Article I, § 13, as long as it simply requires the independent medical examiner to issue an opinion before a petition may be filed in the Workers' Compensation Court, without regard to what the opinion says.

In this regard, we must note that the provision quoted by you for our analysis is somewhat ambiguous. That is, it can be read to require an opinion by an independent medical examiner that the medical treatment is reasonable and necessary prior to a petition being filed, or it can be read to simply require that an independent medical examiner issue an opinion regarding the reasonableness and necessity of medical treatment, but not necessarily requiring the independent medical examiner's opinion to be that medical treatment is reasonable and

necessary as a result of the injury. As long as the intention of the Legislature is that the latter interpretation govern, it is our opinion that this provision does not violate Article I, § 13, of the Nebraska Constitution.

Our opinion is based upon the holding of the Nebraska Supreme Court in Prendergast v. Nelson, 199 Neb. 97, 256 N.W.2d 657 (1977). There, a declaratory judgment action was filed seeking a determination of the constitutionality of the Nebraska Hospital-Medical Liability Act. The defendant contended that the provisions of the Act creating a medical review panel were void because they were unconstitutional. The section of the Act in question, Neb. Rev. Stat. § 44-2840(2) (1976), provides, "{n}o action against a health care provider may be commenced in any court of this state before the claimant's proposed petition has been presented to a medical review panel established pursuant to section 44-2841 and an opinion has been rendered by the panel." As codified, the panel has the duty to express its opinion to the parties as to whether or not the evidence supports the conclusion that the defendant(s) acted or failed to act within the appropriate standards of care, as well as to the issue of damages proximately caused by the failure to act in accordance with such standards. The court noted that the report, or any minority report, of the panel would be admissible as evidence in any action subsequently filed in a court of law by the claimant, but that the report would not be conclusive, in that either party would have the right to call any member of the medical review panel as a witness.

In determining that this statutory requirement did not violate Article I, § 13, of the Constitution of Nebraska, the court stated:

> Article I, section 13, of the Constitution is merely a declaration of a general fundamental principle. It is the primary duty of the courts to safeguard this declaration of rights and remedies. However, it does not in any way imply that the Legislature is without power to impose a special procedure before resort to the courts. Claimants are not denied access to the courts. Those who do not elect otherwise are merely required to follow a certain procedure before submitting their claims to the courts.

Id. at 103.

The court noted that simply requiring the claimant to submit his claim to a medical review panel which renders a finding did not preclude a claimant's access to the courts for a final determination. The court stated:

> The act provides, at the expense of a slight delay in filing the suit in court, a procedure for review to determine from the evidence submitted if there is a basis for the claim. If the panel determines there is a basis for the claim, the claimant obviously is benefited. If it determines there is no basis for it, the claimant is informed of what others think of the merits of his claim. If he disagrees, he still has access to the courts for a vindication of what he thinks his rights may be.

Id. at 106.

With regard to the provision in LB 757 requiring an opinion of an independent medical examiner concerning the reasonableness and necessity of medical treatment, as long as it is not intended that a claimant cannot file a petition with the Workers' Compensation Court unless he has an opinion from an independent medical examiner that medical treatment for the work related injury is reasonable and necessary, it does not violate Article I, § 13, of the Nebraska Constitution.

Next, you ask whether a provision in Amendment No. 1188 to LB 757 is violative of Article I, § 13, of the Constitution of the State of Nebraska. The particular provision you question contains the following language:

> (6) If the parties agree to use of a medical examiner, the examiner's findings shall be binding. If the compensation court assigns an independent medical examiner, it shall be a rebuttable presumption that the examiner's findings are correct.

You question whether this provision limits the fact finding role of the court through binding determinations by an examiner. This provision is analogous to agreements providing for binding arbitration. It is our opinion that that portion of subsection (6) of Amendment No. 1188 to LB 757 providing that the independent medical examiner's findings shall be binding if the parties agree to the use of a medical examiner, is not violative of Article I, § 13, of the Nebraska Constitution as long as a dispute has arisen between the parties prior to the parties agreeing to the use of a medical examiner.

For more than a century, the Nebraska Supreme Court has consistently and repeatedly held that agreements to arbitrate entered into before a dispute has arisen are unconstitutional, contrary to public policy, and unenforceable. See, e.g., City of Lincoln v. Soukup, 215 Neb. 732, 736, 340 N.W.2d 420 (1983). This rule was reiterated as recently as December, 1991, in State of Nebraska v. Nebraska Association of Public Employees, 239 Neb. 653, 658, 477 N.W.2d 577 (1991). In Overland Constructors v. Millard School District, 220 Neb. 220, 224-225, 369 N.W.2d 69 (1985), the court analyzed and discussed the rule in some detail.

> We turn to the next question, whether the parties are bound by the determination made by the architect pursuant to an arbitration clause contained in the contract documents. We believe that under the circumstances in this case the parties are not bound. While this court is supportive of parties resolving their differences through arbitration, if possible, we have consistently held that an arbitration agreement entered into before a dispute arises, denying to the parties their right to seek the assistance of the courts, is contrary to public policy and is not enforceable. In a long line of cases beginning with German-American Ins. Co. v. Etherton, 25 Neb. 505, 41 N.W. 406 (1889), and continuing through City of Lincoln v. Soukup, 215 Neb. 732, 340 N.W.2d 420 (1983), we have consistently held that a contract to compel parties to arbitrate future disputes and, thus, to oust the courts of jurisdiction to settle such disputes is against

public policy and is void. See, also, National Masonic Accident Association v. Burr, 44 Neb. 256, 62 N.W. 466 (1895) Schrandt v. Young, 62 Neb. 254, 86 N.W. 1085 (1901) Phoenix Ins. Co. v. Zlotky, 66 Neb. 584, 92 N.W. 736 (1902) Wilson & Co., Inc. v. Fremont Cake & Meal Co., 153 Neb. 160, 43 N.W.2d 657 (1950); Heisner v. Jones, 184 Neb. 602, 169 N.W.2d 606 (1969). The School District directs our attention to the cases of Simpson v. Simpson, 194 Neb. 453, 232 N.W.2d 132 (1975), and Knigge v. Knigge, 204 Neb. 421, 282 N.W.2d 581 (1979), in support of its contention that arbitration clauses are enforceable. It neglects, however, to note the significant distinction in both Simpson and Knigge. In each of those cases a dispute had already arisen and the parties agreed to submit their known dispute to arbitration. In such cases we do enforce the decision growing out of the arbitration proceeding. The distinction is whether the agreement to submit to arbitration is entered into before the dispute arises and before the parties know the nature and extent of their dispute or whether it is entered into after the dispute has arisen and at a time when the parties are aware of the nature of the dispute and have agreed to a method of resolving that dispute. In the instant case the agreement to arbitrate was entered into before the dispute arose and is therefore unenforceable. (Emphasis in original.)

From this, it is apparent that it is not violative of Article I, § 13 of the Nebraska Constitution for the parties to agree to the use of a medical examiner, and for the examiner's findings to be binding, as long as the parties agree to the use of a medical examiner after a dispute has arisen concerning an injured worker's right to workers' compensation benefits. While it is not clear from the language of subsection 6 of Amendment 1188 that this provision only comes into effect after a dispute has arisen, if one turns to subsection 3 of Amendment 1188, it appears that the amendment does envision that the use of an independent medical examiner provided for in subsection 6 will only come into play after a dispute has arisen. In this regard, subsection 3 of Amendment 1188 provides in pertinent part: "If the parties to a dispute cannot agree on an independent medical examiner of their own choosing, the compensation court shall assign an independent medical examiner from the list of qualified examiners to render medical findings in any dispute relating to the medical condition of a claimant . . . ." Assuming that this is the interpretation intended by the Legislature, it is our opinion that subsection 6 of Amendment No. 1188 does not violate Article I, § 13 of the Nebraska Constitution.

Sincerely,
DON STENBERG
Attorney General
(Signed) Lisa D. Martin-Price
Assistant Attorney General

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

VISITORS

Visitors to the Chamber were 21 eighth grade students and teacher from St. Columbkille, Papillion; 50 fourth grade students and sponsor from Gates Elementary, Grand Island; a group from the Nebraska Economics Fellows Institute for Secondary Teachers from across the state; 32 seventh grade students and sponsors from Trinity Lutheran, Grand Island; ten eighth grade students and teacher from St. Richard's, Omaha; and 21 fourth grade students and sponsor from Chapman.

RECESS

At 12:13 p.m., on a motion by Mr. Will, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman and Mr. Landis who were excused; and Messrs. Abboud, Ashford, Dierks, Hall, Lindsay, Preister, Robinson, Schellpeper, Vrtiska, Warner, Mrs. Bohlke, and Ms. Schimek who were excused until they arrive.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 91 and LR 99.

BILL ON FIRST READING

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

LEGISLATIVE BILL 832A. Introduced by Moore, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 832, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 100. Introduced by Robak, 22; Wesely, 26; Pirsch, 10.

PURPOSE: This resolution seeks to reestablish the task force created by Legislative Resolution 405, Ninety-second Legislature, Second Session. The task force shall seek to accomplish the following:

a. Continue the examination of how the state's mental health services, including inpatient, outpatient, and informational services, are administered through the Department of Public Institutions and the mental health regional structure and determine if the present system best serves the needs of the citizens of Nebraska who are or who could benefit by being consumers of these services;

b. Offer recommendations as to how the administration of these services can be improved or reorganized in order to better serve the mental health needs of Nebraska;

c. Examine, describe, and evaluate the multiple funding mechanisms currently in place for funding mental health services, including federal, state, regional, and county participation;

d. Offer recommendations as to how these multiple funding mechanisms for mental health services can be augmented, improved, or reorganized; and

e. Seek input from advocacy groups and past, present, and potential users of mental health services regarding the extent to which their needs are or are not being met and seek their suggestions for changes in the inpatient, outpatient, and informational components of Nebraska's state mental health system.

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

1. That the task force established pursuant to Legislative Resolution 405, Ninety-Second Legislature, Second Session, 1992, be reconstituted and designated by the Executive Board of the Legislative Council to conduct an interim study to carry out the purposes of this resolution.

2. That the task force, as specified by Legislative Resolution 405, Ninety-second Legislature, Second Session, 1992, consist of the introducers of this legislative resolution, a representative of the Health and Human Services Committee, a representative of the Government, Military and Veterans Affairs Committee, and a representative of the Appropriations Committee of the Legislature.

3. That the task force shall, upon conclusion of the study, make a report of its findings, together with its recommendations, to the Legislative Council of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 101. Introduced by Bohlke, 33; Rasmussen, 20; Hudkins, 21; Bromm, 23; Schimek, 27; Lindsay, 9.

PURPOSE: This resolution seeks to establish a task force that would do the following:

a. Identify and describe the circumstances surrounding unwanted pregnancies;

b. Identify, describe, and evaluate strategies for responding to and altering circumstances which lead to unwanted pregnancies;

c. Seek input from interested organizations and individuals regarding the circumstances surrounding unwanted pregnancies and strategies to reduce the number of unwanted pregnancies; and

d. Offer recommendations to reduce the number of unwanted pregnancies in Nebraska.

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

1. That a task force be assembled and designated by the Executive Board of the Legislative Council to conduct an interim study to carry out the purposes of this resolution.

2. That the task force consist of the introducers of this resolution, a representative of the Health and Human services Committee, a representative of the Education Committee, a representative of the Banking, Commerce and Insurance Committee, a representative of the Judiciary Committee, and a representative of the Appropriations Committee of the Legislature.

3. That the task force shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 734A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 203A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 657. Title read. Considered.

Standing Committee amendment, AM1683, found in the Journal on page 1867, was considered.

Mr. Wesely offered the following amendment to the Standing Committee amendment:

AM2007

(Amendments to Standing Committee amendments, AM1683)

1. Insert the following new amendment:

"2. On page 3, line 10, strike 'in full' and insert 'for the portion received'.".

The Wesely amendment was adopted with 17 ayes, 1 nay, 25 present and not voting, and 6 excused and not voting.

Messrs. Fisher, Robinson, and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Withem and Mrs. Rasmussen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?"

Mr. Wesely moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 838. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 839. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 840. Title read. Considered.

MR. HALL PRESIDING

Messrs. Moore, Wehrbein, Lynch, Avery, Bernard-Stevens, Hohenstein, and Mrs. Crosby offered the following amendment:
AM2020

1. On page 2, lines 8 and 10, strike "five" and insert "one"; strike beginning with "a" in line 11 through "expenditures" in line 17, show the old matter as stricken, and insert "an expenditure in excess of the capital expenditure minimum or the annual operating expenditure minimum, twenty-five hundredths of one percent of the total cost of the proposed project"; in line 19 strike "five", show as stricken, and insert "one"; and in line 23 reinstate "partially".

Mr. Vrtiska moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Moore et al. amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Messrs. Wickersham, Jones, Coordsen, and Schellpeper asked unanimous consent to print the following amendment to LB 658 in the Journal. No objections. So ordered.

AM2021

1. Insert the following new section:

"Sec. 12. That section 77-2708.01, Revised Statutes Supplement, 1992, as amended by section 29, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, be amended to read as follows:

77-2708.01. (1)(a) Any purchaser of depreciable agricultural machinery or equipment purchased on or after January 1, 1992, and before January 1, 1993, for use in commercial agriculture, and (b) on or after January 1, 1993, any purchaser of depreciable repairs or parts for agricultural machinery or equipment used in commercial agriculture may apply for a refund of all of the Nebraska sales or use taxes and all of the local option sales or use taxes paid on the machinery or equipment.

(2) The purchaser shall file a claim within three years after the date of purchase with the Tax Commissioner pursuant to section 77-2708. The information provided on a tax refund claim allowed under this section may be disclosed to any other tax official of this state.".

2. On page 14, line 28, after the last comma insert "and section 77-2708.01, Revised Statutes Supplement, 1992, as amended by section 29, Legislative Bill 1, Ninety-second

Legislature, Fourth Special Session, 1992,".

3. Renumber the remaining sections accordingly.

Mr. Warner, Will, and Hall asked unanimous consent to print the following amendment to LB 345 in the Journal. No objections. So ordered.

AM1991

(Amendments to E & R amendments, AM5490)

1. Insert the following new sections:

"Sec. 2. That section 5, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, be amended to read as follows:

Sec. 5. (1) Unless otherwise specifically provided, the interest rate assessed on delinquent payments of any taxes or special assessments owing to the State of Nebraska shall be assessed at a rate of fourteen percent per annum through December 31, 1992, and at the per annum rate determined pursuant to subsection (2) of this section after such date.

(2) Commencing January 1, 1993, the interest rate assessed pursuant to subsection (1) of this section shall be redetermined every other year. The rate shall be determined by the Tax Commissioner and shall be equal to the average short-term borrowing rate for the federal government during July of the previous year rounded to the nearest whole percentage point plus three percentage points. If the new rate does not increase or decrease the old rate by at least two percentage points, the old rate shall continue in effect.

(3)(a) The rate determined pursuant to subsection (2) of this section shall apply for the period from its effective date through the date of payment or up to the effective date of the succeeding new rate, whichever is earlier.

(b) Interest on taxes or special assessments shall be calculated using the different rates which are effective over the period of delinquency.

(c) For any taxes or special assessments that were delinquent and unpaid on or before December 31, 1992, the interest rate shall be fourteen percent per annum through December 31, 1992.

(4) For any credits or refunds of taxes or special assessments on which interest is to be determined at the rate specified in this section, the calculation of interest shall use the same rates for the same periods that are used for interest on delinquent payments.

(5) For refunds applied for on or after May 1, 1993, for any taxes that were overpaid as of December 31, 1992, the interest rate shall be seven percent per annum from the date of overpayment through December 31, 1992.

Sec. 66. That section 77-2794, Revised Statutes Supplement, 1992, as amended by section 38, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, be amended to read as follows:

77-2794. (1) Under regulations prescribed by the Tax Commissioner interest shall be allowed and paid at the rate specified in section 5 of this act, as such rate may from time to time be adjusted, upon any overpayment in respect to the income tax imposed by the Nebraska Revenue Act of 1967.

(2) For purposes of this section:

(a) The date of overpayment shall be the last day prescribed for filing the original return of such tax;

(b) Any return filed before the last day prescribed for the filing thereof shall be considered as filed on such last day determined without regard to any extension of time granted the taxpayer; ~~and~~

~~(b)~~ (c) Any tax paid by the taxpayer before the last day prescribed for its payment, any income tax withheld from the taxpayer during any calendar year, and any amount paid by the taxpayer as estimated income tax for a taxable year shall be deemed to have been paid on the last day prescribed for filing the return for the taxable year to which such amount constitutes a credit or payment, determined without regard to any extension of time granted the taxpayer;

(d) Beginning May 1, 1993, if at the time an overpayment is to be refunded, the taxpayer also has a reported underpayment of the same tax in another year;

(i) If the overpayment is for a taxable year ending before the year of underpayment, the overpayment shall be applied to reduce such underpayment as of the last day prescribed for filing the original return of such tax for the year of underpayment; or

(ii) If the overpayment is for a taxable year ending after the year of underpayment, the overpayment shall be applied to reduce such underpayment as of the last day prescribed for filing the original return of such tax for the year of overpayment;

and interest shall be allowed for any remaining overpayment as provided in subdivision (a) of this subsection; and

(e) Beginning May 1, 1993, the period of overpayment during which interest shall be allowed shall not include any period during which the overpayment continued due to the unreasonable delay by the taxpayer in filing the claim for refund. For this purpose, the burden of proof shall be on the taxpayer to show that a delay of more than ninety days after all of the facts required to prepare a correct claim for refund are available is not unreasonable.

(3) If any overpayment of income tax imposed by the Nebraska Revenue Act of 1967 is refunded within ninety days

after the last date prescribed, or permitted by extension of time, for filing the return of such tax or within ninety days after any original return, ~~including any amended return,~~ and any amended return filed to carry back a loss was filed, whichever is later, no interest shall be allowed under this section on overpayment. In the case of amended returns filed for any reason other than to carry back a loss interest shall be allowed as provided in subsection (1) of this section.

Sec. 79. That original sections 77-2775, 77-2785, 77-2786, and 77-2793, Reissue Revised Statutes of Nebraska, 1943, section 77-2794, Revised Statutes Supplement, 1992, as amended by section 38, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, and section 5, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, are repealed.".

2. On page 6, lines 17 and 22 strike "7" and insert "8".

3. On page 9, lines 1 to 6, strike the new matter and insert "If any overpayment of transfer tax is refunded within ninety days after the last day prescribed for filing the original return of such tax or ninety days after the date on which the original return was filed, if later, no interest shall be allowed under this section on the overpayment.".

4. On page 9, lines 18 and 25 and 26; and page 10, line 1, strike "28 and 29" and insert "29 and 30".

5. On page 93, lines 3 and 4; page 95, line 7; page 97, line 25; page 98, line 7; and page 109, lines 25 and 26, strike "the operative date of this section" and insert "May 1, 1993".

6. On page 120, line 12, strike "70" and insert "72".

7. On page 132, line 9, strike "12 to 54 and 73" and insert "13 to 55 and 75"; strike beginning with "55" in line 10 through "74" in line 11 and insert "56, 58 to 60, 63, 64, 67, and 76"; and in line 14, strike "71 and 76" and insert "73 and 78" and in line 15 after the period insert "Sections 2, 57, 61, 62, 65, 66, and 79 shall become operative May 1, 1993.".

8. On page 133, line 17, strike "77-2775, 77-2785, 77-2786, 77-2793,".

9. Renumber the remaining sections accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 491A. Introduced by Moore, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 491, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 102. Introduced by Pedersen, 39; Lindsay, 9.

PURPOSE: The purpose of this study is to investigate the effects of the closing and sale of mobile home parks on the residents of those parks and to examine what changes in state statutes would be appropriate to protect the residents of mobile home parks in the state. The areas to be looked at include, but are not limited to, notice requirements and response times, first option to purchase agreements, potential changes in the current Mobile Home Landlord and Tenant Act, and the policies adopted in other states.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 103. Introduced by Dierks, 40; Elmer, 38; Beutler, 28; Baack, 47; Schmitt, 41.

PURPOSE: Since the raising of alternative livestock or exotic animals has become a popular and profitable business venture for many Nebraskans, the purpose of this resolution is to:

a. Conduct an interim study of the health and regulatory needs of alternative livestock or exotic animal raising; and

b. Seek and examine regulatory methods which will meet health and regulatory needs while maintaining the economic viability of the industry.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 104. Introduced by Schimek, 27; Schellpeper, 18; Beutler, 28; Hohenstein, 17; Day, 19.

PURPOSE: The purpose of this study is to examine the need for and possible alternatives to the current method of redrawing legislative districts. The study shall include an examination of currently introduced proposals and other feasible redistricting systems.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 105. Introduced by Schimek, 27; Baack, 47; Beutler, 28; Lindsay, 9.

PURPOSE: The purpose of this study is to examine the Campaign Finance Limitation Act. The study shall include an assessment of campaign spending levels since the enactment of the act, an examination of other states' experiences with campaign spending limitations, and a study of developments in campaign spending limitations since the passage of the act. The study shall also include an examination of changes to the act that might be desirable and an assessment of the cost and funding sources for implementing the act.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 843. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 832. Title read. Considered.

Standing Committee amendment, AM1347, found in the Journal on page 1456, was considered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA189
Amend Committee amendments (AM1347)
strike "three" and insert "two".

Messrs. Bromm, Wehrbein, and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Mr. Lindsay requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:
FA190
2 and in line 17 after the period insert "Such
3 automation fee shall be taxed as costs from July 1, 1993, to
4 June 30, 1996.".

SPEAKER BAACK PRESIDING

Messrs. Dierks and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens offered the following amendment to the first Standing Committee amendment:
FA192
Amend committee amendment (FA190)
Strike 1996 and insert 1997

Mr. Robinson and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

The Bernard-Stevens amendment was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Messrs. Janssen, Wesely, and Will asked unanimous consent to be excused. No objections. So ordered.

Mr. Bernard-Stevens asked unanimous consent to bracket LB 832 until May 13, 1993. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 782. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5511.)

LEGISLATIVE BILL 804. Placed on Select File as amended.
E & R amendment to LB 804:
AM5510

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 68-1019, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1019. (1) Medical assistance on behalf of recipients shall be paid directly to vendors.

(2) On behalf of recipients over sixty-five years of age, medical assistance shall include care in an institution for mental diseases.

(3) Unless excluded under subsection (4) of this section, on ~~On~~ behalf of all recipients, medical assistance shall include:

(a) Inpatient ~~other inpatient~~ and outpatient hospital care;

(b) Laboratory ~~, laboratory~~ and X-ray services;

(c) Nursing ~~, nursing~~ home services;

(d) Care ~~, care~~ home services;

(e) Home ~~, home~~ health care services;

(f) Nursing ~~, nursing~~ services;

(g) Clinic ~~, clinic~~ services;

(h) Services ~~, services~~ of practitioners licensed by the Department of Health; ; and

(i) Such ~~such~~ drugs, appliances, and health aids as may be prescribed by practitioners licensed by the Department of Health.

(4) Medical assistance shall not include the following except as required by federal law:

(a) Services of podiatrists, chiropractors, optometrists, and dentists;

(b) Eyeglasses, including lenses and frames, and other aids to vision;

(c) Liver transplants and heart transplants;

(d) Services of physical, speech, and hearing therapists;

(e) Nonemergency medical transportation; and

(f) Dentures.

(5) The Director of Social Services shall adopt and promulgate rules and regulations which provide limits as to the amount, duration, or scope of services or goods recipients may receive under the medical assistance program if such services or goods are not required under Title XIX of the Social Security Act. No limits as to the amount, duration, or scope of services or goods shall be made that affect the receipt of medically necessary services or goods. Prior to the adoption of such rules and regulations, the director shall provide a report to the Governor and the Legislature outlining proposed limits for the next fiscal year. Such report shall be provided to the Governor and the Legislature by December 1 of each year. No rules or regulations to implement such limits shall be put into effect until July 1 following the report.

Sec. 2. The Department of Social Services shall develop a mechanism to monitor the effect of the limitations imposed by section 68-1019 and sections 3 and 4 of this act which shall include a report of the extent of the shifting by recipients from services which are no longer covered to other services. The report shall include the amount of such shifting and the costs. The report shall be provided to the Governor and the Legislature.

Sec. 3. The Department of Social Services shall restrict, to the extent possible, each medical assistance recipient to a single pharmacy for purposes of monitoring the number of prescriptions utilized by the recipient.

Sec. 4. (1) For the fiscal year beginning July 1, 1993, the Department of Social Services may initiate the following limits as to scope, duration, or amount of services or goods recipients may receive under the medical assistance program:

(a) Occupational therapy: Limit coverage of therapy provided by home health agencies and emphasize an increase in independent therapy by these health care providers;

(b) Limit amount of payments for ventilator-dependent recipients to the cost of care of average institutional costs and limit other in-home nursing costs to the case mix level sixty-nine per diem for nursing facilities;

(c) Visual care: Require all routine eye exams to be billed at the intermediate level of care, set maximum payment levels for eyeglass lenses rather than pay laboratory invoice costs, require medical necessity for eyeglass tints and UV coating, and replace frames with the same frame style if within one year of purchase;

(d) Durable medical equipment: Reduce payment levels for equipment and supplies, simplify policies and procedures for converting durable medical equipment rental to purchase, and eliminate future coverage of external powered prosthetic devices;

(e) Hearing aids: Reduce hearing aid dispensing fees;

(f) Medications: Further expand the mandate to use bioequivalent generic drugs; and

(g) Eliminate coverage of mileage and conference fees for home-based service providers providing outpatient psychiatric services for adults.

(2) For the fiscal year beginning July 1, 1993, the Department of Social Services shall not institute limits in scope, duration, or amount which (a) limit coverage of wheelchairs and augmentation communication devices, (b) eliminate coverage of power wheelchairs for clients receiving sixteen hours of caregiver assistance per day, (c) limit coverage of hearing aids to one aid for each adult client, or (d) limit prescriptions to a set number per month per recipient.

Sec. 5. The Director of Social Services shall consult with Nebraska pharmacists and pharmaceutical companies and others interested in the issue and shall establish a plan to reduce drug expenditures under the medical assistance program by one million eight hundred thousand dollars annually beginning with the 1993-94 fiscal year.

Sec. 6. That original section 68-1019, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, strike beginning with "provide" in line 2 through "Director" in line 3 and insert "exclude certain services, goods, and procedures from medical assistance; to provide for limitations and restrictions on services and goods under the medical assistance program; to provide powers and duties for the Department".

LEGISLATIVE BILL 804A. Placed on Select File.

(Signed) Kurt A. Hohenstein, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 106. Introduced by Schimek, 27; Haberman, 44.

PURPOSE: The purpose of this study is to examine the need for and feasibility of limiting the number of bills introduced by members and committees of the Legislature. The study shall include an examination of the number of bills introduced in recent years, the various limitation methods used in other states, and the appropriateness of utilizing a bill limitation method in the Nebraska Legislature.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 107. Introduced by Schimek, 27; Bromm, 23; Crosby, 29; Pirsch, 10.

PURPOSE: The purpose of this study is to examine the need for and feasibility of enacting legislation to ensure the continued ethical actions of members of the Legislature and executive branch officials. The study shall include an examination of other states' proposals and legislation in this area and model legislation that may be available.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 108. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Bromm, 23; Chambers, 11; Dierks, 40; Preister, 5; Schimek, 27; Vrtiska, 1.

PURPOSE: The purpose of this study is to undertake an analysis of procedures, costs, internal operation, and any other issues relating to the Commission of Industrial Relations and the Industrial Relations Act.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

The Building Maintenance Committee asked unanimous consent to print the following amendment to LB 22 in the Journal. No objections. So ordered.

AM2024

1. On page 2, line 22, strike "2009", show as stricken, and insert "1997"; and strike beginning with "Commencing" in line 24 through the period in line 26, show the old matter as stricken, and insert "Commencing July 1, 1997, and continuing until July 1, 2009, the State Treasurer shall place the equivalent of sixteen cents of such tax less three million dollars of proceeds of such tax in the General Fund and the equivalent of five cents of such tax in the Building Renewal Allocation Fund. Commencing July 1, 2009, the State Treasurer shall place the equivalent of sixteen cents of proceeds of such tax in the General Fund and the equivalent of five cents of such tax in the Building Renewal Allocation Fund.".

2. On page 6, line 23, after "Fund" insert "and the Building Renewal Allocation Fund,"; in line 26 after "(b)" insert "the Building Renewal Allocation Fund, (c)"; and in line 27 strike "(c)", show as stricken, and insert "(d)" and strike "(d)", show as stricken, and insert "(e)".

3. On page 7, line 1, strike "(e)", show as stricken, and insert "(f)"; in line 3 strike "(f)", show as stricken, and insert "(g)"; and in lines 4 and 7 strike "(g)", show as stricken, and insert "(h)".

Messrs. Hall and Wesely asked unanimous consent to print the following amendment to LB 815 in the Journal. No objections. So ordered.

AM2022

1. Strike the Schellpeper-Byars-Crosby amendment, FA187.

GENERAL FILE

LEGISLATIVE BILL 643. Title read. Considered.

Standing Committee amendment, AM0580, found in the Journal on page 802, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

MRS. CROSBY PRESIDING

Messrs. Withem and Hall offered the following amendment:
FA193
In line 14 pg 2 strike "shall", insert "may".

Messrs. Lindsay, Haberman, and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Withem and Hall withdrew their amendment.

Mr. Hall offered the following amendment:
FA194
Page 2, line 13 after the comma "," strike the balance of line 13 and all of line 14 and insert:
"it is possible the existing location might not serve as the site for the school."

The Hall amendment was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 231.

(Signed) Kurt A. Hohenstein, Chairperson

STANDING COMMITTEE REPORT
Transportation

LEGISLATIVE BILL 841. Placed on General File as amended.
Standing Committee amendment to LB 841:
AM2019

1. Insert the following new section:

"Sec. 3. (1) The Department of Motor Vehicles shall prepare and transmit to the Appropriations and Transportation Committees of the Legislature a report which shall:

(a) Designate those counties utilizing the department's computer system for the issuance and filing of certificates of title and the approximate percentage of the statewide total such certificates of title represent;

(b) Designate those counties utilizing the department's computer system for the issuance and filing of registration certificates and the approximate percentage of the statewide total such registration certificates represent;

(c) Contain the most recent schedule maintained by the department showing the anticipated date of installation of the computer system for titling and registration purposes in those counties not yet participating;

(d) Show the department's estimated completion date when such computer system will be programmed, installed, and all necessary training in the operation of the system completed;

(e) Show the total amount of funds expended upon equipment, programming, installation, and training for the vehicle title and registration computer system; and

(f) Show the number of employees, including non-permanent employees, employed by the department for data entry purposes related to motor vehicle titles and registrations.

(2) The report required pursuant to subsection (1) of this section shall be provided on the effective date of this act and on January 1, 1994, July 1, 1994, January 1, 1995, July 1, 1995, January 1, 1996, July 1, 1996, and January 1, 1997.".

2. On page 2, line 8; and page 9, line 12, strike "January 1, 1995" and insert "July 1, 1997".

3. Renumber the remaining sections accordingly.

(Signed) Doug Kristensen, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Hall and Wesely asked unanimous consent to print the following amendment to LB 815 in the Journal. No objections. So ordered.

AM2023

(Amendments to Standing Committee amendments, AM1699)

1. Insert the following new sections:

"Sec. 23. That section 77-2704.12, Revised Statutes Supplement, 1992, be amended to read as follows:

77-2704.12. (1) Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of purchases by any organization created exclusively for

religious purposes, any nonprofit organization providing services exclusively to the blind, any private educational institution established under Chapter 79, article 17, any private college or university established under Chapter 85, article 11, any ~~hospital, health clinic when two or more hospitals or the parent corporations of the hospitals own or control the health clinic for the purpose of reducing the cost of health services or when the~~ health clinic which receives funds under the Urban Health Initiative Program or the Rural Health Initiative Program of the United States Public Health Service, ~~skilled nursing facility, intermediate care facility, or nursing facility licensed under sections 71-2017 to 71-2029 and organized not for profit, any nonprofit organization providing services primarily for home health care purposes,~~ any licensed child-caring agency, or any licensed child placement agency.

(2) Any organization listed in subsection (1) of this section shall apply for an exemption on forms provided by the Tax Commissioner. The application shall be approved and a numbered certificate of exemption received by the applicant organization in order to be exempt from the sales and use tax.

(3) The appointment of purchasing agents shall be recognized for the purpose of altering the status of the construction contractor as the ultimate consumer of tangible personal property which is physically incorporated into the structure and becomes the property of the owner of the organization or institution. The appointment of purchasing agents shall be in writing and occur prior to having any tangible personal property incorporated into the construction, improvement, or repair. The contractor who has been appointed as a purchasing agent may apply for a refund of or use as a credit against a future use tax liability the tax paid on inventory items incorporated into the construction, improvement, or repair of a project for a licensed not-for-profit institution.

(4) Any organization listed in subsection (1) of this section which enters into a contract of construction, improvement, or repair upon real estate without first issuing a purchasing agent authorization to a contractor or repairperson prior to purchasing tangible personal property to be incorporated into the project may apply to the Tax Commissioner for a refund of any sales and use tax paid by the contractor or repairperson on the tangible personal property physically incorporated into the construction, improvement, or repair.

(5) Any person purchasing, storing, using, or otherwise consuming tangible personal property in the performance of any construction, improvement, or repair by or for any institution enumerated in subsection (1) of this

section which is licensed upon completion although not licensed at the time of construction or improvement, which tangible personal property is incorporated into a structure and becomes the property of the owner of the institution, shall pay any applicable sales or use tax thereon. Upon becoming licensed and receiving a numbered certificate of exemption, the institution organized not for profit shall be entitled to a refund of the amount of taxes so paid in the performance of such construction, improvement, or repair and shall submit whatever evidence is required by the Tax Commissioner sufficient to establish the total sales and use tax paid upon the tangible personal property physically incorporated into the construction, improvement, or repair.

Sec. 28. Sections 23 and 29 of this act shall become operative on July 1, 1993. The other sections of this act shall become operative on their effective date.

Sec. 29. That original section 77-2704.12, Revised Statues Supplement, 1992, is repealed.".

2. On page 27, line 20, strike "sections 77-2704.12 and" and insert "section".

3. Renumber remaining sections accordingly.

Mr. Kristensen asked unanimous consent to print the following amendment to LB 429 in the Journal. No objections. So ordered.

AM1895

(Amendments to E & R amendments, AM5485)

1. Insert the following new sections:

"Section 1. That section 71-101, Revised Statutes Supplement, 1992, be amended to read as follows:

71-101. Sections 71-101 to 71-1,107.30, 71-1,133 to 71-1,294, 71-1325 to 71-1354, and 71-2801 to 71-2822 and section 3 of this act shall be known and may be cited as the Uniform Licensing Law.

For purposes of the Uniform Licensing Law, unless the context otherwise requires:

(1) Board of examiners or board shall mean one of the boards appointed by the State Board of Health;

(2) Licensed, when applied to any licensee in any of the professions named in section 71-102, shall mean a person licensed under the Uniform Licensing Law;

(3) Profession or health profession shall mean and refer to any of the several groups named in section 71-102;

(4) Department shall mean the Department of Health;

(5) Whenever the masculine gender is used, it shall be construed to include the feminine, and the singular number shall include the plural when consistent with the intent of the Uniform Licensing Law;

(6) License, licensing, or licensure shall mean

permission to engage in a health profession which would otherwise be unlawful in this state in the absence of such permission and which is granted to individuals who meet prerequisite qualifications and allows them to perform prescribed health professional tasks and use a particular title;

(7) Certificate, certify, or certification, with respect to professions, shall mean a voluntary process by which a statutory, regulatory entity grants recognition to an individual who has met certain prerequisite qualifications specified by such regulatory entity and who may assume or use the word certified in the title or designation to perform prescribed health professional tasks. When appropriate, certificate shall also mean a document issued by the department which designates particular credentials for an individual; and

(8) Lapse shall mean the termination of the right or privilege to represent oneself as a licensed, certified, or registered person and to practice the profession when a license, certificate, or registration is required to do so.

Sec. 3. A licensed optometrist who administers or prescribes pharmaceutical agents for examination or for treatment shall provide the same standard of care to patients as that provided by a physician licensed in this state to practice medicine and surgery utilizing the same pharmaceutical agents for examination or treatment.".

2. On page 2, line 16, after "steroids" insert "and immunosuppressive agents".

3. On page 3, line 26, after the second comma insert "and section 71-101, Revised Statutes Supplement, 1992,".

4. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were three ninth grade students and sponsor from David City High School; and 84 fourth grade students and sponsors from Jefferson Elementary, Fairbury.

The Doctor of the Day was Joe Kinzey from Lincoln.

ADJOURNMENT

At 5:57 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Thursday, May 13, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTY-SIXTH DAY - MAY 13, 1993

LEGISLATIVE JOURNAL

SEVENTY-SIXTH DAY - MAY 13, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

SEVENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 13, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Robert Varner, First Baptist Church, Falls City, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Abboud, Avery, Bernard-Stevens, Bromm, Hall, Landis, Lindsay, Pedersen, Wehrbein, Wickersham, Will, Mmes. Bohlke, Rasmussen, Witek, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-fifth day was approved.

REPORT

Received study from the Nebraska Retirement Systems Committee of Public Employee Retirement Systems of the State of Nebraska as required by LR 328 (1992).

RESOLUTIONS

LEGISLATIVE RESOLUTION 96. Read. Considered.

LR 96 was adopted with 13 ayes, 0 nays, and 36 not voting.

LEGISLATIVE RESOLUTION 97. Read. Considered.

LR 97 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 98. Read. Considered.

LR 98 was adopted with 25 ayes, 2 nays, and 22 not voting.

GENERAL FILE

LEGISLATIVE BILL 420A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 117A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

MRS. CROSBY PRESIDING

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

LEGISLATIVE BILL 98. Title read. Considered.

Standing Committee amendment, AM1502, found in the Journal on page 1710, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Pending.

MOTION - Suspend Rules

Messrs. Elmer, Vrtiska, Janssen, Schmitt, Robinson, Fisher, Jones, and Schellpeper moved to suspend Rule 6, Sec. 3(e) to allow a vote to bracket LB 98, LB 741, LB 22, and LB 595 until the first session day following the advancement of LB 541 to E & R Final.

SPEAKER BAACK PRESIDING

Mr. Will raised a point of order on whether the Elmer et al. motion to suspend the rules to bracket is properly before us given that it applies to some bills not before the Legislature at this time.

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

The Chair ruled the motion to suspend the rules to bracket is not properly before us as it relates to LB 741, LB 22, and LB 595. Therefore, the Elmer et al. motion is out of order.

GENERAL FILE

LEGISLATIVE BILL 98. Mr. Elmer moved to bracket LB 98 until following the advancement of LB 541 to E & R Final.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Elmer motion lost with 9 ayes, 24 nays, 11 present and not voting, and 5 excused and not voting.

Mr. Chambers offered the following amendment:
FA195
Amend committee amendments (AM1502)
Section 3, line 2, put a period after "water" and strike remaining language through "form" in line 4.
Section 5, strike "fifty" in line 19 and insert "five"

Mr. Chambers withdrew his amendment.

Mr. Chambers moved to indefinitely postpone LB 98.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 348 in the Journal. No objections. So ordered.

AM2011
(Amendments to E & R amendments, AM5471)
1. On page 62, line 10, after "traveled" insert "one way"; and in line 11 strike "section 79-490" and insert "this subsection".

UNANIMOUS CONSENT - Member Excused

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

RESOLUTIONS

LEGISLATIVE RESOLUTION 109. Introduced by Haberman, 44.

PURPOSE: The purpose of this resolution is to study the advantages and disadvantages of biennial legislative sessions. Issues shall include, but not be limited to, savings in time, money, and volume of legislation.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 110. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 38; Haberman, 44; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

PURPOSE: The Nebraska Supreme Court ruled in Kwik Shop v. City of Lincoln, 243 Neb. 178,___N.W.___, 1993, on April 9, 1993, that Laws 1989, LB 781, which provided for local control of retail liquor sales, was unconstitutionally vague. The Nebraska Attorney General has subsequently provided an opinion to the Nebraska Liquor Control Commission that LB 183, passed by the Ninety-third Legislature, First Session, 1993, is also unconstitutional, based on the reasoning of the Kwik Shop case. This has resulted in confusion regarding which laws are currently in effect concerning the regulation of retail liquor sales.

This study shall include, but not be limited to, the following:

1. Examination of court rulings concerning regulation of retail liquor sales;

2. Examination of other states' laws concerning retail liquor sales;

3. Examination of basic policy issues concerning regulation of retail liquor sales;

4. Examination of issues concerning local control of retail liquor sales;

5. Consideration of the appropriate roles of local communities and the Nebraska Liquor Control Commission in regulation of retail liquor sales; and

6. Any other matters necessary or appropriate to a full examination of these issues.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the General Affairs Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 111. Introduced by Kristensen, 37; Schimek, 27.

PURPOSE:

The purpose of this study is to examine the need to create the position of legal counsel to the Legislature and, if created, the scope of such position. This study shall include a review of both federal and state legislative bodies to determine who represents legislative interests in litigation and the scope of that representation, who advises legislative bodies on institutional policies and procedures, who provides technical assistance regarding legislation, and what other duties and responsibilities are assigned to the position of legal counsel to the Legislature. This study shall also examine the authority and basis under which positions equivalent to that of legal counsel are employed in other jurisdictions.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 112. Introduced by Kristensen, 37.

PURPOSE:

The Nebraska Business Corporation Act has not been comprehensively reviewed since 1981. Historically, the act has been reviewed and revised in accordance with the Model Business Corporation Act as drafted by the Business Law Section of the American Bar Association. Since 1981, the model has undergone significant changes which should be examined to determine their appropriateness to Nebraska law and business climate. Among the substantive areas which should be examined are statutes relating to interested director transactions.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 113. Introduced by Kristensen, 37.

PURPOSE: To study the feasibility of enhancing Nebraska's vital statistics statutes as such statutes relate to completion and amendment of live, adoptive, and delayed birth certificates, death certificates, and fetal death certificates through the adoption of the National Vital Statistics Act and Model Law. To study in depth those portions of the act which reflect paternity on the live, adoptive, delayed, and legitimated birth certificates.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Health and Human Services Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 114. Introduced by Kristensen, 37.

PURPOSE:

Eleven states currently permit their highest court to issue advisory opinions on questions of law including pending legislation. The purpose of this study is to examine these states to determine, among other things, the authority under which advisory opinions are issued, the types of authorized questions, the procedures established to request such opinions, the volume of opinions, and the subject matter of such opinions.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MESSAGES FROM THE GOVERNOR

May 11, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Dry Bean Commission, requiring legislative approval.

APPOINTEE: Mary C. Weyers, H.C., Box 42, Hay Springs, NE 69347

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

May 11, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Dry Bean Commission, requiring legislative approval.

APPOINTEE: Kent Vossler, 143 Broadway, Imperial, NE 69033

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

GENERAL FILE

LEGISLATIVE BILL 741. Title read. Considered.

MRS. CROSBY PRESIDING

Standing Committee amendment, AM1673, found in the Journal on page 1711, was considered.

Messrs. Dierks and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Will moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 25 ayes, 14 nays, 5 present and not voting, and 5 excused and not voting.

VISITORS

Visitors to the Chamber were 30 fourth grade students and sponsor from Starr Elementary, Grand Island; 35 third through sixth grade students and sponsor from Table Rock and Steinauer; 27 fourth grade students and sponsor from Raymond Central, Valparaiso; 18 fourth grade students and sponsor from St. Joseph's School, York; 13 fourth grade students and sponsors from St. Mary's School, Omaha; and 40 fourth grade students and sponsors from Jefferson School, Norfolk.

RECESS

At 12:08 p.m., on a motion by Mr. Wesely, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Ashford, Haberman, Hall, Horgan, Landis, Lynch, Pedersen, Robinson, Warner, Will, Mmes. Bohlke, and Pirsch who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 835. Title read. Considered.

Standing Committee amendment, AM1760, found in the Journal on page 1810, was considered.

Mr. Abboud renewed his pending amendment, AM1886, found in the Journal on page 2063, to the Standing Committee amendment.

The Abboud amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Mr. Schellpeper offered the following amendment to the Standing Committee amendment:
FA196
Amend the committee amendments: by striking on page one the Oberg claim and the Marlene Cupp claim.

Mr. Schellpeper withdrew his amendment.

Mr. Lindsay offered the following amendment to the Standing Committee amendment:
FA197
Amend the committee amendments by striking on page 1 lines 21-24 and pg 2 lines 1-2.

Mr. Lindsay moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Abboud requested a roll call vote on the Lindsay amendment.

Voting in the affirmative, 26:

Baack	Cudaback	Hartnett	Lindsay	Schmitt
Bernard-Stevens	Day	Hohenstein	Lynch	Vrtiska
Bohlke	Elmer	Hudkins	Pedersen	Wesely
Bromm	Fisher	Janssen	Rasmussen	Will
Coordsen	Haberman	Jones	Schellpeper	Witek
	Hall			

Voting in the negative, 11:

Chambers	Horgan	Landis	Preister	Schimek
Crosby	Kristensen	Moore	Robinson	Wehrbein
Dierks				

Present and not voting, 9:

Abboud	Beutler	McKenzie	Robak	Withem
Avery	Byars	Pirsch	Wickersham	

Excused and not voting, 3:

Ashford	Hillman	Warner

The Lindsay amendment was adopted with 26 ayes, 11 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Bernard-Stevens and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schellpeper offered the following amendment to the Standing Committee amendment:
FA198

(Amendments to AM1760)
Page 1, Line 5, strike 14,819.99 and insert 11,115.00
Page 1, Line 9, strike 9,916.16 and insert 7,437.00

The Schellpeper amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 491. Title read. Considered.

Standing Committee amendment, AM0788, printed separately from the Journal and referred to on page 975, was considered.

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

Messrs. Janssen and Pedersen asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:
FA200

1. Strike the original sections and insert the following new sections:

Sec. 11. That section 60-4,115, Revised Statutes Supplement, 1992, be amended to read as follows:

60-4,115. The applications for operators' licenses, school permits, farm permits, LPD-learners' permits, or LPE-learners' permits shall be filed with the county treasurer who is required to transmit the same weekly to the director. The application shall be accompanied by a fee of ~~ten~~ fifteen dollars from each successful applicant for an original or renewal Class O or M operator's license issued under the Motor Vehicle Operator's License Act, except that the fee for licenses which will be valid for one year or less shall be three dollars and ~~fifty~~ seventy-five cents, the fee for licenses which will be valid for more than one year but less than two years shall be ~~five~~ seven dollars and fifty cents, and the fee for licenses which will be valid for ~~more than~~ two years or more but less than three years shall be ~~eight dollars~~ eleven dollars and twenty-five cents. ~~One dollar~~ Two dollars and seventy-five cents of each of the original and renewal fees for operators' licenses and twenty-five cents of each of the fees for school permits, farm permits, LPD-learners' permits, or LPE-learners' permits shall be credited immediately to the general fund of the county and shall be included by the county treasurer in his or her report of fees as provided by law. The county treasurer shall remit four dollars of each of the original and renewal fees for Class O or M operator's licenses to the State Treasurer for credit to the Department of Motor Vehicles Computerization and Operations Fund, except that for licenses which will be valid for more than one year but less than two years, one dollar and fifty cents of each fee shall be credited to the fund, and for licenses which will be valid for two years or more but less than three years, two dollars and fifty cents of each fee shall be credited to the fund. An amount equal to two dollars and fifty cents times the number of original or renewal Class M licenses issued pursuant to section 60-4,127 during the previous year shall be transferred to the Motorcycle Safety Education Fund. The balance of the original and renewal operator's license, school permit, farm permit, LPD-learner's permit, or LPE-learner's permit fees shall be remitted by the county treasurer to the State Treasurer and shall be credited to the General Fund.

Sec. 12. That section 60-4,126, Revised Statutes Supplement, 1992, be amended to read as follows:

60-4,126. Any person who is younger than sixteen years of age but is over thirteen years of age and resides upon a farm in this state or is fourteen years of age or older and is employed for compensation upon a farm in this state may obtain a farm permit authorizing the operation of farm tractors and other motorized implements of farm husbandry upon

the highways of this state if the applicant for such farm permit furnishes to an examiner satisfactory proof of age and satisfactorily demonstrates to the examiner that he or she has knowledge of the operation of such equipment and of the rules of the road and laws respecting the operation of motor vehicles upon the highways of this state. Any person under sixteen years of age but not less than thirteen years of age may obtain a temporary permit to operate such equipment for a six-month period after presentation to the Department of Motor Vehicles of a request for the temporary permit signed by the person's parent or guardian and payment of five dollars. After the expiration of the six-month period, it shall be unlawful for such person to operate such equipment upon the highways of this state unless he or she has been issued a farm permit under this section. The fee for ~~such~~ an original, renewal, or duplicate farm permit shall be five dollars. All farm permits shall be subject to revocation under the terms of section 60-496. Any person who violates the terms of a farm permit shall be guilty of a Class III misdemeanor and shall not be eligible for another operator's license or school, farm, LPD-learner's, or LPE-learner's permit until he or she has attained the age of sixteen years.

MR. HALL PRESIDING

Messrs. Abboud and Elmer asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Fisher moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Chambers requested a record vote on the first Standing Committee amendment.

Voting in the affirmative, 27:

Avery	Fisher	Kristensen	Pirsch	Vrtiska
Bohlke	Hall	Landis	Robinson	Warner
Coordsen	Hartnett	Lindsay	Schellpeper	Wesely
Crosby	Hohenstein	McKenzie	Schimek	Wickersham
Cudaback	Hudkins	Moore	Schmitt	Withem
Day	Jones			

Voting in the negative, 3:

Chambers	Dierks	Haberman

Present and not voting, 12:

Ashford	Bromm	Lynch	Rasmussen	Will
Baack	Byars	Preister	Wehrbein	Witek
Beutler	Horgan			

Excused and not voting, 7:

Abboud	Bernard-Stevens	Elmer	Janssen	Robak
		Hillman	Pedersen	

The first Standing Committee amendment was adopted with 27 ayes, 3 nays, 12 present and not voting, and 7 excused and not voting.

Pending.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 842. Placed on General File.

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Lindsay asked unanimous consent to print the following amendment to LB 500 in the Journal. No objections. So ordered.

AM2025

1. In the Rasmussen-Lindsay amendment, AM1585:

a. On page 1, strike beginning with "(1)" in line 2 through "(2)" in line 9; and strike beginning with line 20 through line 23;

b. Strike page 2; and

c. On page 3, strike lines 1 through the first period in line 18.

2. In the E & R amendment, AM5484, strike amendment 1 and renumber the remaining amendments accordingly.

3. Strike the Rasmussen amendment, FA182, the Lindsay amendment, FA183, the Hohenstein amendment, FA184, and the Beutler amendment, AM1923.

Mr. Byars asked unanimous consent to print the following amendment to LB 536 in the Journal. No objections. So ordered.

AM1842

1. Insert the following new section:

"Sec. 74. That Laws 1990, LB 551, section 32, as amended by Laws 1992, LB 1019, section 127, be amended to read

as follows:

Sec. 32. Sections 29, 32, and 33 of this act shall become operative on their effective date. The other sections of this act shall become operative on January 1, ~~1994~~ 1995.".

2. On page 71, line 27, strike "and".

3. On page 72, line 2, after the second comma insert "and Laws 1990, LB 551, section 32, as amended by Laws 1992, LB 1019, section 127,".

4. Renumber the remaining sections accordingly.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 96, LR 97, and LR 98.

GENERAL FILE

LEGISLATIVE BILL 491. The second Standing Committee amendment is as follows:

FA201

Sec. 2. That section 60-115, Revised Statutes Supplement, 1992, be amended to read as follows:

60-115. (1) The county clerks or the Department of Motor Vehicles shall charge a fee of ten dollars for each replacement or duplicate copy of a certificate of title, and the duplicate copy issued shall show only those unreleased liens of record. A fee of four dollars shall be charged for refiling a certificate of title pursuant to section 60-107.01. Such fees shall be retained by the county or the department.

(2) In addition to the ~~foregoing~~ fees prescribed in subsection (1) of this section, the county clerks or the department shall charge a fee of six dollars for each certificate of title and a fee of three dollars for each notation of any lien on a certificate of title. The county clerks shall retain for the county three dollars and twenty-five cents of the six dollars charged for each certificate of title and two dollars for each notation of lien. Two dollars charged for the certificate of title and the remaining one dollar charged for notation of any lien on a certificate of title shall be remitted to the State Treasurer for credit to the General Fund. Twenty cents of the fee for a certificate of title shall be remitted to the State Treasurer for credit to a fund to be administered by the Consumer Protection Division of the Attorney General's office at the direction of the Attorney General for the purposes of the investigation and prosecution of (1) odometer and motor vehicle fraud and (2) motor vehicle licensing violations, which may be referred by the Nebraska Motor Vehicle Industry

Licensing Board. Forty-five cents of the fee charged for the certificate of title shall be remitted to the State Treasurer for credit to the Nebraska State Patrol Cash Fund. The remaining ten cents of the fee charged for the certificate of title shall be remitted to the State Treasurer for credit to the Nebraska Motor Vehicle Industry Licensing Fund for the purpose of conducting preliminary investigations of motor vehicle licensing violations relating to odometer and motor vehicle fraud.

(3) In addition to the fees prescribed in subsections (1) and (2) of this section, the county clerks or the department shall charge a fee of four dollars for each certificate of title, each replacement or duplicate copy of a certificate of title, each refiling of a certificate of title, and each notation of lien on a certificate of title. The county clerks or the department shall remit the fee charged under this subsection to the State Treasurer for credit to the Department of Motor Vehicles Computerization and Operations Fund.

(4) The county clerks shall remit all funds due the State Treasurer under sections 60-102 to 60-117 monthly and not later than the fifth day of the month following the collection thereof. The county clerks shall remit fees not due the State of Nebraska to their respective county treasurers who shall credit such fees so remitted to the county general fund. All fees not otherwise provided for in this section received by the department pursuant to this section shall be deposited in the Interstate Registration Operations Cash Fund.

Mr. Avery offered the following amendment to the second Standing Committee amendment:

AM2034

(Amendments to Standing Committee amendments, AM0788)

1. On page 3, lines 18 and 22, strike "six", show as stricken, and insert "eight"; in line 19 strike "three", show as stricken, and insert "four"; in line 21 strike "three", show as stricken, and insert "five"; and in line 23 strike "two", show as stricken, and insert "three".

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

Mr. Fisher moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Avery amendment lost with 7 ayes, 18 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Chambers offered the following amendment to the second Standing Committee amendment:
FA208
Amend committee amendments (AM0788)
Page 4, line 19, strike "four" and insert "one".

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

Mr. Fisher moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 0 nays, and 25 not voting.

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

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

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 3:

Chambers	Jones	Pirsch

Voting in the negative, 18:

Baack	Crosby	Hall	McKenzie	Vrtiska
Bohlke	Cudaback	Hohenstein	Schimek	Wehrbein
Bromm	Elmer	Hudkins	Schmitt	Wickersham
Byars	Fisher	Kristensen		

Present and not voting, 21:

Ashford	Coordsen	Horgan	Preister	Warner
Avery	Day	Lindsay	Rasmussen	Wesely
Bernard-Stevens	Dierks	Lynch	Robak	Witek
	Haberman	Moore	Robinson	Withem
Beutler	Hartnett			

Excused and not voting, 7:

Abboud	Janssen	Pedersen	Schellpeper	Will
Hillman	Landis			

The Chambers amendment lost with 3 ayes, 18 nays, 21 present and not voting, and 7 excused and not voting.

Mr. Chambers offered the following amendment to the second Standing Committee amendment:
FA209
Amend committee amendments (AM0788)
Page 4, line 20, strike "certificate of title".

Messrs. Lynch and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Preister asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 13:

Byars	Fisher	Hudkins	Schmitt	Warner
Crosby	Hall	Landis	Vrtiska	Wehrbein
Elmer	Hohenstein	Moore		

Present and not voting, 26:

Ashford	Bromm	Hartnett	McKenzie	Schimek
Avery	Coordsen	Horgan	Pirsch	Wesely
Baack	Cudaback	Jones	Rasmussen	Wickersham
Bernard-Stevens	Day	Kristensen	Robak	Witek
	Dierks	Lindsay	Robinson	Withem
Bohlke	Haberman			

Excused and not voting, 9:

Abboud	Hillman	Lynch	Preister	Will
Beutler	Janssen	Pedersen	Schellpeper	

The Chambers amendment lost with 1 aye, 13 nays, 26 present and not voting, and 9 excused and not voting.

The second Standing Committee amendment was adopted with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 325. Placed on Select File as amended.
E & R amendment to LB 325:
AM5513

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 84-1606, Revised Statutes Supplement, 1992, as amended by section 35, Legislative Bill 14, Ninety-second Legislature, Third Special Session, 1992, be amended to read as follows:

84-1606. ~~The personnel division of the Department of Administrative Services may elect to offer a group health insurance option to employees subject to sections 84-1601 to 84-1615 in which the total cost of the single, two party, four-party, and family coverages are less than the rates listed in section 84-1611. The state shall provide such coverage at no cost to the employee.~~ The personnel division of the Department of Administrative Services may offer medical and health-related benefit plans to employees in addition to the contracts entered into pursuant to sections 84-1605 and 84-1608. Such benefits shall be offered at the rates listed in section 84-1611, and additional contributions necessary to cover the costs of such benefits may be required from employees.

Sec. 2. That section 84-1611, Revised Statutes Supplement, 1992, be amended to read as follows:

84-1611. (1) For any contract period or periods beginning on or after July 1, 1993, the state shall make the following contributions from the various funds toward payment of a health insurance or maintenance program which may include coverage for dependents:

(a) For any employee with a service date of May 4, 1993, or after, the state shall pay seventy-nine percent of the total cost of the plan, option, and coverage chosen by the employee;

(b) For any employee who has a change in plan, option, or coverage after April 25, 1993, the state shall pay seventy-nine percent of the total cost of the plan, option, and coverage chosen by the employee;

(c) For any employee who is required to change health carriers because of the termination of the plan and who does not change either the option or coverage, the state shall pay an amount equal to seventy-nine percent of the total cost of the optional major medical plan for the same coverage as the plan chosen by the employee, subject to the limitations in subsection (2) of this section;

(d) For any employee who chooses any coverage of the basic major medical plan, the state shall pay an amount equal to seventy-nine percent of the total cost of the optional

major medical plan for the same coverage chosen by the employee; and

(e) For all other employees, except as limited in subsection (2) of this section, the state shall pay an amount equal to seventy-nine percent of the optional major medical plan for the same coverage as the plan chosen by the employee.

(2)(a) Under no circumstances shall the state's contribution exceed the actual cost of the plan, option, and coverage chosen by the employee.

(b) The state's contribution shall not be less than seventy-nine percent of the total cost of the plan, option, and coverage chosen by the employee.

(3) For purposes of this section, (a) coverage shall mean the rate categories of one-party, two-party, four-party, and family, as offered under any contract entered into for medical benefits, (b) option shall mean one of the choices of levels of medical and other benefits offered by a carrier, and (c) service date shall mean the date maintained in the Nebraska employees information system and used for calculating vacation and sick leave benefits.

(4) If any provision of this section varies from the terms of a labor contract, the terms of the labor contract shall prevail for the employees covered by the labor contract.

~~In order to continue to provide the current health insurance program to state employees who are subject to sections 84-1601 to 84-1615, the state shall contribute the following sums from the various funds toward payment of a health insurance program which may include coverage for dependents, except as provided in section 84-1606: (1) For the first contract period beginning on or after July 1, 1991, for single coverage, the monthly sum of one hundred dollars and fifty seven cents, for two party or four party coverage, the monthly sum of two hundred fifty one dollars and forty two cents, and for family coverage, the monthly sum of three hundred fifty six dollars and ninety two cents; and (2) for any contract period beginning on or after July 1, 1992, for single coverage, not more than the monthly sum of one hundred seventeen dollars and twenty seven cents, for two party or four party coverage, not more than the monthly sum of two hundred ninety three dollars and seventeen cents, and for family coverage, not more than the monthly sum of four hundred sixteen dollars and eighteen cents.~~

Sec. 3. This act shall become operative on July 1, 1993.

Sec. 4. That original section 84-1611, Revised Statutes Supplement, 1992, and section 84-1606, Revised Statutes Supplement, 1992, as amended by section 35, Legislative Bill 14, Ninety-second Legislature, Third Special Session, 1992, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, line 2, strike "; to change" and insert ", and section 84-1606, Revised Statutes Supplement, 1992, as amended by section 35, Legislative Bill 14, Ninety-second Legislature, Third Special Session, 1992; to change provisions relating to optional coverage and"; and in line 4 strike "section" and insert "sections".

LEGISLATIVE BILL 325A. Placed on Select File as amended.
E & R amendment to LB 325A:
AM5514

1. On page 1, line 3, after the semicolon insert "to provide for transfers;".

2. On page 39, line 27, strike "114,402" and insert "114,822".

3. On page 40, line 1, strike "137,468" and insert "137,888".

LEGISLATIVE BILL 326. Placed on Select File as amended.
E & R amendment to LB 326:
AM5512

1. On page 42, line 1, strike "152 and 153" and insert "162 and 163".

2. On page 46, line 23, strike "6,700 31,825" and insert "5,098 27,188".

3. On page 61, line 9, after "entered" insert "into".

LEGISLATIVE BILL 327. Placed on Select File.
LEGISLATIVE BILL 328. Placed on Select File.

(Signed) Kurt A. Hohenstein, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wehrbein asked unanimous consent to print the following amendment to LB 421 in the Journal. No objections. So ordered.

AM2015

(Amendments to E & R amendments, AM5493)

1. On page 7, line 7, after the second "the" insert "precise".

2. On page 9, line 9, after "unless" insert "(1)"; and in line 11 after "act" insert "and (2) the excavator used all reasonable precautions to protect the underground facility".

Mr. Wesely asked unanimous consent to print the following amendment to LB 800 in the Journal. No objections. So ordered.

AM2045

(Amendments to Standing Committee amendments, AM1416)

1. On page 1, lines 3 through 22, remove the underscoring; in line 20 strike "an individual" and insert "a person"; and strike lines 23 and 24 and insert the following new subsection:

"(2) The following trusts shall become revocable by operation of law upon the filing of an application for any public assistance program administered by the department, including the medical assistance program:

(a) Any irrevocable trust established by or on behalf of a person from such person's own assets, if such person is a beneficiary of the trust; and

(b) Any irrevocable trust established on behalf of a person from the proceeds of litigation or settlement of claims against a party or parties brought by or on behalf of such person.

Such revocability shall remain in effect only for such time as the application for public assistance is pending or benefits are being paid.".

2. On page 2, strike lines 1 through 10.

Mr. Wesely asked unanimous consent to print the following amendment to LB 376 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1983.)

GENERAL FILE

LEGISLATIVE BILL 491. The third Standing Committee amendment is as follows:

FA202

Sec. 3. That section 60-302, Revised Statutes Supplement, 1992, be amended to read as follows:

60-302. (1) No motor vehicle, trailer, semitrailer, or cabin trailer, unless otherwise expressly provided, shall be operated on the highways of this state unless such vehicle is registered in accordance with Chapter 60, article 3. Every owner of a vehicle required to be registered shall make application for registration to the county treasurer of the county in which the vehicle has tax situs as defined in section 77-1240. The application shall be a copy of a certificate of title or, in the case of a renewal of a registration, the application shall be the previous registration period's certificate. A salvage certificate of

title as defined in section 60-129 and a nontransferable certificate of title provided for in section 60-131 shall not be valid for registration purposes.

(2) All applications for registration of motor vehicles shall be accompanied by proof of financial responsibility. Proof of financial responsibility shall be evidenced by a copy of proof of financial responsibility filed pursuant to subdivision (2), (3), or (4) of section 60-528 bearing the seal of the Department of Motor Vehicles or by a certificate or policy of insurance. Such certificate or policy of insurance shall be written by an insurance carrier duly authorized to do business in this state and shall certify that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate or policy shall give the effective dates of such motor vehicle liability policy, which dates shall be evidence that the coverage is in effect on and following the date of registration, and shall designate, by explicit description or by appropriate reference, all motor vehicles covered thereby.

(3) Any nonresident owner, who desires to register a vehicle or vehicles in this state, shall register in the county where the vehicle is domiciled or where the owner conducts a bona fide business.

(4) Each new application shall contain, in addition to such other information as may be required by the department, the name and post office address of the applicant and a description of the vehicle, including the color, the manufacturer, the identification number, and the weight of the vehicle required by Chapter 60, article 3. With such application and proof of financial responsibility, the applicant shall pay the proper registration fee as provided in sections 60-305.08 to 60-339 and shall state whether the vehicle is propelled by electricity, motor vehicle fuel as defined in section 66-482, or special fuel as defined in section 66-602, and if special fuel, the type of fuel. The form shall also contain a notice that bulk special or diesel fuel purchasers may be subject to federal excise tax liability. The department shall prescribe a form, containing such notice, for supplying the information for vehicles to be registered. The county assessor shall include the form in each mailing made pursuant to section 77-1240.

(5)(a) Prior to July 1, 1998, the county treasurer or his or her agent shall collect, in addition to the registration fees, two dollars and fifty cents for each and every certificate issued, shall remit one dollar and fifty cents of each additional fee collected to the State Treasurer for credit to the Department of Motor Vehicles Computerization and Operations Fund, and shall remit one dollar of each

additional fee collected to the State Treasurer for credit to the Nebraska State Patrol Computerization Cash Fund.

(b) On and after July 1, 1998, the county treasurer or his or her agent shall collect, in addition to the registration fees, one dollar and fifty cents for each and every certificate issued and shall remit one dollar and fifty cents of each additional fee collected to the State Treasurer for credit to the Department of Motor Vehicles Computerization and Operations Fund.

(6) The county treasurer or his or her agent shall collect, in addition to other registration fees, the sum of one dollar and fifty cents for each and every certificate issued, which fee shall be remitted by the county treasurer to the State Treasurer for credit to the State Recreation Road Fund.

Sec. 16. (1) The Nebraska State Patrol Computerization Cash Fund is hereby created. The fund shall only be used (1) to pay the costs of designing the Nebraska Enforcement and Administrative Reporting System including any necessary consultant costs, (2) to pay the acquisition costs of the system over a period of five years including the option to lease-purchase the system, and (3) to pay the costs of mainframe software upgrades. The fund shall be administered by the Superintendent of Law Enforcement and Public Safety. The fund shall not be expended for personal services, an automated fingerprint identification system, or mobile data car terminals. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

(2) The Nebraska Enforcement and Administrative Reporting System shall include necessary mainframe software upgrades, office automation, computer aided dispatch, an integrated personal computer-local area network allowing communication among the troop areas, and replacement of the computer message switcher. Computerization shall include, but not be limited to, criminal history files, case management and reports, fiscal and personnel information, and various headquarter and troop area applications.

Messrs. Robinson, Haberman, Mmes. Bohlke, McKenzie, Mses. Day, and Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BAACK PRESIDING

Mrs. Hudkins asked unanimous consent to be excused. No objections. So ordered.

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

Mr. Moore offered the following amendment to the third Standing Committee amendment:
FA210

(Amendment to FA202)

Strike section 16.

On page 7, strike lines 11-19; in line 20 strike "(b) On and after July 1, 1988" and insert "(5) Beginning on July 1, 1993"

The Moore amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

The third Standing Committee amendment, as amended, was adopted with 28 ayes, 1 nay, 5 present and not voting, and 15 excused and not voting.

The fourth Standing Committee amendment is as follows:
FA203

Sec. 9. That section 60-326.01, Revised Statutes Supplement, 1992, be amended to read as follows:

60-326.01. The various county treasurers shall act as agents for the Department of Motor Vehicles in the collection of all motor vehicle registration fees. While acting as such agents, the county treasurers shall in addition to the registration fees collect and retain for the county ~~one dollar~~ two dollars for each registration of a motor vehicle of a resident of the State of Nebraska and five dollars for each registration of a motor vehicle of a nonresident from the funds collected for the registration issued. Such additional fees collected for the county shall be accounted for as other fees passing through their hands. The county treasurers shall transmit all registration fees collected by them to the State Treasurer for deposit in the Highway Trust Fund except as provided in section 60-302. The Legislature finds that the cost of registering vehicles which belong to nonresidents has increased and therefor the additional fee collected from nonresidents should be raised to compensate for the increase.

The fourth Standing Committee amendment was adopted with 30 ayes, 1 nay, 6 present and not voting, and 12 excused and not voting.

The fifth Standing Committee amendment is as follows:
FA204

Sec. 14. That section 60-4,181, Revised Statutes Supplement, 1992, be amended to read as follows:

60-4,181. (1) A state identification card shall be issued by the county treasurer after the person requesting the

card (a) files an application with an examining officer, (b) furnishes two forms of proof of identification described in section 60-484, and (c) pays a fee to the county treasurer of ~~ten~~ fifteen dollars for a card which will be valid for three years or more, ~~eight dollars~~ eleven dollars and twenty-five cents for a card which will be valid two years or more but less than three years, ~~five~~ seven dollars and fifty cents for a card which will be valid for one year or more but less than two years, and three dollars and ~~fifty~~ seventy-five cents for a card which will be valid for less than one year. ~~One dollar~~ Two dollars and seventy-five cents of the fee shall be credited to the general fund of the county and shall be included in the report of fees required by law by the county treasurer. An amount of the fee shall be remitted to the State Treasurer by the county treasurer for credit to the Department of Motor Vehicles Computerization and Operations Fund as follows: Four dollars for a card which will be valid for three years or more; two dollars and fifty cents for a card which will be valid two years or more but less than three years; and one dollar and fifty cents for a card which will be valid for one year or more but less than two years. The balance of the fee shall be remitted to the State Treasurer by the county treasurer and credited to the General Fund. The state identification card shall contain the anatomical gift information specified in section 60-494.

(2) The application shall include the name, age, post office address, place of residence, date of birth, sex, and physical description of the applicant and after January 1, 1994, the following:

OPTIONAL-YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING QUESTIONS:

(a) Do you wish to make an anatomical gift?*

If so, please complete the following:

I give:

(i) ..... any needed organs or tissues

(ii) ..... only the following organs or tissues

.....

(specify the organ or tissue)

for transplantation, therapy, or medical or dental education or research.

(iii) ..... my body for anatomical study if needed.**

Limitations or special wishes if any .....

(b) Do you wish to receive any additional specific information regarding anatomical gifts?

*An anatomical gift means a gift of all or any part of your body for transplantation, therapy, or medical or dental education or research. For purposes of an anatomical

gift, parts of your body include organs, tissues, eyes, bones, arteries, blood, other fluids, and other portions of the human body. You may make an anatomical gift if you are of sound mind. The anatomical gift is effective upon your death and the consent of your next of kin, guardian, or other person as listed in section 71-4802.

**In order for you to donate your body to the State Anatomical Board, you must complete a bequeathal form which is available from the board.

....

Signature of Donor Date of Birth of Donor

....

Date Signed City and State

....

Witness Witness

(3) The director may summarily cancel any state identification card, and any judge or magistrate may order a state identification card canceled in a judgment of conviction, if the application for the card contains any false or fraudulent statements which were deliberately and knowingly made as to any matter material to the issuance of the card or if the application does not contain required or correct information. Any state identification card so obtained shall be void from the date of issuance. Any judgment of conviction ordering cancellation of a state identification card shall be transmitted to the director who shall cancel the card.

The fifth Standing Committee amendment was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

The sixth Standing Committee amendment is as follows:
FA205

Sec. 4. That section 60-311.10, Revised Statutes Supplement, 1992, be amended to read as follows:

60-311.10. In lieu of the number plates provided for by section 60-311, the Department of Motor Vehicles shall issue personalized ~~prestige~~ message license plates for passenger vehicles, commercial trucks registered for ten tons gross weight or less, motorcycles, self-propelled mobile homes, and cabin trailers to all applicants who meet the requirements of sections 60-305.08, 60-311, and 60-311.10 to 60-311.13.

Sec. 5. That section 60-311.11, Revised Statutes Supplement, 1992, be amended to read as follows:

60-311.11. (1) Plates issued pursuant to sections 60-305.08 and 60-311.10 to 60-311.13 shall be the same size and of the same basic design as the regular number plates

issued pursuant to section 60-311.

(2) The following conditions shall apply to all personalized ~~prestige~~ message license plates:

(a) County prefixes shall not be used;

(b) The characters used shall consist only of letters and numerals of the same size and design and shall comply with the requirements of subdivision (1)(a) of section 60-311;

(c) A maximum of seven characters may be used;

(d) The characters in the order used shall not conflict with or duplicate any license number used or to be used on the regular license plates or any license number or plate already approved pursuant to sections 60-305.08, 60-311, and 60-311.10 to 60-311.13;

(e) The characters in the order used shall not express, connote, or imply any obscene or objectionable words or abbreviations; and

(f) An applicant receiving a ~~prestige~~ personalized message license plate for a commercial truck shall affix the appropriate tonnage sticker to such plate.

(3) The Department of Motor Vehicles shall have sole authority to determine if the conditions prescribed in subsection (2) of this section have been met.

Sec. 6. That section 60-311.12, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-311.12. Application for personalized ~~prestige~~ message license plates shall be made to the Department of Motor Vehicles. The department shall make available through each county treasurer forms to be used for such applications. Each initial application shall be accompanied by a fee of ~~seventy-five dollars~~ thirty-three dollars or two dollars and seventy-five cents per month for the remainder of the vehicle registration period. Each application for renewal of a license number previously approved and issued shall be accompanied by a fee of ~~thirty-five~~ thirty-three dollars. All such fees shall be ~~transmitted~~ remitted to the State Treasurer for credit to the Department of Motor Vehicles Computerization and Operations ~~deposit in the General~~ Fund.

Sec. 7. That section 60-311.13, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-311.13. When the Department of Motor Vehicles approves an application for personalized ~~prestige~~ message license plates, it shall notify the applicant and deliver the plates to the treasurer of the county in which the vehicle is to be registered. The treasurer shall deliver such plates to the applicant, in lieu of regular number plates, when the applicant complies with the other provisions of law for registration of the vehicle.

Sec. 8. That section 60-315.01, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

60-315.01. The owner of a vehicle bearing personalized ~~prestige~~ message plates may make application to the county treasurer to have such plates transferred to a motor vehicle other than the vehicle for which such plates were originally purchased ~~(1)~~ if such vehicle is owned ~~and registered~~ by the owner of the ~~prestige~~ message plates. ~~and (2) if the license plates from the vehicle on which the prestige plates are to be placed are placed on the vehicle from which the prestige plates are taken. Plates may only be transferred from a commercial truck to a commercial truck or from a passenger vehicle to a passenger vehicle.~~ Application for such transfer shall be accompanied by a fee of three dollars.

Messrs. Avery and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

MR. HALL PRESIDING

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 115. Introduced by Wesely, 26.

WHEREAS, long-term care is the most costly and most uninsured health care problem facing thousands of families in Nebraska dealing with Alzheimer's and other chronic diseases; and

WHEREAS, neither medicare nor private insurance provides long-term care protection for most American families; and

WHEREAS, the State of Nebraska has tried to help families meet the demand for long-term care services through medicaid and other state supported programs; and

WHEREAS, existing long-term care programs in Nebraska meet only a fraction of the current family needs; and

WHEREAS, increasing health care costs and reduced state revenue threaten a forced reduction of long-term care services in Nebraska; and

WHEREAS, the lack of affordable and available long-term care adds unnecessary and avoidable costs to the acute care system; and

WHEREAS, Americans have indicated support for a public program to provide long-term care protection; and

WHEREAS, the eyes of the nation are on the work of the White House Task Force on Health Care, President Clinton, and the Congress as they work on health care reform; and

WHEREAS, health care reform should be comprehensive and address the most critical needs of millions of American families, including long-term care.

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

1. That the Legislature of Nebraska calls upon the President, his Health Care task force, and the Congress to include long-term care as a part of health care reform, and to develop and act on legislation this year.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 536 in the Journal. No objections. So ordered.

AM2051

1. Insert the following new sections:

"Sec. 14. That section 71-147, Revised Statutes Supplement, 1992, be amended to read as follows:

71-147. A license, certificate, or registration to practice a profession may be denied, refused renewal, limited, revoked, or suspended or have other disciplinary measures taken against it in accordance with section 71-155 when the applicant, licensee, certificate holder, or registrant is guilty of any of the following acts or offenses:

(1) Fraud, forgery, or misrepresentation of material facts in procuring or attempting to procure a license, certificate, or registration;

(2) Grossly immoral or dishonorable conduct evidencing unfitness or lack of proficiency sufficient to meet the standards required for practice of the profession in this state;

(3) Habitual intoxication or active dependency on or addiction to the use of alcohol or habituation or active dependency on or addiction to the use of any kind of controlled substance or narcotic drug or failure to comply with a treatment program or an aftercare program entered into under the Licensee Assistance Program established pursuant to section 71-172.01;

(4) Conviction of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction and which, if committed within this state, would have constituted a misdemeanor or felony under state law and which has a rational connection with the applicant's, licensee's, certificate holder's, or registrant's fitness or capacity to practice the profession;

(5) Practice of the profession (a) fraudulently, (b) beyond its authorized scope, (c) with manifest incapacity, or (d) with gross incompetence or gross negligence;

(6) Practice of the profession while the ability to practice is impaired by alcohol, controlled substances, narcotic drugs, physical disability, mental disability, or emotional disability;

(7) Physical or mental incapacity to practice the profession as evidenced by a legal adjudication or a determination thereof by other lawful means;

(8) Permitting, aiding, or abetting the practice of a profession or the performance of activities requiring a license, certificate, or registration by a person not licensed, certified, or registered to do so;

(9) Having had his or her license, certificate, or registration denied, refused renewal, limited, suspended, or revoked or having had such license, certificate, or registration disciplined in any other manner in accordance with section 71-155 by another state or jurisdiction to practice the particular profession involved, based upon acts by the applicant, licensee, certificate holder, or registrant similar to acts described in this section. A certified copy of the record of denial, refusal of renewal, limitation, suspension, or revocation of a license, certificate, or registration or the taking of other disciplinary measures against it by another state or jurisdiction shall be conclusive evidence;

(10) Unprofessional conduct; ~~, which term shall include all acts specified in section 71-148 and such other acts as may be defined in rules and regulations adopted and promulgated by the board of examiners in the profession of the applicant, licensee, certificate holder, or registrant with the approval of the department;~~

(11) Use of untruthful or improbable statements or flamboyant, exaggerated, or extravagant claims, concerning such licensee's, certificate holder's, or registrant's professional excellence or abilities, in advertisements;

(12) Conviction of fraudulent or misleading advertising or conviction of a violation of the Uniform Deceptive Trade Practices Act;

(13) Distribution of intoxicating liquors, controlled substances, or drugs for any other than lawful purposes;

(14) Willful or repeated violations of the Uniform Licensing Law or the rules and regulations of the department relating to the licensee's, certificate holder's, or registrant's profession, sanitation, quarantine, or school inspection;

(15) Unlawful invasion of the field of practice of any profession mentioned in the Uniform Licensing Law which the licensee, certificate holder, or registrant is not licensed, certified, or registered to practice;

(16) Failure to comply with sections 71-604, 71-605, and 71-606 relating to the signing of birth and death certificates;

(17) ~~Acts or offenses for which disciplinary measures may be taken against a registration for controlled substances under~~ Violation of the Uniform Controlled Substances Act; or

(18) Purchasing or receiving any prescription drug from any source in violation of the Wholesale Drug Distributor Licensing Act.

A license, certificate, or registration to practice a profession may also be refused renewal or revoked when the licensee, certificate holder, or registrant is guilty of practicing such profession while his or her license, certificate, or registration to do so is suspended or is guilty of practicing such profession in contravention of any limitation placed upon his or her license, certificate, or registration.

This section shall not apply to revocation for nonpayment of renewal fees as set out in section 71-110.

Sec. 15. That section 71-148, Revised Statutes Supplement, 1992, be amended to read as follows:

71-148. For ~~the purpose~~ purposes of section 71-147, ~~unprofessional conduct shall include any of the following acts~~ unprofessional conduct shall mean any departure from or failure to conform to the standards of acceptable and prevailing practice of a profession or occupation or the ethics of the profession or occupation, regardless of whether a person, patient, or entity is injured, or conduct that is likely to deceive or defraud the public or is detrimental to the public interest, including, but not limited to:

(1) Solicitation of professional patronage by agents or persons, popularly known as cappers or steerers, or profiting by the acts of those representing themselves to be agents of the licensee or certificate holder;

(2) Receipt of fees on the assurance that a manifestly incurable disease can be permanently cured;

(3) Division of fees, or agreeing to split or divide the fees, received for professional services with any person for bringing or referring a patient;

(4) Obtaining any fee for professional services by fraud, deceit, or misrepresentation, including, but not limited to, falsification of third-party claim documents;

(5) Cheating on or attempting to subvert the licensing or certification examination;

(6) Assisting in the care or treatment of a patient without the consent of such patient or his or her legal representative;

(7) Use of any letters, words, or terms, either as a

prefix, affix, or suffix, on stationery, in advertisements, or otherwise, indicating that such person is entitled to practice a system or mode of healing for which he or she is not licensed or certified;

(8) Performing, procuring, or aiding and abetting in the performance or procurement of a criminal abortion;

(9) Willful betrayal of a professional secret except as otherwise provided by law;

(10) Making use of any advertising statements of a character tending to deceive or mislead the public;

(11) Advertising professional superiority or the performance of professional services in a superior manner;

(12) Advertising to guarantee any professional service or to perform any operations painlessly;

(13) Performance by a physician of an abortion as defined in subdivision (1) of section 28-326 under circumstances when he or she will not be available for a period of at least forty-eight hours for postoperative care unless such postoperative care is delegated to and accepted by another physician;

(14) Performing an abortion upon a minor without having satisfied the notice requirements of sections 71-6901 to 71-6908;

(15) The providing by a massage therapist of sexual stimulation as part of massage therapy; ~~and~~

(16) Violating an assurance of compliance entered into under section 71-171.02;

(17) Commission of any act of sexual abuse, misconduct, or exploitation related to the practice of the profession or occupation of the applicant, licensee, certificate holder, or registrant;

(18) Failure to keep and maintain adequate records of treatment or service;

(19) Prescribing, administering, distributing, dispensing, giving, or selling any controlled substance or other drug recognized as addictive or dangerous for other than a medically accepted therapeutic purpose to oneself or, except in the case of a medical emergency, to one's spouse or child; and

(20) Such other acts as may be defined in rules and regulations adopted and promulgated by the board of examiners in the profession of the applicant, licensee, certificate holder, or registrant with the approval of the department.

Nothing in this section shall be construed to exclude determination of additional conduct that is unprofessional by adjudication in individual contested cases.".

2. In the E & R amendment, AM5415:

a. On page 2, strike line 27 and insert "19, 20,

and 21 as sections 18, 19, 20, 21, 22, 23, 24, and 17,".

b. On page 3, strike line 25 and insert "57, and 58 as sections 63, 64, 58, 59, 60, 61, and 62,".

c. On page 4, line 1, strike "62" and insert "64"; in line 2 strike "58 to 60" and insert "60 to 62"; and in line 4 strike "58 and 59" and insert "60 and 61".

3. On page 71, line 27, after "sections" insert "71-147, 71-148,".

4. Renumber the remaining sections accordingly.

Mr. Ashford asked unanimous consent to print the following amendment to LB 717 in the Journal. No objections. So ordered.

AM2055

1. After line 13, insert the following new subsection:

"(3) Nothing in subsection (2) of this section shall affect the terms and conditions of the current negotiated labor agreement.".

GENERAL FILE

LEGISLATIVE BILL 491. Mr. Chambers offered the following amendment to the pending sixth Standing Committee amendment:
FA211

Amend Committee amendment

P. 9, line 24, strike "thirty-three" and insert "forty-eight", and in line 24, strike "two dollars and seventy-five cents" and insert "four dollars"

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

SPEAKER BAACK PRESIDING

Mr. Hall asked unanimous consent to be excused. No objections. So ordered.

Mr. Kristensen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Avery Baack

Bernard-Stevens	Crosby	Hartnett	Robak	Witek
Chambers	Cudaback	Lindsay	Vrtiska	Withem
	Dierks	McKenzie	Wesely	

Voting in the negative, 20:

Bohlke	Day	Horgan	Lynch	Schimek
Bromm	Elmer	Jones	Moore	Warner
Byars	Fisher	Kristensen	Rasmussen	Wehrbein
Coordsen	Hohenstein	Landis	Schellpeper	Wickersham

Present and not voting, 2:

Beutler Schmitt

Absent and not voting, 1:

Ashford

Excused and not voting, 11:

Abboud	Hillman	Janssen	Pirsch	Robinson
Haberman	Hudkins	Pedersen	Preister	Will
Hall				

The Chambers amendment lost with 15 ayes, 20 nays, 2 present and not voting, 1 absent and not voting, and 11 excused and not voting.

The Chair declared the call raised.

MR. LINDSAY PRESIDING

The sixth Standing Committee amendment was adopted with 28 ayes, 1 nay, 9 present and not voting, and 11 excused and not voting.

The seventh Standing Committee amendment is as follows:
FA206

"Section 1. That section 39-669.16, Revised Statutes Supplement, 1992, be amended to read as follows:

39-669.16. (1) At the expiration of thirty days after the date of arrest pursuant to section 39-669.08 or if after a hearing pursuant to section 39-669.15 the director finds that the impounded operator's license should be revoked, the director shall (a) revoke the operator's license of a person arrested for refusal to submit to a chemical test of blood, breath, or urine as required by section 39-669.08 for a period of one year and (b) for a person who submits to a chemical test pursuant to section 39-669.08 which discloses the presence of a concentration of alcohol specified in

section 39-669.07, revoke the impounded operator's license for a period of ninety days the first time such operator's license is revoked and one year for the second and any subsequent time the license is revoked within an eight-year period. The license shall not be restored nor shall a new operator's license be issued to such person until the period of revocation has elapsed. If the person subject to the revocation is a nonresident of this state, the director shall revoke only the nonresident operating privilege of such person and shall immediately forward the operator's license and a statement of the factual basis for the revocation to the person's state of residence.

(2) Any person whose operator's license is revoked for a period of ninety days as provided by subsection (1) of this section may make application to the director for issuance of an employment driving permit pursuant to section 60-4,130. Any person who makes application for an employment driving permit pursuant to this subsection shall not be eligible for issuance of the permit until sixty days of the period of revocation ordered under subsection (1) of this section have elapsed.

(3) A person may have his or her license reinstated upon payment of a reinstatement fee of ~~fifty~~ one hundred dollars to the department after the period of revocation has expired. The director shall remit all reinstatement fees to the State Treasurer. The State Treasurer shall credit fifty dollars of each fee to the General Fund and fifty dollars of each fee ~~for credit~~ to the Department of Motor Vehicles Cash Fund.

(4) A person whose operator's license is subject to revocation pursuant to subsection (3) of section 39-669.15 shall have all proceedings dismissed or his or her operator's license immediately reinstated without payment of the reinstatement fee (a) upon presentation of suitable evidence to the director that within the thirty-day period following the date of arrest the prosecuting attorney responsible for the matter declined to file a complaint alleging a violation of section 39-669.07, (b) if the charge is dismissed, or (c) if the defendant, at trial, is found not guilty of violating section 39-669.07. The director shall adopt and promulgate rules and regulations establishing standards for the presentation of suitable evidence of compliance with subdivision (a), (b), or (c) of this subsection.

Sec. 10. That section 60-4,100, Revised Statutes Supplement, 1992, be amended to read as follows:

60-4,100. The director may suspend or revoke the operator's license of any resident of this state:

(1) Upon receiving a copy of the judgment of the conviction of such person in another state of an offense

therein which, if committed in this state, would be grounds for the suspension or revocation of the license of such operator by any trial judge or magistrate in this state;

(2) ~~who~~ Who has violated a promise to comply with the terms of a traffic citation issued by a law enforcement officer for a moving violation in any jurisdiction outside this state pursuant to the Nonresident Violator Compact until satisfactory evidence of compliance with the terms of the citation has been furnished to the director; or

(3) ~~who~~ Who has violated a promise to comply with the terms of a traffic citation issued on or after July 1, 1986, by a law enforcement officer for a moving violation in any jurisdiction inside this state until satisfactory evidence of compliance with the terms of the citation has been furnished to the director.

The court having jurisdiction over the offense for which the citation has been issued shall notify the director of a violation of a promise to comply with the terms of the citation only after twenty working days have elapsed from the date of the failure to comply.

Upon notice to the director that a resident has violated a promise to comply with the terms of a traffic citation as provided in this section, the director shall not suspend or revoke such resident's license until he or she has sent written notice to such resident by registered or certified mail to the resident's last-known address. Such notice shall state that such resident has twenty working days from the date of the notice to show the director that the resident has complied with the terms of such traffic citation. No suspension or revocation shall be entered by the director if the resident complies with the terms of a citation during such twenty working days.

Upon the expiration of any license revocation ordered pursuant to this section, a resident may have his or her license reinstated upon payment of a fee of ~~fifty~~ one hundred dollars. The fees paid pursuant to this section shall be remitted to the State Treasurer. The State Treasurer shall credit fifty dollars of each fee to the General Fund and fifty dollars of each fee to ~~deposited in~~ the Department of Motor Vehicles Cash Fund.

Sec. 13. That section 60-4,171, Revised Statutes Supplement, 1992, be amended to read as follows:

60-4,171. (1) Following any period of revocation ordered by a court, a resident who has had a commercial driver's license revoked pursuant to section 60-4,169 may apply, on a form prescribed by the director, for a Class O or M operator's license. If in the judgment of the director such person is eligible to be issued a Class O or M operator's license, the application shall be presented to the county

treasurer of the person's county of residence. The county treasurer shall issue the Class O or M operator's license upon payment of the fee provided for in section 60-4,115.

(2) Any person who has had his or her commercial driver's license revoked pursuant to section 60-4,169 may, at the end of such revocation period, have his or her commercial driver's license reinstated upon payment of a ~~fifty-dollar~~ one-hundred-dollar reinstatement fee and shall surrender any operator's license issued pursuant to subsection (1) of this section. The reinstatement fee shall be remitted to the State Treasurer. The State Treasurer shall credit fifty dollars of each fee to the General Fund and fifty dollars of each fee to the Department of Motor Vehicles Cash Fund.

Sec. 15. That section 60-505.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-505.02. Whenever a license or registration is suspended or revoked and the filing of proof of financial responsibility is, by ~~sections 60-501 to 60-569~~ the Motor Vehicle Safety Responsibility Act, made a prerequisite to reinstatement of such license or registration, or both, or to the issuance of a new license or registration, or both, no such license or registration shall be reinstated or new license or registration issued unless the licensee or registrant, in addition to complying with the other provisions of ~~sections 60-501 to 60-569~~ the act, pays to the ~~department~~ Department of Motor Vehicles a fee of ~~fifty~~ one hundred dollars.

The fees paid pursuant to this section shall be ~~deposited in~~ remitted to the State Treasurer. The State Treasurer shall credit fifty dollars of each fee to the General Fund and fifty dollars of each fee to the Department of Motor Vehicles Cash Fund, which fund is hereby created. Such fund shall be used by the department to carry out its duties ~~under Chapter 60, articles 1, 3, and 5~~ as deemed necessary by the Director of Motor Vehicles. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to ~~72-1259~~ 72-1276.

SPEAKER BAACK PRESIDING

Mr. Chambers requested a record vote on the seventh Standing Committee amendment.

Voting in the affirmative, 29:

Avery	Bromm	Crosby	Dierks	Hartnett
Beutler	Byars	Cudaback	Elmer	Hohenstein
Bohlke	Coordsen	Day	Fisher	Horgan

Jones	Moore	Schimek	Warner	Wickersham
Kristensen	Robak	Schmitt	Wehrbein	Witek
McKenzie	Schellpeper	Vrtiska	Wesely	

Voting in the negative, 6:

Baack	Bernard-Stevens	Chambers	Landis	Lindsay
				Lynch

Present and not voting, 3:

Ashford	Rasmussen	Withem

Excused and not voting, 11:

Abboud	Hillman	Janssen	Pirsch	Robinson
Haberman	Hudkins	Pedersen	Preister	Will
Hall				

The seventh Standing Committee amendment was adopted with 29 ayes, 6 nays, 3 present and not voting, and 11 excused and not voting.

The eighth Standing Committee amendment is as follows:
FA207

Sec. 17. (1) The Legislature hereby finds and declares that a statewide system for the collection, storage, and transfer of data on vehicle titles and registration and the cooperation of state and local government in implementing such a system is essential to the efficient operation of state and local government in vehicle titling and registration.

(2) It is therefor the intent of the Legislature that the Department of Motor Vehicles shall use a portion of the fees appropriated by the Legislature to the Department of Motor Vehicles Computerization and Operations Fund as follows:

(a) To pay for the cost of issuing motor vehicle titles and registrations on a system designated by the department. The costs shall include, but not be limited to, software and software maintenance, programming, processing charges, and equipment including such terminals, printers, or other devices as deemed necessary by the department after consultation with the county to support the issuance of motor vehicle titles and registrations. The costs shall not include the cost of county personnel or physical facilities provided by the counties;

(b) To furnish to the counties the certificate of registration forms specified in section 60-312. The certificate of registration form shall be prescribed by the department; and

(c) To pay for the costs of a driver's license

system as specified in section 60-4,119 and designated by the department. The costs shall be limited to such terminals, printers, software, programming, and other equipment or devices as deemed necessary by the department to support the issuance of such licenses in the counties.

Sec. 18. This act shall become operative on July 1, 1993.

Sec. 19. That original sections 60-311.12, 60-311.13, 60-315.01, and 60-505.02, Reissue Revised Statutes of Nebraska, 1943, and sections 39-669.16, 60-115, 60-302, 60-311.10, 60-311.11, 60-326.01, 60-4,100, 60-4,115, 60-4,126, 60-4,171, and 60-4,181, Revised Statutes Supplement, 1992, are repealed.

Sec. 20. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The eighth Standing Committee amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 29 ayes, 1 nay, 8 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 491A. Title read. Considered.

Mr. Moore offered the following amendment:
FA212
Strike Section 5 of 491A.

The Moore amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 27 ayes, 1 nay, 10 present and not voting, and 11 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Messrs. Chambers, Horgan, and Ms. Schimek asked unanimous consent to print the following amendment to LB 491 in the Journal. No objections. So ordered.

FA213
P. 9, line 24, strike "thirty-three" and insert "24" and strike "and 75 cents" in lines 24 & 25.
P. 10, line 1, strike "thirty-three" and insert "24"

Messrs. Horgan, Fisher, Lynch, Moore, Mmes. Crosby, Robak, and Ms. Day asked unanimous consent to print the following amendment to LB 292 in the Journal. No objections. So ordered.

AM2030

(Amendments to Final Reading copy)

1. On page 2, line 21, after the comma insert "or";
and strike beginning with line 22 through "compensation" in
line 26 and insert "seventy-three hundredths percent of his or
her final average compensation".

2. On page 4, strike lines 11 through 26 and insert
"seventy-three hundredths percent of his or her final average
compensation as one of the factors.".

VISITORS

Visitors to the Chamber were 60 fourth grade students and sponsors from Morris Elementary, Omaha; 30 fourth grade students and sponsor from Lincoln Elementary, Grand Island; 13 eighth grade students and sponsor from Assumption School, Omaha; and 50 fourth grade students and teachers from Arbor Park School, Blair.

ADJOURNMENT

At 8:59 p.m., on a motion by Mr. Moore, the Legislature adjourned until 9:00 a.m., Friday, May 14, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTY-SEVENTH DAY - MAY 14, 1993

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

SEVENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 14, 1993

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Fisher, Withem, Mmes. Hillman, and Rasmussen who were excused; and Messrs. Abboud, Avery, Bernard-Stevens, Beutler, Hall, Landis, Lindsay, Moore, Schellpeper, Mmes. Bohlke, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-sixth day was approved.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 348 in the Journal. No objections. So ordered.

AM1985

(Amendments to E & R amendments, AM5471)

1. On page 37, line 22, after the stricken "value" insert "the same percentage of the appraised value as the percentage of the assessed value is of market value in section 77-1360.01".

2. On page 38, line 8, after the period insert "The value calculation in this subsection shall be used by the Commissioner of Education for making distributions in the 1992-93 school year and every year thereafter.".

Mr. Withem asked unanimous consent to print the following amendment to LB 348 in the Journal. No objections. So ordered.

AM1989

(Amendments to E & R amendments, AM5471)

1. Strike sections 73, 74, 75, 76, and 80.
2. On page 86, strike line 15 and insert "81-501.01, 81-525, 81-528, and 81-529,"; in line 16 strike "81-538,"; and in line 19 strike "81-509,".
3. Renumber the remaining sections and correct internal references accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 348 in the Journal. No objections. So ordered.

AM1988

(Amendments to E & R amendments, AM5471)

1. On page 84, line 9, after "Any" insert "unobligated"; and in line 15 after "on" insert "or after".

Mr. Wesely asked unanimous consent to print the following amendment to LB 827 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2050.)

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of May 13, 1993. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Conway, Gerald A. - South Sioux City	Winnebago Tribe of Nebraska
O'Hara & Associates, Inc.	
O'Hara, Paul V. - Lincoln	Winnebago Tribe of Nebraska
Pappas, James E. - Lincoln	Immanuel Healthcare System, Inc.

UNANIMOUS CONSENT - Members Excused

Messrs. Coordsen, Kristensen, and Moore asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 22. Title read. Considered.

The Building Maintenance Committee withdrew their pending amendment, AM1838, found in the Journal on page 2028.

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

Mr. Warner moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Bernard-Stevens requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Ashford	Chambers	Horgan	Lindsay	Warner
Baack	Crosby	Hudkins	Moore	Wehrbein
Bernard-Stevens	Cudaback	Janssen	Preister	Wesely
	Day	Kristensen	Schimek	Wickersham
Beutler	Hartnett	Landis	Vrtiska	Will
Bromm	Hohenstein			

Voting in the negative, 12:

Abboud	Dierks	Pedersen	Robak	Schellpeper
Byars	Haberman	Pirsch	Robinson	Witek
Coordsen	Jones			

Present and not voting, 5:

Avery	Bohlke	Elmer	Lynch	McKenzie

Excused and not voting, 6:

Fisher	Hillman	Rasmussen	Schmitt	Withem
Hall				

Advanced to E & R for review with 26 ayes, 12 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. Kristensen and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

ANNOUNCEMENT

Mr. Moore announced the Appropriations Committee will hold an executive session at 9:00 a.m., Monday, May 17, 1993, in Room 1003.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 98 in the Journal. No objections. So ordered.

FA214
Amend committee amendments (AM1502)
In section 5, line 19, strike "fifty" and insert "ten"

RESOLUTIONS

LEGISLATIVE RESOLUTION 116. Introduced by Crosby, 29.

PURPOSE: The purpose of this resolution is to examine the state's current practice and policies for printing materials through the Department of Administrative Services print shop. The study shall include: (a) an examination of alternative printing options including contracting with the private sector for printing needs; and (b) a determination of policies which would be most cost-effective, have high quality print, and foster timely production of printed materials.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 117. Introduced by Dierks, 40; Bernard-Stevens, 42; Schellpeper, 18; Hohenstein, 17; Day, 19; Robak, 22; Baack, 47; Bohlke, 33.

PURPOSE: The purpose of this study is to examine problems involving child abuse and services for children and families at risk of abuse and neglect which are unique to rural Nebraska. The study shall examine issues and recommendations arising from the series of community meetings hosted by members of the Rural Children's Caucus and the Foster Care Review Board, particularly with regard to:

(a) Improving the reporting, investigation, and prosecution of child abuse cases in rural areas;

(b) Development and funding of services for abused children and at risk children and families tailored to the unique circumstances of rural Nebraska; and

(c) Lack of placement for foster children in rural areas.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 118. Introduced by Dierks, 40; Elmer, 38; Schellpeper, 18.

PURPOSE: With the passage of Legislative Bill 588, Ninety-third Legislature, First Session, 1993, Nebraska has assumed responsibility for pesticide regulation. However, the issue of requiring liability insurance and the filing of bonds by chemical applicators was removed from the bill pending further study. Legislative Bill 560, Ninety-third Legislature, First Session, 1993, which specifically addressed aerial applicators, is being held by the Agriculture Committee pending further study. Therefore, the purpose of this resolution is to:

Conduct an interim study to examine the issue of liability insurance and bonding for chemical applicators including the cost and availability of insurance and the breadth of coverage available.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 119. Introduced by Dierks, 40; Jones, 43; Schellpeper, 18; Hohenstein, 17.

PURPOSE: Because some poultry producers are not fully served by the federal poultry inspection program and have expressed an interest in establishing a state poultry inspection program, the purpose of this resolution is to:

a. Conduct an interim study of the need for a state poultry inspection program; and

b. Determine the advantages of establishing a state inspection program and explore possible sources of program funding.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

BILL ON FIRST READING

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

LEGISLATIVE BILL 816A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 816, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 595. Title read. Considered.

Standing Committee amendment, AM1672, found in the Journal on page 1713, was considered.

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

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Dierks and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

MR. HALL PRESIDING

Mr. Schmitt asked unanimous consent to be excused. No objections. So ordered.

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

Mr. Horgan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for review with 26 ayes, 5 nays, 9 present and not voting, and 9 excused and not voting.

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

MR. LINDSAY PRESIDING

LEGISLATIVE BILL 397. Title read. Considered.

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

Advanced to E & R for review with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 397A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

SPEAKER BAACK PRESIDING

LEGISLATIVE BILL 832. The pending first Standing Committee amendment, FA190, found in the Journal on page 2081, was renewed.

The first Standing Committee amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

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

The second Standing Committee amendment is as follows:
FA191
1. On page 2, line 9, strike "four" and insert "three";

Mr. Chambers offered the following amendment to the second Standing Committee amendment:
FA215
Amend Committee Amendments (AM1347)
line 2, strike "three" and insert "two".

Ms. Day and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment was adopted with 19 ayes, 0 nays, 19 present and not voting, and 11 excused and not voting.

The second Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Messrs. Kristensen and Bromm asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Messrs. Horgan and Ashford asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 832A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 815A. Introduced by Warner, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 815, Ninety-third Legislature, First Session, 1993; to reduce an appropriation; and to declare an emergency.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of Governor appointments.

Johnson, Allen - Coordinating Commission for Postsecondary Education -- Education

McGinley, Nancy J. - Nebraska Liquor Control Commission -- General Affairs

Vossler, Kent - Nebraska Dry Bean Commission -- Agriculture

Weyers, Mary C. - Nebraska Dry Bean Commission -- Agriculture

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 541 in the Journal. No objections. So ordered.

AM2042

(Amendments to Standing Committee amendments, AM1691)

"PURPOSE: To increase state aid for teacher salaries (HELP) by $8,000,000 in FY1993-94 and FY1994-95.

1. On page 15, strike line 17 and insert:
"GENERAL FUND 400,773,096 416,231,940"
strike line 21 and insert
"PROGRAM TOTAL 402,006,748 417,476,012"
in line 24 strike "$390,162,548" and insert "$398,162,548"; and in line 27 strike "$405,610,202" and insert "$413,610,202".

2. On page 17, lines 9 and 12, strike "$6,895,000" and insert "$14,895,000".

3. On page 166, strike line 15 and insert
"GENERAL FUND 516,152,531 542,694,204"
and strike line 19 and insert
"AGENCY TOTAL 645,940,951 677,424,028".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 413 in the Journal. No objections. So ordered.

AM2027

1. Insert the following new section:

"Section 1. That section 39-6,177, Revised Statutes Supplement, 1992, as amended by section 35, Legislative Bill 575, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

39-6,177. (1) No vehicle which exceeds a total outside width of one hundred two inches, including any load but excluding designated safety devices, shall be permitted on any portion of the National System of Interstate and Defense Highways. The Director-State Engineer shall adopt and promulgate rules and regulations, consistent with federal requirements, designating safety devices which shall be excluded in determining vehicle width.

(2) No vehicle which exceeds a total outside width of one hundred two inches, including any load but excluding designated safety devices, shall be permitted on any highway

which is not a portion of the National System of Interstate and Defense Highways, except that such prohibition shall not apply to:

(a) Farm equipment in temporary movement during daylight hours or during hours of darkness when the clearance light requirements of section 39-6,127 are fully complied with, in the normal course of farm operations;

(b) Combines eighteen feet or less in width, while in the normal course of farm operations and while being driven during daylight hours or during hours of darkness when the clearance light requirements of section 39-6,127 are fully complied with;

(c) Combines in excess of eighteen feet in width, while in the normal course of farm operations, while being driven during daylight hours for distances of twenty-five miles or less on highways, and while preceded by a well-lighted pilot vehicle or flagperson, except that such combines may be driven on highways while in the normal course of farm operations for distances of twenty-five miles or less and while preceded by a well-lighted pilot vehicle or flagperson during hours of darkness when the clearance light requirements of section 39-6,127 are fully complied with;

(d) Combines and vehicles used in transporting combines, and only when transporting combines, to be engaged in harvesting, while being transported into or through the state during daylight hours, when the total width including the width of the combine being transported does not exceed fifteen feet, except that vehicles used in transporting combines may, when necessary to the harvesting operation, travel unloaded for distances not to exceed twenty-five miles, while the combine to be transported is engaged in a harvesting operation;

(e) Farm equipment dealers hauling, driving, delivering, or picking up farm equipment, including portable livestock buildings not exceeding fourteen ~~fifteen~~ feet in width, or implements of husbandry during daylight hours; ~~and not in inclement weather;~~

(f) Alfalfa harvesting machinery in temporary movement during daylight hours and hours of darkness when (i) the clearance light requirements of section 39-6,127 are fully complied with, (ii) there is, on the front vehicle and above the line of the regular lights of such vehicle, a flashing, amber-colored light at least four inches in diameter and clearly visible to traffic approaching from any direction, and (iii) there is a well-lighted pilot vehicle or flagperson at least three hundred feet in advance of such vehicles to give warning of the approach of overwidth equipment, and such prohibition shall not apply to equipment of thirteen feet or less in width to be used in highway or other public

construction or in agricultural land treatment in temporary movement during daylight hours on roads other than dustless-surfaced state highways and for necessary access to points on such highways;

(g) Livestock forage vehicles loaded or unloaded that comply with subsection (2) of section 39-6,100;

(h) During daylight hours only, vehicles en route to pick up, delivering, or returning unloaded from delivery of baled livestock forage which, including the load if any, may be twelve feet in width;

(i) Mobile homes or prefabricated livestock buildings not exceeding sixteen feet in width and with an outside tire width dimension not exceeding one hundred twenty inches moving during daylight hours;

(j) A rubber-tired crane with a fixed load when (i) such vehicle will be transported on a state highway, excluding any portion of the National System of Interstate and Defense Highways, on a city street, or on a road within the corporate limits of a city, (ii) the city in which the crane is intended to be transported has authorized a one-day permit for the transportation of the crane, specifying the route to be used and the hours during which the crane can be transported, except that no permit shall be issued by a city for travel on a state highway containing a bridge or structure which is structurally inadequate to carry the crane as determined by the Department of Roads, (iii) such vehicle will be escorted by another vehicle or vehicles assigned by the city, (iv) such vehicle's gross weight does not exceed eighty-five thousand pounds, if a four-axle crane, or sixty-seven thousand pounds, if a three-axle crane, and (v) if a four-axle crane, the maximum weight on each set of tandem axles does not exceed forty-two thousand five hundred pounds, or if a three-axle crane, the maximum weight on the front axle does not exceed twenty-five thousand pounds and the total maximum weight on the rear tandem axles does not exceed forty-two thousand five hundred pounds; or

(k) Vehicles which have been issued a permit pursuant to section 39-6,181.01.

(3) The Director-State Engineer, with respect to highways under his or her jurisdiction, may designate certain highways upon which vehicles of no more than ninety-six inches in width may be permitted to travel. Highways so designated shall be limited to one or more of the following: (a) Highways with traffic lanes of ten feet or less; (b) highways upon which are located narrow bridges; and (c) highways which because of sight distance, surfacing, unusual curves, topographic conditions, or other unusual circumstances would not in the opinion of the Director-State Engineer safely accommodate vehicles of more than ninety-six inches in

width.".

2. On page 5, line 15, strike "and"; and in line 16 after the last comma insert "and section 39-6,177, Revised Statutes Supplement, 1992, as amended by section 35, Legislative Bill 575, Ninety-third Legislature, First Session, 1993.".

3. Renumber the remaining sections accordingly.

Messrs. Hohenstein and Landis asked unanimous consent to print the following amendment to LB 124 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2010.)

Mr. Hartnett asked unanimous consent to print the following amendment to LB 536 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM1315.)

Mr. Chambers asked unanimous consent to print the following amendment to LB 832 in the Journal. No objections. So ordered.

AM2032

1. Insert the following new sections:

"Sec. 4. That section 24-703, Revised Statutes Supplement, 1992, be amended to read as follows:

24-703. (1) Each original member shall contribute monthly four percent of his or her monthly compensation to the fund. ~~until the maximum benefit as limited in subsection (1) of section 24-710 has been earned.~~ It shall be the duty of the Director of Administrative Services in accordance with subsection (10) of this section to make a deduction of four percent on the monthly payroll of each original member who is a judge of the Supreme Court, a judge of the Court of Appeals, a judge of the district court, a judge of a separate juvenile court, a judge of the county court, a clerk magistrate of the county court who was an associate county judge and a member of the fund at the time of his or her appointment as a clerk magistrate, or a judge of the Nebraska Workers' Compensation Court showing the amount to be deducted and its credit to the fund. The Director of Administrative Services and the State Treasurer shall credit the four percent as shown on the payroll ~~and the amounts received from the various counties to the fund~~ and remit the same to the director in charge of the judges retirement system who shall keep an accurate record of the contributions of each judge.

(2) Each future member shall contribute monthly six percent of his or her monthly compensation to the fund. ~~until~~

~~the maximum benefit as limited in subsection (2) of section 24-710 has been earned. Any time the maximum benefit is changed, a future member who has previously earned the maximum benefit as it existed prior to the change shall contribute monthly six percent of his or her monthly compensation to the fund until the maximum benefit as changed and as limited in subsection (2) of section 24-710 has been earned.~~ It shall be the duty of the Director of Administrative Services to make a deduction of six percent on the monthly payroll of each such future member who is a judge of the Supreme Court, a judge of the Court of Appeals, a judge of the district court, a judge of a separate juvenile court, a judge of the county court, a clerk magistrate of the county court who was an associate county judge and a member of the fund at the time of his or her appointment as a clerk magistrate, or a judge of the Nebraska Workers' Compensation Court showing the amount to be deducted and its credit to the fund. This shall be done each month. The Director of Administrative Services and the State Treasurer shall credit the six percent as shown on the payroll ~~and the amounts received from the various counties to the fund~~ and remit the same to the director in charge of the judges retirement system who shall keep an accurate record of the contributions of each judge.

(3) The State Treasurer shall transfer from the General Fund each month an amount equal to the total member contributions for the month and credit such amount to the fund. ~~A Nebraska Retirement Fund for Judges fee of one dollar shall be taxed as costs in each civil cause of action, criminal cause of action, traffic misdemeanor or infraction, and city or village ordinance violation filed in the district courts and the county courts. In county courts a sum shall be charged which is equal to ten percent of each fee provided by sections 33-125, 33-126.02, 33-126.03, and 33-126.06. No judges retirement fee shall be charged for filing a report pursuant to sections 33-126.02 and 33-126.06. When collected by the clerk of the district or county court, such fees shall be paid to the director in charge of the judges retirement system on forms prescribed by the board by the clerk within ten days after the close of each calendar quarter. Such director shall promptly thereafter remit the same to the state treasury. Upon the receipt thereof, the State Treasurer shall credit the same to the fund. No Nebraska Retirement Fund for Judges fee which is uncollectible for any reason shall be waived by a county judge as provided in section 29-2709.~~

(4) All expenditures from the fund shall be authorized by voucher in the manner prescribed in section 24-713. The fund shall be used for the payment of all annuities and other benefits and for the expenses of

administration.

(5) The fund shall consist of the total fund as of December 25, 1969, the contributions of members and state matching contributions as provided in this section~~, all supplementary court fees as provided in subsection (3) of this section,~~ and any other required contributions of the state.

(6) Not later than January 1 of each year, the State Treasurer shall transfer to the fund the amount certified by the board as being necessary to pay the cost of any benefits accrued during the fiscal year ending the previous June 30 in excess of member and state matching contributions for that fiscal year and ~~court fees as provided in subsection (3) of this section, if any, for that fiscal year plus~~ any required contributions of the state as provided in subsection (9) of this section.

(7) Benefits under the retirement system to members or to their beneficiaries shall be paid from the fund.

(8) Any member who is making contributions to the fund on December 25, 1969, may, on or before June 30, 1970, elect to become a future member by delivering written notice of such election to the board.

(9) Not later than January 1 of each year, the State Treasurer shall transfer to the fund an amount, determined on the basis of an actuarial valuation as of the previous June 30 and certified by the board, to fully fund the unfunded accrued liabilities of the retirement system as of June 30, 1988, by level payments up to January 1, 2000. Such valuation shall be on the basis of actuarial assumptions recommended by the actuary, approved by the board, and kept on file with the board. Any change in the unfunded accrued liabilities due to benefit or assumption changes shall be fully funded over the average expected future service of the active members of the retirement system or by the first day of the twenty-sixth calendar year after the date of the actuarial valuation which first recognized these changes, whichever occurs first. The change in the unfunded accrued liabilities shall be funded by level annual payments which shall be made over the lesser of twenty-five years or the average expected future service of the active members of the retirement system. If the unfunded accrued liability for the retirement system, determined under the entry age actuarial cost method, is zero or less than zero on any actuarial valuation date, then all prior unfunded accrued liability amounts shall be considered fully funded. Effective July 1, 1988, actuarial gains and losses shall be amortized over the expected future service of the active members as part of the annual normal cost.

(10) The state or county shall pick up the member contributions required by this section for all compensation paid on or after January 1, 1985, and the contributions so

picked up shall be treated as employer contributions in determining federal tax treatment under the Internal Revenue Code, except that the state or county shall continue to withhold federal income taxes based upon these contributions until the Internal Revenue Service or the federal courts rule that, pursuant to section 414(h) of the Internal Revenue Code, these contributions shall not be included as gross income of the member until such time as they are distributed or made available. The state or county shall pay these member contributions from the same source of funds which is used in paying earnings to the member. The state or county shall pick up these contributions by a compensation deduction either through a reduction in the compensation of the member or a combination of a reduction in compensation and offset against a future compensation increase. Member contributions picked up shall be treated for all purposes of sections 24-701 to 24-714 and section 5 of this act in the same manner and to the extent as member contributions made prior to the date picked up.

Sec. 5. For any future member who joins the retirement system established under sections 24-701 to 24-714 and section 5 of this act on or after the operative date of this section who prior to becoming eligible to retire separates from state service as a judge for reasons other than death or disability and has completed less than five years of service shall receive his or her payments which have been made by compensation deductions into the fund plus regular interest earned but shall not be entitled to a retirement annuity as established in section 24-710.

Sec. 7. That original section 24-703, Revised Statutes Supplement, 1992, is repealed.".

2. On page 2, line 22, strike "This" and insert "Sections 1 to 3 of this" and after the period insert "Sections 4, 5, and 7 of this act shall become operative on January 1, 1994. The other sections of this act shall become operative on their effective date.".

3. Underscore original sections 1 to 3.

4. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 841. Title read. Considered.

Standing Committee amendment, AM2019, found in the Journal on page 2087, was considered.

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

MRS. CROSBY PRESIDING

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

Mr. Coordsen asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment lost with 8 ayes, 13 nays, 11 present and not voting, and 17 excused and not voting.

SPEAKER BAACK PRESIDING

Mr. Moore moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

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

LEGISLATIVE BILL 842. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 220. E & R amendment, AM5472, found in the Journal on page 1688, was adopted.

Mr. Will withdrew his pending amendments, AM1522 and AM1781, found in the Journal on pages 1756 and 1823.

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

Mr. Landis renewed his pending amendment, AM1806, found in the Journal on page 1878.

Mr. Hall asked unanimous consent to be excused. No objections. So ordered.

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

Mr. Landis moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

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

The Chair declared the call raised.

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

Mr. Hohenstein requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 25 ayes, 2 nays, 8 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 420. E & R amendment, AM5489, printed separately from the Journal and referred to on page 1974, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 724. E & R amendment, AM5483, found in the Journal on page 1731, was adopted.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

Messrs. Byars and Dierks asked unanimous consent to print the following amendment to LB 827 in the Journal. No objections. So ordered.

AM2077

(Amendments to Standing Committee amendments, AM1926)

1. On page 9, strike lines 1 through 10.
2. On page 10, strike beginning with "The" in line 18 through line 21.

VISITORS

Visitors to the Chamber were Mary Beth Stalp from Beemer; Scott McMasters; 45 fifth and sixth grade students and sponsor from Medicine Valley Elementary, Curtis; 26 seventh and eighth grade students and sponsors from Silver Creek; 40 eighth grade students and sponsors from Marrs Junior High School, Omaha; and 14 fourth grade students and sponsor from Beaver City Elementary.

ADJOURNMENT

At 1:34 p.m., on a motion by Ms. Day, the Legislature adjourned until 9:00 a.m., Monday, May 17, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTY-EIGHTH DAY - MAY 17, 1993

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

SEVENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 17, 1993

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

PRAYER

The prayer was offered by Pastor C. Vanderstoep, Retired Lutheran Minister, Arlington, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Pedersen and Mrs. Rasmussen who were excused; and Messrs. Abboud, Avery, Bernard-Stevens, Beutler, Fisher, Hohenstein, Kristensen, Lindsay, Lynch, Moore, Warner, Wehrbein, Mmes. Bohlke, Crosby, Hillman, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-seventh day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 583 and 583A.

Enrollment and Review Change to LB 583

The following changes, required to be reported for publication in the Journal, have been made:
ER7274
1. On page 1, line 4, "44-1640," has been inserted after the fifth comma.

(Signed) Kurt Hohenstein, Chairperson

REPORT

Received a statement of deposits from the Department of Roads to the Highway Cash fund and Roads Operation Cash fund for April 1993 in compliance with section 66-4,144, R.S. Supp. 1991.

GENERAL FILE

LEGISLATIVE BILL 827. Title read. Considered.

Standing Committee amendment, AM1926, printed separately from the Journal and referred to on page 2055, was considered.

Messrs. Byars and Dierks renewed their pending amendment, AM2077, found in the Journal on page 2148, to the Standing Committee amendment.

Mr. Wesely requested a division of the question on the Byars-Dierks amendment to the Standing Committee amendment.

The Chair sustained the division of the question.

The first Byars-Dierks amendment, to the Standing Committee amendment, is as follows:
FA216
(Amendments to Standing Committee amendments, AM1926)
1 1. On page 9, strike lines 1 through 10.

Messrs. Byars and Dierks withdrew their first amendment.

Mr. Byars offered the following amendment to the Standing Committee amendment:
FA218
Amend AM1926
On page 9, line 4 after "issued" insert: "in counties with a city of the metropolitan and primary class."

The Byars amendment was adopted with 18 ayes, 3 nays, 14 present and not voting, and 14 excused and not voting.

The second Byars-Dierks amendment, to the Standing Committee amendment, is as follows:
FA217
(Amendments to Standing Committee amendments, AM1926)
2. On page 10, strike beginning with "The" in line 18 through line 21.

The second Byars-Dierks amendment was adopted with 21 ayes, 0 nays, 14 present and not voting, and 14 excused and not voting.

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

Mr. Haberman requested a record vote on the Standing Committee amendment, as amended.

Voting in the affirmative, 26:

Baack	Day	Hartnett	McKenzie	Schmitt
Bohlke	Dierks	Horgan	Pirsch	Wesely
Bromm	Elmer	Hudkins	Robak	Wickersham
Byars	Fisher	Janssen	Schellpeper	Will
Chambers	Hall	Landis	Schimek	Witek
Cudaback				

Voting in the negative, 0.

Present and not voting, 8:

Ashford	Coordsen	Jones	Robinson	Withem
Beutler	Haberman	Preister		

Excused and not voting, 15:

Abboud	Crosby	Kristensen	Moore	Vrtiska
Avery	Hillman	Lindsay	Pedersen	Warner
Bernard-Stevens	Hohenstein	Lynch	Rasmussen	Wehrbein

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

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

Mr. Wesely moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Wesely requested a record vote on the advancement of the bill.

Voting in the affirmative, 15:

Beutler	Hall	Horgan	Lynch	Wesely
Chambers	Hartnett	Landis	Preister	Will
Day	Hillman	Lindsay	Schimek	Withem

Voting in the negative, 24:

Avery	Bromm	Elmer	Jones	Robinson
Baack	Byars	Fisher	Kristensen	Schellpeper
Bernard-Stevens	Coordsen	Haberman	McKenzie	Schmitt
	Crosby	Hudkins	Pirsch	Wickersham
Bohlke	Cudaback	Janssen	Robak	Witek

Present and not voting, 4:

Ashford	Dierks	Hohenstein	Wehrbein

Excused and not voting, 6:

Abboud	Pedersen	Rasmussen	Vrtiska	Warner
Moore				

Failed to advance to E & R for review with 15 ayes, 24 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 510 and 563.

Enrollment and Review Change to LB 563

The following changes, required to be reported for publication in the Journal, have been made:
ER7269

1. In the Withem amendment, AM1537:

a. Section 18 has been renumbered as section 24 and the remaining sections renumbered accordingly; and

b. Amendments 2 and 3 have been struck.

2. In the Schellpeper amendment, AM1217, on page 1, line 3, "25" has been struck and "26" inserted; and in line 9 "is" has been struck and "and section 9-812, Revised Statutes Supplement, 1992, as amended by section 28, Legislative Bill 138, Ninety-third Legislature, First Session, 1993, are" inserted.

3. In the Schellpeper amendment, AM1061, on page 8, line 6, "or" has been struck.

4. In the E & R amendments, AM5428:

a. On page 31, the matter beginning with "9-623" in line 10 through line 11 has been struck and "9-621, 9-623, 9-630 to 9-632,

9-636, 9-639, 9-642 to 9-643, 9-646, 9-648, 9-650, 9-652, and 9-653," inserted; in line 12 "and" has been struck; in line 16 ", and section 9-812, Revised Statutes Supplement, 1992, as amended by section 28, Legislative Bill 138, Ninety-third Legislature, First Session, 1993" has been inserted after "1993"; in line 24 "to eliminate provisions relating to the construction of tickets;" has been inserted after the semicolon; and in line 26 "and change record-keeping requirements" has been inserted after "proceeds"; and

b. On page 32, line 1, "and provisions relating to the use of the Education Innovation Fund" has been inserted after "tickets"; in line 2 "and" has been struck and "to provide operative dates;" inserted; and in line 3 "; and to declare an emergency" has been inserted after "sections".

(Signed) Kurt Hohenstein, Chairperson

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

Governor Appointments Thursday, June 3, 1993 1:30 p.m.
David Simmons - NE Research and Development Authority
Marilyn Michel - NE Investment Council
DiAnn Peterson - NE Investment Council

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wickersham asked unanimous consent to print the following amendment to LB 302 in the Journal. No objections. So ordered.

AM2063

1. In the Standing Committee amendments, AM1501:
a. Insert the following new section:
"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."; and
b. On page 3, line 20, strike "and" and insert "or".

Mr. Will asked unanimous consent to print the following amendment to LB 220 in the Journal. No objections. So ordered.

AM2069

(Amendments to Standing Committee amendments, AM0756)

1. Insert the following new sections:
"Section 1. That section 13-504, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
13-504. (1) Each governing body shall prepare in

writing and file with its secretary or clerk, in the year of its organization and each year thereafter, not later than the first day of August of each year on forms prescribed and furnished by the auditor following consultation with representatives of such governing bodies or as otherwise authorized by state law, a proposed budget statement containing the following information, except as provided by state law:

(a) For the immediate two prior fiscal years, the revenue from all sources, other than revenue received from taxation, allocated to each of the several funds and separately stated as to each such source, and for each fund: The unencumbered cash balance of such fund at the beginning and end of the year; the amount received by taxation allocated to each fund; and the amount of actual expenditure for each fund;

(b) For the current fiscal year, actual and estimated revenue from all sources, allocated to each of the several funds and separately stated as to each such source, and for each fund: The actual unencumbered cash balance available for such fund at the beginning of the year; the amount received from taxation allocated to each fund; and the amount of actual and estimated expenditure, whichever is applicable. Such statement shall contain the cash reserve for each such fund for each fiscal year and shall note whether or not such reserve is encumbered. Such cash reserve projections shall be based upon the actual experience of prior years. The cash reserve shall not exceed fifty percent of the total budget adopted for such fund exclusive of capital outlay items;

(c) For the immediately ensuing fiscal year, an estimate of revenue from all sources, other than revenue to be received from taxation, separately stated as to each such source, to be allocated to each of the several funds, and for each fund: The ~~the~~ actual or estimated unencumbered cash balances, whichever is applicable, to be available at the beginning of the year; the ; amounts proposed to be expended during the year; and ~~plus~~ the amount of cash reserve, based on actual experience of prior years, which cash reserve shall not exceed fifty percent of the total budget adopted exclusive of capital outlay items; and

(d) A uniform summary of the proposed budget statement which shall include a separate total for each fund and a grand total of all funds maintained by the governing body.

(2) Any governing body required by a final order of a court, the State Board of Equalization, or the Tax Commissioner from which no appeal is taken to reimburse property taxes to a taxpayer may make and deliver to the

county clerk of the county in which any part of the political subdivision is situated, not later than August 25, an itemized estimate of the amount necessary to be expended to reimburse the property taxes. The taxes shall be collected by the county treasurer at the same time and in the same manner as county taxes are collected and, when collected, shall be paid to the treasurer of the political subdivision and used to cover the reimbursement of the property taxes.

Any governing body which submits an itemized estimate shall establish a property tax reimbursement fund. Taxes collected pursuant to this section shall be credited to such fund to cover the reimbursement of the property taxes.

The authority conferred by this section shall apply only to reimbursements made during fiscal years 1993-94 through 1999-2000.

(3) ~~(2)~~ The actual or estimated unencumbered cash balance of each fund required to be included in the budget statement by this section shall include deposits and investments of the political subdivision as well as any funds held by the county treasurer for the political subdivision and shall be accurately stated on the proposed budget statement.

(4) ~~(3)~~ The political subdivision shall correct any material errors in the budget statement detected by the Auditor of Public Accounts or by other sources.

Sec. 2. That section 13-505, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

13-505. The estimated expenditures plus the required cash reserve for the ensuing fiscal year less all estimated and actual unencumbered balances at the beginning of the year and less the estimated income from all sources other than taxation and the estimated amount for reimbursements of property tax pursuant to subsection (2) of section 13-504 shall equal the amount to be received from taxes, and such amount shall be shown on the proposed budget statement and the itemized estimate for reimbursement of property taxes filed pursuant to section 13-504. The amount to be raised from taxation, as determined above, plus the estimated revenue from sources other than taxation and the unencumbered balances shall equal the estimated expenditures, plus the necessary required cash reserve, for the ensuing year.

Sec. 3. That section 13-506, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

13-506. Each governing body, after the filing of the proposed budget statement with its secretary or clerk, shall each year conduct a public hearing on such proposed budget statement and the itemized estimate for reimbursement of property taxes pursuant to subsection (2) of section 13-504. Notice of place and time of such hearing, together with a summary of the proposed budget statement and the

itemized estimate for reimbursement of property taxes pursuant to subsection (2) of section 13-504, shall be published at least five days prior to the date set for hearing, in a newspaper of general circulation within the governing body's jurisdiction or by direct mailing of the notice to each resident within the community. When ~~; PROVIDED, that when~~ the total operating budget, including the amount necessary for reimbursement of property taxes, not including reserves, does not exceed ten thousand dollars per year, the proposed budget summary may be posted at the governing body's principal headquarters. After such hearing, the proposed budget statement, including the amount necessary for reimbursement of property taxes shall be adopted, or amended and adopted as amended, and a written record shall be kept of such hearing. The amount to be received from taxation shall be certified to the levying board after the proposed budget statement, including the amount necessary for reimbursement of property taxes is adopted, or is amended and adopted as amended, and if the levying board shall represent more than one county, a member or a representative of the governing board shall appear and present its budget at the hearing of each county in which is located a major area of the county affected by its budget. If the adopted budget statement, including the amount necessary for reimbursement of property taxes reflects a change from that shown in the published proposed budget statement, a summary of such changes shall be published within twenty days after its adoption in the manner provided in this section, but without provision for hearing, setting forth the items changed and the reasons for such changes.

Sec. 4. That section 13-508, Revised Statutes Supplement, 1992, be amended to read as follows:

13-508. After publication and hearing thereon and within the time prescribed by law, each governing body shall file with and certify to the levying board on or before September 1 for 1992 and on or before August 25 for all other years and file with the auditor a copy of the adopted statement of the amount for reimbursement of property taxes pursuant to subsection (2) of section 13-504 and the adopted budget statement which complies with sections 77-3438 to 77-3440 or 79-3814 to 79-3821, together with the amount of the tax to be levied. Proof of publication shall be attached to the ~~statement~~ statements. The governing body shall certify the amount of tax to be levied by the levying board, which levy shall not exceed the maximum levy prescribed by state law. The governing body, in certifying the amount to be so levied, may make allowance for delinquent taxes not exceeding five percent of the amount to be levied plus the actual percentage of delinquent taxes for the preceding tax year and for the amount of estimated tax loss from any pending or

anticipated litigation which involves taxation and in which tax collections have been or can be withheld or escrowed by court order. For purposes of this section, anticipated litigation shall be limited to the anticipation of an action being filed by a taxpayer who or which filed a similar action for the preceding year which is still pending. Except for such allowances, a governing body shall not certify, nor a levying board levy, an amount of tax greater than the amount determined under section 13-505. Each governing body empowered to levy or certify a levy shall use the final adjusted values as provided by the county assessor pursuant to section 13-509 for the current year in setting or certifying the levy. Each governing body may designate one of its members to perform any duty or responsibility required of such body by this section.

Sec. 8. That section 79-3819, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3819. (1) A district may exceed its applicable allowable growth rate by a specific dollar amount in the situations described in this section.

(2) A district demonstrates to the satisfaction of the state board that a new program is required by state or federal law or an existing program mandated by state or federal law has been expanded as a result of changes in state or federal law. For purposes of this subsection, a final order of a court, the State Board of Equalization, or the Tax Commissioner from which no appeal is taken which requires reimbursement by a district of property taxes to a taxpayer shall be considered a new program required by state or federal law but shall not be included as part of the general fund budget of expenditures for purposes of section 79-3814.

(3) The district projects an increase in formula students in the district over the current school year greater than twenty-five students or greater than those listed in the schedule provided in this subsection, whichever is less. Districts shall project increases in formula students on forms prescribed by the department. The state board shall approve, deny, or modify the projected increases.

Average daily membership of district	Projected increase of formula student by percentage
0 - 50	10
50.01 - 250	5
250.01 - 1,000	3
1,000.01 and over	1

The department shall compute the district's estimated allowable budget per pupil using the budgeted general fund expenditures found on the budget statement for the current school year divided by the number of formula

students in the current school year and multiplied by the district's applicable allowable growth rate. The resulting allowable budget per pupil shall be multiplied by the projected formula students to arrive at the estimated budget needs for the ensuing year. The department shall allow the district to increase its general fund budget of expenditures for the ensuing school year by the amount necessary to fund the estimated budget needs of the district as computed pursuant to this subsection. On or before July 1 of each year, the department shall make needed revisions in the applicable allowable growth rate of districts which have been allowed additional growth pursuant to this subsection to reflect the actual formula students of such district and shall certify such revisions to each district.

(4) Construction, expansion, or alteration of district buildings will cause an increase in building operation and maintenance costs of at least five percent. The department shall document the projected increase in building operation and maintenance costs and may allow a district to exceed its applicable allowable growth percentage by the amount necessary to fund such increased costs. The department shall compute the actual increased costs for the school year and shall, if needed, modify the district's applicable allowable growth rate for the ensuing school year.

(5) A district demonstrates to the satisfaction of the state board that as a result of an order entered into by the Commission of Industrial Relations pursuant to section 48-818 establishing rates of pay, benefits, and other terms and conditions of employment, the district will exceed its applicable allowable growth rate. The department shall compute the amount by which the increase in employee costs exceeds the district's applicable allowable growth rate and shall allow the district to increase its general fund budget of expenditures by such amount.

(6) A district demonstrates to the satisfaction of the state board that it will exceed its applicable allowable growth rate as a result of a contested, but settled, contract dispute, claim, or breach or uninsured risk or as a result of any final judgment of any court of competent jurisdiction, requiring or obligating the district to pay such judgment. The department shall compute the amount by which the increased cost of the settlement or judgment exceeds the district's applicable allowable growth rate and shall allow the district to increase its general fund budget of expenditures by such amount.".

2. On page 4, line 2, after "court" insert ", the State Board of Equalization, or the Tax Commissioner".

3. On page 7, line 8, after "sections" insert "13-504 to 13-506, Reissue Revised Statutes of Nebraska, 1943,

and sections 13-508,"; and in line 9 strike "and" and after the first comma insert "and 79-3819,".

4. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 717. Mr. Chambers renewed his pending amendment, AM1816, found in the Journal on page 1901.

Messrs. Landis, Wesely, Horgan, and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Chambers amendment was adopted with 25 ayes, 2 nays, 14 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Ashford renewed his pending amendment, AM2055, found in the Journal on page 2124.

SPEAKER BAACK PRESIDING

Messrs. Bernard-Stevens, Elmer, Haberman, Jones, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

The Ashford amendment was adopted with 26 ayes, 7 nays, 9 present and not voting, and 7 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Abboud asked unanimous consent to print the following amendment to LB 365 in the Journal. No objections. So ordered.

AM2083

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 2. That section 9-629, Reissue Revised Statutes of Nebraska, 1943, as amended by section 16, Legislative Bill 138, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

9-629. (1) ~~Except as provided in section 9-629.02,~~ ~~the~~ The gross proceeds of any lottery conducted by a county, city, or village shall be used solely for community betterment

purposes, awarding of prizes, taxes, and expenses.

(2) Not less than sixty-five percent of the gross proceeds shall be used for the awarding of prizes, except that for purposes of conducting a lottery authorized by subdivision (1)(c)(ii) of section 9-607, not less than sixty-five percent of the gross proceeds during an annual period from July 1 to June 30 of each year shall be used for the awarding of prizes.

(3) Not more than fourteen percent of the gross proceeds shall be used to pay the expenses of operating the lottery, except that license fees paid to the department and audit or legal expenses incurred by the county, city, or village which relate directly to the conduct of operating such lottery shall not be included in determining the fourteen-percent limitation on expenses.".

2. On page 1, line 2, after "1943" insert ", and section 9-629, Reissue Revised Statutes of Nebraska, 1943, as amended by section 16, Legislative Bill 138, Ninety-third Legislature, First Session, 1993"; in line 3 after the semicolon insert "to eliminate the Thoroughbred Racing Assistance Fund; to harmonize provisions;"; and in line 4 strike "section" and insert "sections, and also section 9-629.02, Reissue Revised Statutes of Nebraska, 1943".

3. On page 3, line 20, strike "is" and insert "and section 9-629, Reissue Revised Statutes of Nebraska, 1943, as amended by section 16, Legislative Bill 138, Ninety-third Legislature, First Session, 1993, are".

4. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING
Education

Governor Appointment Monday, May 24, 1993 1:15 p.m.
Coordinating Commission for Postsecondary Education
Allen Johnson

(Signed) Ron Withem, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 120. Introduced by Chambers, 11.

PURPOSE: Legislative Resolution 8CA, Ninety-third Legislature, First Session, 1993, proposes a constitutional amendment which would authorize members of the Legislature to participate in employee benefit programs that are available to other state officials. The Retirement Systems Committee is currently conducting a comprehensive study to evaluate replacement income needs and to determine appropriate contribution rates, vesting requirements, system costs, and benefit levels for retirement plans for other state officials and public employees. This

resolution would authorize the Retirement Systems Committee to study the results of allowing legislators to participate in either an existing or separate retirement plan if such constitutional amendment is enacted.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 121. Introduced by Preister, 5; Avery, 3; Bohlke, 33; Schimek, 27; Chambers, 11; Lindsay, 9; Hohenstein, 17; Withem, 14; Kristensen, 37; Hillman, 48.

PURPOSE: The purpose of this resolution is to examine the computer hardware and software needs of the Legislature which information shall be used for planning and developing an Information Technology Strategic Plan for the Legislative Council.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee be composed of the senators introducing this resolution, the Chair of the Executive Board, and the Speaker of the Legislature. Computer staff assistance shall be provided by the Director of Research of the Legislature and any other legislative staff shall be provided as required.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 122. Introduced by Hillman, 48; Wickersham, 49.

PURPOSE: To review and develop policies on the issuing or granting of permits, registration, commercial exploitation, collection, and preservation of paleontological resources (fossils) on state controlled lands and to identify procedures and guidance for communication, cooperation, and research about issues of common concern in the management of such paleontological resources.

The study should address the following specific issues:

1. A review of current state and federal laws on the regulation and oversight of fossil collection and preservation; and

2. The identification of interested parties and the development of potential agreements, legislation, and administrative rules for the cooperative management of paleontological resources in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 53 sixth grade students and sponsor from Everett Elementary, Lincoln; 80 fourth grade students and sponsors from J. Sterling Morton, Omaha; 21 fourth grade students and sponsor from Southeast Nebraska Consolidated, Stella; Joel Jelken from Fremont; members of Up and Coming Extension Club, Scribner; Senator Bromm's wife, Vicki, and members of the Live - Learn Extension Club from Wahoo; and 21 eighth grade students and teacher from Axtell.

RECESS

At 12:10 p.m., on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Mr. Pedersen and Mrs. Rasmussen who were excused; and Messrs. Abboud, Ashford, Avery, Bernard-Stevens, Dierks, Hohenstein, Landis, Lindsay, Lynch, Moore, Warner, Wehrbein, Mmes. Crosby, and Hillman who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 413. E & R amendment, AM5368, found in the Journal on page 645, was adopted.

Mr. Kristensen renewed his pending amendment, AM1749, found in the Journal on page 1789.

The Kristensen amendment was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Mr. Kristensen renewed his pending amendment, AM1912, found in the Journal on page 2024.

The Kristensen amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Mr. Kristensen renewed his pending amendment, AM2027, found in the Journal on page 2140.

The Kristensen amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 237. E & R amendment, AM5502, printed separately from the Journal and referred to on page 2009, was adopted.

Advanced to E & R for engrossment.

MR. COORDSEN PRESIDING

LEGISLATIVE BILL 239. E & R amendment, AM5505, printed separately from the Journal and referred to on page 2010, was adopted.

Advanced to E & R for engrossment.

SPEAKER BAACK PRESIDING

LEGISLATIVE BILL 310. E & R amendment, AM5497, found in the Journal on page 2010, was adopted.

Mr. Beutler asked unanimous consent to pass over LB 310. No objections. So ordered.

LEGISLATIVE BILL 516. E & R amendment, AM5499, found in the Journal on page 2010, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 739. The Bernard-Stevens pending motion, found in the Journal on page 2023, to indefinitely postpone, was withdrawn.

Mr. Beutler moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Haberman requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 28 ayes, 13 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 697. E & R amendment, AM5481, found in the Journal on page 1732, was adopted.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Schimek withdrew her pending amendment, AM1708, found in the Journal on page 1877.

Ms. Schimek renewed her pending amendment, AM1959, found in the Journal on page 2046.

The Schimek amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Ms. Schimek renewed her pending amendment, AM1795, found in the Journal on page 1877.

The Schimek amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Ms. Schimek renewed her pending amendment, AM1794, found in the Journal on page 1878.

Mrs. Robak withdrew her pending amendment, AM1861, found in the Journal on page 1946, to the Schimek pending amendment.

The Schimek amendment was adopted with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

Mr. Lynch withdrew his pending amendment, AM1527, found in the Journal on page 2036.

Mr. Lynch offered the following amendment:
AM2145
1. Insert the following new section:
"Section 1. That section 23-1112, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

23-1112. (1) When it is necessary for any county officer or his or her deputy or assistants, except any county sheriff or his or her deputy, to travel on business of the county, he or she shall be allowed mileage at the rate of twenty-seven ~~twenty-four~~ and one-half cents per mile for each mile actually and necessarily traveled by the most direct route if the trip or trips are made by automobile, but if travel by rail or bus is economical and practical, he or she shall be allowed only the actual cost of rail or bus transportation upon the presentation of his or her bill for the same accompanied by a proper voucher to the county board of his or her county in like manner as is provided for as to all other claims against the county.

(2) Any future adjustments made to the reimbursement rate provided in subsection (1) of this section shall be deemed to apply to all provisions of law which refer to this section for the computation of mileage.".

2. On page 9, line 24, after "sections" insert "23-1112,".

3. Renumber the remaining sections accordingly.

The Lynch amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Haberman requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 98. Mr. Chambers withdrew his pending motion, found in the Journal on page 2094, to indefinitely postpone.

Mr. Chambers renewed his pending amendment, FA214, found in the Journal on page 2135.

MR. HALL PRESIDING

The Chambers amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

PRESIDENT MOUL PRESIDING

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Withem moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Withem requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Baack	Cudaback	Hudkins	Preister	Wehrbein
Bernard-Stevens	Day	Kristensen	Robak	Wesely
Beutler	Elmer	Landis	Schellpeper	Wickersham
Byars	Fisher	Lindsay	Schimek	Will
Crosby	Hartnett	McKenzie	Warner	Withem

Voting in the negative, 21:

Ashford	Coordsen	Hillman	Jones	Robinson
Avery	Dierks	Hohenstein	Lynch	Schmitt
Bohlke	Haberman	Horgan	Moore	Vrtiska
Bromm	Hall	Janssen	Pirsch	Witek
Chambers				

Present and not voting, 1:

Abboud

Excused and not voting, 2:

Pedersen Rasmussen

Advanced to E & R for review with 25 ayes, 21 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 123. Introduced by Lindsay, 9; Landis, 46.

PURPOSE: The purpose of this study is to investigate possible changes in Article 9 of the Uniform Commercial Code to provide for the recording of security interests with respect to registered and unregistered copyrights, patents, and trademarks and security interests in intellectual property. The investigation shall include, but not be limited to, examining notice of filing forms, establishment of rules regarding grace periods for the recording of documents concerning title

to and security interests in intellectual property, and other issues in the use of intellectual property as collateral in secured transactions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 124. Introduced by Dierks, 40; Coordsen, 32; Haberman, 44; Elmer, 38; Jones, 43; Byars, 30; Hall, 7.

PURPOSE: Because consumption-based taxes have become a topic of discussion for replacing or supplementing property and income taxes, the purpose of this resolution is to conduct a study of the feasibility of the value-added tax, the gross-receipts tax, and the transaction tax and their possible roles as future components of the Nebraska tax system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 125. Introduced by Hillman, 48; Moore, 24.

PURPOSE: The purpose of this resolution is to examine and review the role and relative emphasis or priority accorded applied technology or vocational technical education as well as funding levels for such education within the state's system of public postsecondary education particularly within the state's community college system. The examination and review shall also include a similar analysis relating to the delivery of applied technology or vocational technical education in correctional services settings. The study shall include:

(a) A review and analysis of funding levels of the various courses, disciplines, programs, and institutions involved in applied technology or vocational technical education in postsecondary education in the state including delivery of such education in correctional services settings. The review and analysis may include all funding sources but shall

specifically highlight General Funds and shall review aggregate funding levels as well as funding per full-time equivalent student or weighted full-time equivalent student. Federal PELL grant funding levels for students in correctional settings may also be addressed. The review and analysis may also include comparisons with funding for academic transfer and academic support courses and programs in the state;

(b) A review and analysis of any funding formula which allocates state funds for applied technology or vocational technical education in the postsecondary education setting and in correctional services settings in the state. The review and analysis may also include comparisons as to how such formula relates to general academic support and transfer education;

(c) A review and analysis of how such funding levels, formula, and other factors act as incentives or disincentives and serve or fail to serve in meeting state and national work force, education, and training needs and how they are consistent or inconsistent with state and federal initiatives or mandates. The review and analysis may also include references to global and long-term economic and work force training needs that may impact Nebraska in the next ten years along with applied technology or vocational technical retraining needs of adults;

(d) A review and analysis of any other such related areas as deemed appropriate; and

(e) A set of specific recommendations regarding any necessary changes in legislation, funding formulas, budgeting methods, appropriations methods, or any other policy areas as may be appropriate in order to further the attainment of state or national work force, education, or training needs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriation Committee and the Education Committee of the Legislature shall be designated to conduct an interim study in cooperation with such representatives of the Governor as he chooses to designate to carry out the purpose of this resolution. The committees shall solicit the input of such interested state agencies, political subdivisions, persons, and groups as they deem necessary and beneficial to carry out the purposes of this resolution. Financial budget, funding, cost, and enrollment information concerning academic transfer, academic support, and applied technology or vocational technical courses, disciplines, programs, and institutions and such other information as deemed necessary by the committees shall be supplied to the committees as requested from public postsecondary education institutions, state agencies, or political subdivisions in the state.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with recommendations, to the Legislative Council or Legislature and to the Governor.

Referred to the Executive Board.

STANDING COMMITTEE REPORT
Health and Human Services

The Committee on Health and Human Services desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Board of Health
Patricia McQuillan
Patricia Kuehl
Dr. Christopher Caudill
Margaret Allington
Carl Maltas

VOTE: Aye: Senators Byars, Day, Dierks, Horgan, Wesely, and Vrtiska. Absent: Senator Rasmussen.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 541 in the Journal. No objections. So ordered.

AM2086
(Amendments to Standing Committee amendments, AM1691)

1. On page 54, strike lines 4 through 13 and insert:

"GENERAL FUND	206,153,120	234,606,410
FEDERAL FUND est.	374,045,876	416,428,861
PROGRAM TOTAL	580,198,996	651,035,271

There is included in the appropriation to this program for FY1993-94 $1,990,000 General Funds and $3,210,000 Federal Funds estimate and for FY1994-95 $2,386,000 General Funds and $3,814,000 Federal Funds for the Medically Needy Caretaker Relative Program.

There is included in the appropriation to this program for FY1993-94 $206,153,120 General Funds and $374,045,876 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY1994-95 $234,606,410 General Funds and $416,428,861 Federal Funds estimate for state aid, which shall only be used for such purpose.".

2. On page 170, strike lines 3 through 6 and insert:

"GENERAL FUND	335,552,214	374,278,866
CASH FUND	770,700	811,400
FEDERAL FUND est.	523,252,698	571,354,345

23 AGENCY TOTAL 859,575,612 946,444,611".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 329. Placed on Select File as amended.
E & R amendment to LB 329:
AM5519

1. On page 12, line 15, after "Nebraska" insert a comma.

2. On page 13, line 24; page 14, line 18; page 15, line 12; and page 25, line 9, strike "49" and insert "50".

3. On page 21, line 22, after "1991" insert a comma.

4. On page 25, strike line 12; and in line 16 strike "(10)" and insert "(9)".

5. On page 26, line 8, strike "(11)" and insert "(10)"; in line 10 strike "(12)" and insert "(11)"; and in line 14 strike "(13)" and insert "(12)".

LEGISLATIVE BILL 331. Placed on Select File as amended.
E & R amendment to LB 331:
AM5515

1. In the Standing Committee amendments, AM1690:

a. On page 7, line 19, before "FOSTER" insert "STATE";

b. On page 15, line 20, strike "60." and insert "63.";

c. On page 27, line 23, strike "303,979,526" and insert "303,240,674"; and in line 27 strike "448,636,067" and insert "457,937,767";

d. On page 28, line 2, strike "762,492,541" and insert "761,992,441";

e. On page 31, line 14, strike "9,297,700" and insert "9,301,700"; in line 15 strike "13,760,865" and insert "13,764,865"; and in line 23 strike "Sections 34 and 35" and insert "Section 34";

f. On page 32, line 23, before "FOSTER" insert "STATE"; and

g. On page 33, line 4, strike "and 29" and insert ", 29, and 35"; and in lines 5 and 6 strike "177,692" and insert "77,692".

2. On page 1, strike beginning with "Laws" in line 1 through line 5 and insert "Laws 1991, LB 847, sections 9 and 37, Laws 1991, LB 843, section 47, as amended by section 27, Legislative Bill 1, Ninety-second Legislature, Third Special Session, 1992, and Laws 1992, LB 1022, sections 57 and 63, as amended by sections 54 and 60, respectively, Legislative Bill 1,"; and in line 9 strike "provide for" and insert "change

3 certain".

(Signed) Kurt A. Hohenstein, Chairperson

GENERAL FILE

LEGISLATIVE BILL 658. Title read. Considered.

Standing Committee amendment, AM0177, printed separately from the Journal and referred to on page 554, was considered.

MR. HALL PRESIDING

Messrs. Warner, Withem, Coordsen, Will, Kristensen, Wickersham, Landis, and Schellpeper renewed their pending amendment, AM1516, found in the Journal on page 1613, to the Standing Committee amendment.

Mr. Lindsay requested a ruling of the Chair on whether the Warner et al. amendment is germane to the Standing Committee amendment.

The Chair ruled the Warner et al. amendment is germane to the Standing Committee amendment.

The Warner et al. amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Elmer asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Messrs. Wickersham, Jones, Coordsen, and Schellpeper renewed their pending amendment, AM2021, found in the Journal on page 2075.

Mr. Will requested a ruling of the Chair on whether the Wickersham et al. amendment is germane to the bill.

The Chair ruled the Wickersham et al. amendment is not germane to the bill.

Mr. Wickersham challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

The Chair withdrew his ruling that the Wickersham et al. amendment is not germane to the bill and ruled it is germane to the bill.

Mr. Wickersham withdrew his motion to overrule the Chair.

The Wickersham et al. amendment, AM2021, was renewed.

Mr. Withem offered the following amendment to the Wickersham et al. pending amendment:
FA219
Amend Wickersham amendment
to strike in line 10 "agricultural"
line 11, strike "commercial agriculture" and insert "commerce."

SPEAKER BAACK PRESIDING

Mr. Withem withdrew his amendment.

Mr. Wickersham moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Wickersham requested a roll call vote on the Wickersham et al. amendment.

Voting in the affirmative, 25:

Abboud	Crosby	Haberman	McKenzie	Schmitt
Bohlke	Cudaback	Hohenstein	Moore	Vrtiska
Bromm	Day	Hudkins	Robak	Wehrbein
Byars	Dierks	Janssen	Robinson	Wickersham
Coordsen	Fisher	Jones	Schellpeper	Witek

Voting in the negative, 14:

Avery	Beutler	Kristensen	Schimek	Will
Baack	Hall	Lindsay	Warner	Withem
Bernard-Stevens	Hillman	Lynch	Wesely	

Present and not voting, 7:

Ashford	Hartnett	Landis	Pirsch	Preister
Chambers	Horgan			

Excused and not voting, 3:

Elmer	Pedersen	Rasmussen

The Wickersham et al. amendment was adopted with 25 ayes, 14 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 248 in the Journal. No objections. So ordered.

AM2040

1. Strike original section 16 and insert the following new section:

"Sec. 19. The Contractor Registration Act shall not apply to the state or any political subdivision thereof.".

2. On page 2, line 1, strike "Sections 1 to 18 of this" and all amendments thereto and insert "This"; in line 18 after the semicolon insert "and"; and strike beginning with "Same" in line 19 through "(6)" in line 26.

3. On page 5, line 4, strike the comma and insert "and"; and strike beginning with the comma in line 5 through "construction" in line 6.

4. Renumber the remaining sections accordingly.

Messrs. Wesely, Byars, Horgan, Vrtiska, Dierks, and Ms. Day asked unanimous consent to print the following amendment to LB 804 in the Journal. No objections. So ordered.

AM2061

1. Strike the E & R amendment, AM5510; the Moore amendment, AM1881; and the Moore amendment, FA175.

2. Insert the following new sections:

"Sec. 6. The Department of Social Services shall undertake efforts to provide for managed care for medical assistance recipients in all areas of the state. The purpose of such managed care efforts shall be to provide the medical assistance recipients those services which are needed in a prudent and nonfraudulent manner. Such management of the medical assistance program shall result in an annualized savings of at least one million four hundred ten thousand eight hundred one dollars.

Sec. 7. The Governor or his or her designee shall undertake a study to examine ways to provide for welfare reform in Nebraska. The study shall identify ways to provide individuals and families with temporary support needed for

those individuals who are not capable of being self-sufficient. The study shall identify ways to promote self-sufficiency and shall include, but not be limited to, options such as:

(1) Training and wage subsidy programs;

(2) Job search programs;

(3) Community jobs programs;

(4) Increasing earned income and savings limits by recipients;

(5) Programs to encourage teenage parents to stay in school;

(6) Limitations on the length of public assistance benefits;

(7) Other mechanisms to further welfare reform by making welfare transitional for those who are able to work;

(8) Examine other state efforts at welfare reform; and

(9) Ways to contain additional costs.

The report shall be provided to the Legislature with the recommendations by December 1, 1993.".

3. Renumber the remaining sections accordingly.

Ms. Schimek asked unanimous consent to print the following amendment to LB 235 in the Journal. No objections. So ordered.

AM2073

(Amendments to E & R amendments, AM5482)

1. Insert the following new section:

"Sec. 36. That section 53-186, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-186. ~~It~~ (1) Except as provided in subsection (2) of this section, it shall be unlawful for any person to consume alcoholic ~~liquors~~ liquor (a) in the public streets, alleys, parking areas, roads, or highways, ~~or~~ (b) inside vehicles while upon the public streets, alleys, parking areas, roads, or highways, ; or (c) upon property owned or controlled by the state or any governmental subdivision thereof; unless authorized by the governing bodies having jurisdiction over such property. ~~properties; PROVIDED, that the~~

(2) The commission may issue licenses for the sale of alcoholic liquor at retail (a) on lands owned by public power districts, public power and irrigation districts, the Bureau of Reclamation, or the Corps of Army Engineers~~,~~ or (b) for locations within or on structures on land owned by the state, cities, or villages or on lands controlled by airport authorities. The issuance of a license under this subsection shall be subject to the consent of the local governing body having jurisdiction over the site for which the license is requested as provided in the Nebraska Liquor Control Act.

~~with the consent of the governing body thereof.~~".

2. On page 47, line 14, strike "37" and insert "38".

3. On page 58, line 17, after the fourth comma insert "53-186,".

4. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 330. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1705.)

(Signed) Scott Moore, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 126. Introduced by Wesely, 26.

WHEREAS, the Lincoln Northeast High School Marching Band and Star Strutters Drill Team have received forty two straight superior ratings in contests over the past fourteen years; and

WHEREAS, the Lincoln Northeast High School Marching Band and Star Strutters Drill Team have won a multitude of awards in a wide variety of categories for their performances in competitions across the state; and

WHEREAS, the two hundred forty members of the Lincoln Northeast High School Marching Band and Star Strutters Drill Team under the direction of Jeff Klintberg, Janet LaFollette, and Rebecca Shelbourn have demonstrated their skill as well as their hard work and discipline in achieving these honors; and

WHEREAS, the Lincoln Northeast High School Marching Band and Star Strutters Drill Team has been selected from among hundreds of marching bands to participate in the one hundred fifth Tournament of Roses Parade in Pasadena, California, on January 1, 1994; and

WHEREAS, the Lincoln Northeast High School Marching Band and Star Strutters Drill Team will be the first Lincoln band and only the fourth Nebraska band to ever participate in the one hundred five years of the Tournament of Roses Parade.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the legislature congratulates the members of the Lincoln Northeast High School Marching Band and Star Strutters Drill Team.

2. That the Legislature congratulates the directors of the Lincoln Northeast High School Marching Band and Star Strutters Drill Team Jeff Klintberg, Janet LaFollette, and Rebecca Shelbourn.

3. That the Legislature wishes the members and directors of the Lincoln Northeast High School Marching Band and Star Strutters Drill Team good luck and a safe trip to the one hundred fifth Tournament of Roses Parade.

4. That a copy of this resolution be forwarded to the members and directors of the Lincoln Northeast High School Marching Band and Star Strutters Drill Team.

Laid over.

SELECT FILE

LEGISLATIVE BILL 310. Mr. Preister offered the following amendment:
AM2156

(Amendments to Standing Committee amendments, AM1345)

1. On page 2, line 13, after the period insert "If any agency created pursuant to sections 18-2426 to 18-2434 fails to file a copy of an audit within the time prescribed in this section, the books, records, and financial affairs of such agency shall, within one hundred eighty days after the close of the fiscal year of the agency, be audited by a certified public accountant or firm of accountants selected by the Auditor of Public Accounts. The cost of the audit shall be paid by the agency.".

2. On page 5, strike beginning with the comma in line 4 through the comma in line 5; in line 6 after "shall" insert "include at a minimum: Revenue from all sources separately stated as to each source and expenditures from the prior two years; estimates of the current year's revenue from all sources separately stated as to each source and expenditures; and a summary which outlines the fiscal policy of the district or agency for the period covered by the budget. Such proposed budget shall"; in line 9 after the period insert "The budget shall be in a form approved by the Nebraska Power Review Board."; and in line 21 strike the first comma and insert "the public shall have an opportunity to testify before" and strike "shall be" and insert "is".

3. On page 6, strike beginning with the underscored comma in line 9 through "accounting" in line 10.

Mr. Will and Mrs. Hudkins asked unanimous consent to be excused until they return. No objections. So ordered.

The Preister amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Beutler offered the following amendment:
AM2130

(Amendments to Standing Committee amendments, AM1345)

1. On page 6, strike beginning with "public" in line 10 through "18-2434" in line 14 and insert "political subdivision required to file such reports with the Auditor of Public Accounts".

The Beutler amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

MR. HALL PRESIDING

Advanced to E & R for engrossment.

LEGISLATIVE BILL 587. E & R amendment, AM5486, found in the Journal on page 1737, was adopted.

Mr. Baack renewed his pending amendment, AM1715, found in the Journal on page 1768.

The Baack amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Will withdrew his pending amendment, AM1800, found in the Journal on page 1980.

Mr. Will renewed his pending amendment, AM1934, found in the Journal on page 2026.

The Will amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Bromm offered the following amendment:
AM2128

1. On page 4, line 16, after "period" insert "and shall limit their spending for the general election to not exceed fifty percent of the limits provided in this subsection for the election period".

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bromm moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Abboud requested a roll call vote on the Bromm amendment.

Voting in the affirmative, 15:

Beutler	Bromm	Crosby	Hohenstein	Janssen

Jones	Lynch	Preister	Schmitt	Wesely
Landis	Pirsch	Robinson	Wehrbein	Witek

Voting in the negative, 12:

Abboud	Bernard-Stevens	Chambers	Kristensen	Schimek
Ashford	Byars	Haberman	Lindsay	Warner
		Hall	Moore	

Present and not voting, 16:

Avery	Cudaback	Hartnett	McKenzie	Vrtiska
Baack	Day	Hillman	Robak	Wickersham
Bohlke	Fisher	Horgan	Schellpeper	Withem
Coordsen				

Excused and not voting, 6:

Dierks	Hudkins	Pedersen	Rasmussen	Will
Elmer				

The Bromm amendment lost with 15 ayes, 12 nays, 16 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Bromm offered the following amendment:
AM2127

1. On page 12, line 1, reinstate the stricken "one", strike "two", and strike "fifty"; in line 10 reinstate the stricken "one" and strike "two"; and in line 11 strike "fifty".

Mr. Bromm moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Bromm amendment was adopted with 28 ayes, 7 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Bromm offered the following amendment:
AM2129

(Amendments to AM0871)

1. On page 1, line 3, strike "1995" and insert "1994".

Mr. Bromm withdrew his amendment.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 121, 121A, and 732.

Enrollment and Review Change to LB 121

The following changes, required to be reported for publication in the Journal, have been made:
ER7272

1. In the Kristensen amendment, AM0039:

a. On page 1, lines 11 and 15, the period has been struck, shown as stricken, and an underscored semicolon inserted; in line 14 "partner or" has been inserted after the first "a"; and in line 17 the period has been struck, shown as stricken, and "; and" inserted;

b. On page 14, line 44, "shall" has been struck;

c. On page 15, lines 34 and 36, "of the State of Nebraska;" has been struck, shown as stricken, and an underscored semicolon inserted;

d. On page 20, line 5, "or" has been struck and shown as stricken; in line 15 "or" has been inserted after the first comma, the second comma has been struck and shown as stricken, and the stricken matter has been reinstated;

e. On page 24, line 9, the colon has been struck; in line 10 the stricken period has been reinstated; and in line 14 "and" has been inserted after the semicolon;

f. On page 24, lines 18, 21, 28, 30, 39, 45, and 50; page 25, lines 7, 10 and 11, 19, 33, 36, 47, and 51; and page 26, lines 2, 6, 10, 16, 24, 29, and 32, the semicolon has been struck and the stricken period reinstated;

g. On page 26, line 34, the new matter has been struck and the stricken matter reinstated;

h. On page 36, line 22, "members" has been struck and "member" inserted;

i. On page 44, lines 35 and 39, "he" has been struck and shown as stricken; and in lines 36 and 39 the new matter has been struck and "the buyer" inserted;

j. On page 46, line 2, "member," has been inserted after the first comma; and in line 10 a period has been inserted after "102";

k. On page 52, line 13, "limited liability company," has been inserted after the first comma, the first "or" has been struck and show a stricken, and an underscored comma has been inserted after "corporation"; and in line 24 "or" has been struck and shown as stricken and an underscored comma has been inserted after "corporation";

l. On page 56, line 23, "limited liability company," has been inserted after the first comma;

m. On page 58, line 33, "member of a limited liability company," has been inserted after the last comma;

n. On page 59, line 15, "obtain" has been struck, shown as stricken, and "obtained" inserted;

o. On page 62, line 48, "members," has been inserted after the comma;

p. On page 67, line 5, "and" has been struck and shown as stricken; and in line 12 "desire" has been struck, shown as stricken, and "desires" inserted;

q. On page 72, line 51, "shall" has been struck;

r. On page 78, line 31, an underscored comma has been inserted after "members" and "directors"; and in line 34 the stricken comma has been reinstated;

s. On page 85, line 22, the new matter has been struck and ", except" inserted and the stricken "that any" has been reinstated; in line 48 an underscored comma has been inserted after "hold" and the stricken comma has been reinstated; and in line 49, an underscored comma has been inserted after "and";

t. On page 86, line 28, the second comma has been struck and shown as stricken; in line 30 the second underscored comma has been struck; in line 50 "such" has been struck; and in line 51 "sections" has been struck and shown as stricken and "the act" has been inserted after the stricken matter;

u. On page 87, line 29, an underscored comma has been inserted after "Health"; and the matter beginning with the second "of" in line 29 through the comma in line 30 has been struck and shown as stricken;

v. On page 91, line 53, "shall establish" has been struck, shown as stricken, and "establishes" inserted; and "secure" has been struck, shown as stricken, and "secures" inserted;

w. On page 101, line 24, "limited liability company," has been inserted after the first comma;

x. On page 103, line 9, "limited liability company," has been inserted after the last comma;

y. On page 108, lines 9, 13, and 25, the first "and" has been struck and shown as stricken;

z. On page 116, line 31, "of a limited liability company" has been inserted after "members";

aa. On page 135, line 21, "or causes" has been struck and "causes," inserted;

bb. On page 136, line 10, the new matter has been struck and ", but" inserted; in line 11 the new matter has been struck and the stricken "in" reinstated; in lines 32, 34, 35, 41, 42, and 48 the stricken comma has been reinstated; and in line 47 the stricken commas have been reinstated;

cc. On page 141, line 11, the new matter has been struck; in line 12 "if" has been inserted after the stricken comma and the stricken "those" reinstated; in line 17 "and" has been inserted after the last

comma; in line 18 the comma has been struck; and in line 54 "who" has been struck and shown as stricken;

dd. On page 142, line 1, "which" has been inserted after the stricken "park";

ee. On page 166, line 22, ", or limited liability company" has been inserted after "partnership"; in lines 23 and 24 the new matter has been struck; and in line 27 an underscored comma has been inserted after "partner";

ff. On page 167, line 23, an underscored comma has been inserted after "companies";

gg. On page 184, line 21, a period has been inserted after "260";

hh. On page 189, line 10, "said" has been struck, shown as stricken, and "such" inserted;

ii. On page 196, line 35, "a" has been inserted after both commas; in line 36, "an" has been inserted after the underscored comma and "a" has been inserted after the other two commas; and in line 37 "an" has been inserted after the first comma and the first "or" and "a" has been inserted after the second "or";

jj. On page 232, lines 2 and 5, "said" has been struck, shown as stricken, and "the" inserted;

kk. On page 233, line 8, "to" has been struck, shown as stricken, and "through" inserted;

ll. On page 237, line 45, "Reissue" has been struck; and in line 46 "of Nebraska, 1943" has been struck and "Supplement, 1992" inserted;

mm. On page 240, line 33, "member," has been inserted after the first comma;

nn. On page 241, line 28, the new matter has been struck and the stricken matter reinstated; and in line 29 the underscored comma has been struck;

oo. On page 242, line 53, the new matter has been struck, the stricken matter has been reinstated, and ", a member," has been inserted after "partner";

pp. On page 250, line 12, "to" has been struck, shown as stricken, and "through" inserted;

qq. On page 268, line 22, "members," has been inserted after the second comma;

rr. On page 272, line 14, the new matter has been moved after the first comma;

ss. On page 274, line 17, the stricken matter has been reinstated;

tt. On page 275, line 39, the new matter has been struck; and in line 40 the stricken matter has been reinstated;

uu. On page 280, line 22, the stricken comma has been reinstated;

vv. On page 281, line 14, "he or she" has been struck and the old matter shown as stricken;

ww. On page 289, line 20, "member," has been struck and "or member" inserted and the stricken "any" has been reinstated;

xx. On page 294, line 29, "of limited liability companies" has been inserted after "members";

yy. On page 303, line 41, "or" has been struck and shown as stricken; and in line 43 ", a domestic limited liability company, or a foreign limited liability company having a place of business in and authorized to do business in this state" has been inserted after "state";

zz. On page 304, line 28, "authorized to do business in this state" has been inserted after "company";

aaa. On page 305, line 32, "or of the manager or a member, if a limited liability company," has been inserted after the first comma;

bbb. On page 314, line 50, the stricken comma has been reinstated;

ccc. On page 340, line 32, an underscored comma has been inserted after "board";

ddd. On page 349, lines 5 and 21, "who" has been struck and shown as stricken and "which" has been inserted after the stricken matter;

eee. On page 356, line 40, "who" has been struck, shown as stricken, and "which" inserted; and in line 43 an underscored comma has been inserted after "section";

fff. On page 357, line 48, "act" has been struck and "Condominium Property Act" inserted; and in line 54 "to" has been struck, shown as stricken, and "through" inserted;

ggg. On page 358, line 1, the first "to" has been struck, shown as stricken, and "through" inserted; and in line 12 "member," has been inserted after the first comma;

hhh. On page 364, line 12, an underscored comma has been inserted after "areas"; and in line 26 an underscored comma has been inserted after "stove";

iii. On page 376, lines 30 and 50, "copartnership," has been struck and shown as stricken;

jjj. On page 377, line 41, "the" has been inserted after "in";

kkk. On page 381, line 48, "limited liability company, or" has been struck and the old matter shown as stricken; and in line 49 ", or limited liability company" has been inserted after "corporation".

lll. On page 382, line 18, an underscored comma has been inserted after "member";

mmm. On page 390, line 52, "to" has been struck, shown as stricken, and "through" inserted;

nnn. On page 392, lines 2 and 4, "members," has been inserted after "partners,";

ooo. On page 395, line 8, an underscored comma has been inserted after "agent";

ppp. On page 400, line 14; and page 403, line 31, ", members," has been inserted after "partners";

qqq. On page 434, line 26, "53-110," has been struck; in line 42 "73-101.02" has been struck and "73-101.01" inserted and "75-302," has been inserted after "75-201,"; and in line 46 "77-2715.07," has been inserted after the last comma; and

rrr. On page 435, line 7, "53-110," has been inserted after "53-103,"; in line 14 "77-2715.07," has been struck; and in line 26 "Legislative Bill 138," has been inserted after the second comma.

2. In the E & R amendments, AM5478:

a. On page 1, line 9, "the" has been struck; and

b. On page 21, line 27, an underscored comma has been inserted after "territory";

3. On page 1, the matter beginning with the second "to" in line 1 through line 2 and all amendments thereto have been struck and "to amend sections 1-126, 1-133, 1-135, 1-136, 1-138, 1-152, 1-154, 1-155, 1-157, 1-158, 1-160, 1-161, 1-162, 1-164.02, 1-168, 2-953, 2-1084, 2-1810, 2-2303, 2-2446, 2-2601, 2-2701.01, 2-3002, 2-3102, 2-3302, 2-3403, 2-3605, 2-3606, 2-3741, 2-3742, 2-3817, 2-3914, 2-4002, 2-4204, 2-4603, 2-4802, 3-101, 3-150, 3-301, 3-402, 8-140, 8-148.02, 8-364, 8-409.01, 8-501, 8-902, 8-903, 8-1001, 8-1005, 8-1101, 8-1103, 8-1109, 8-1118, 8-1202, 8-1301, 8-1501, 8-1511, 8-1714, 8-1722, 9-207.01, 9-235.01, 9-316, 9-329.01, 9-329.02, 9-329.03, 9-329.04, 9-614, 9-616, 9-630, 9-632, 9-642, 9-642.01, 12-606, 12-607, 12-609, 12-613, 12-614, 12-1108, 13-203, 14-2004, 15-203, 15-816, 15-819, 16-205, 17-926, 18-306, 18-307, 18-308, 18-1916, 18-1917, 18-1918, 18-2103, 18-2412, 18-2709, 20-145, 20-314, 21-1311, 21-1401, 21-1771, 21-1774, 21-1782, 21-1904, 21-2004, 21-2102, 21-2108, 21-2222, 21-2434, 21-2436, 21-2444, 23-114.05, 23-2809, 23-3594, 23-3595, 25-403.02, 25-535, 25-1056, 25-1801, 25-1804, 25-21,161, 25-2803, 28-425, 28-613, 28-807, 28-1210, 28-1213, 28-1229, 28-1240, 28-1250, 28-1251, 28-1323, 28-1324, 28-1420, 28-1421, 28-1422, 28-1423, 29-1507, 29-3513, 30-2701, 31-902, 36-213, 36-213.01, 37-431, 37-719, 37-1207, 39-6,161, 39-6,188, 39-807, 39-808, 39-892, 39-1302, 39-1638, 39-1816, 39-2602, 42-364.11, 43-1503, 44-377, 44-392, 44-3,107.01, 44-404, 44-407.10, 44-759, 44-760, 44-1201, 44-1602, 44-1603, 44-1607.02, 44-2610, 44-2617, 44-2702, 44-2803, 44-2821, 44-2837, 44-2902, 45-114, 45-120, 45-128, 45-133, 45-142, 45-145, 45-153, 45-350, 45-607, 46-296, 46-505, 46-1001, 46-1015, 48-115, 48-145.01, 48-162, 48-175, 48-220, 48-402, 48-501.01, 48-603, 48-604, 48-652, 48-658, 48-801, 48-902, 48-1002, 48-1220, 48-1702, 48-1704, 49-801, 49-1407, 49-1408, 49-1438, 49-1496, 49-1546, 52-801, 52-802, 52-803, 52-804, 52-805, 52-1001, 52-1309, 52-1401, 53-149, 54-102, 54-106, 54-108, 54-115, 54-126, 54-133.01, 54-155, 54-156, 54-169, 54-201, 54-208, 54-609, 54-610, 54-1158, 54-1509, 54-1514, 54-1703, 54-2001, 57-301, 57-401, 57-601, 57-701, 57-801, 57-903, 57-1201, 59-804, 59-805, 59-806, 59-807, 59-808, 59-809, 59-810, 59-811, 59-812, 59-813, 59-814, 59-815, 59-816, 59-818, 59-819, 59-822, 59-830, 59-1401, 59-1502, 59-1601, 59-1704, 59-1735, 59-1739, 59-1742, 60-501, 60-1201, 60-1202, 60-1406, 60-1407, 60-2001, 64-205, 64-206, 67-233, 67-234, 67-236, 67-251, 67-255, 67-275, 67-281, 67-283, 67-302, 69-1005, 69-1201, 69-1204, 69-1205, 69-1215, 70-702, 70-1602, 71-1,132.35, 71-1,154, 71-201, 71-363, 71-1557, 71-1901, 71-2028, 71-2029, 71-2511, 71-3101, 71-3201, 71-3503, 71-4603, 71-4621, 71-4623, 71-4801, 71-5301, 71-5502, 71-5811, 71-5822, 71-5831, 71-5903, 71-5908, 71-5909, 71-6103, 71-6106, 71-6107, 71-6301, 72-232, 72-233, 72-902, 72-1103, 72-1702, 73-101.01, 75-201, 75-302, 75-320, 75-323, 75-325, 75-604, 75-605,

75-606, 75-612, 75-713, 75-721, 75-723, 75-909, 76-537, 76-538, 76-701, 76-802, 76-827, 76-1226, 76-1302, 76-1410, 76-1458, 76-1702, 76-2102, 76-2105, 76-2110, 77-113, 77-1244, 77-1323, 77-1324, 77-2363, 77-2601, 77-2715.07, 77-2730, 77-2733, 77-2733.01, 77-2753, 77-2761, 77-2790, 77-27,188.01, 77-27,194, 77-3001, 77-3101, 77-4009, 77-4103, 77-4108, 79-2925, 81-149, 81-150, 81-542, 81-854, 81-885.06, 81-885.33, 81-885.34, 81-885.40, 81-1543, 81-1567, 81-1592, 81-1706, 81-1836, 81-1906, 81-2130, 83-145.01, 84-167, 86-102, 86-330, 86-331.01, 86-337, 86-710, 86-802, 87-111, 87-208, 87-301, and 88-526, Reissue Revised Statutes of Nebraska, 1943, sections 12-1102, 14-2119, 15-808, 20-403, 25-1010, 25-1081, 28-401, 30-2209, 31-735, 32-1604, 36-702, 37-101, 39-602, 43-1709, 43-2702, 44-208.08, 44-217, 44-766, 44-1523, 44-1525, 44-1538, 44-1605, 44-1802, 44-1930, 44-2403, 44-2621, 44-2627, 44-2824, 44-32,117, 44-32,125, 44-4002, 44-4307, 44-4702, 44-4703, 44-4704, 44-4722, 44-4803, 44-5115, 44-5144, 44-5214, 44-5812, 45-101.04, 45-190, 45-702, 45-706, 45-802, 46-657, 48-602, 48-1102, 48-1202, 48-1229, 53-103, 53-110, 53-125, 53-168, 53-205, 53-212, 53-218, 54-104, 54-849, 54-1602, 54-1605, 54-1902, 58-239, 58-242, 58-245, 58-404, 60-476, 60-4,173, 60-1401.02, 60-1411.02, 66-482, 66-4,130, 66-602, 66-712, 66-729, 71-1,142, 71-1331, 71-2020, 71-2023, 71-2059, 71-4702, 71-5102, 71-5810, 71-5830, 71-7303, 71-7414, 76-902, 76-2227, 76-2229, 77-122, 77-1201, 77-2702.09, 77-2702.10, 77-2705, 77-2716, 77-2734.01, 79-2803, 81-161.05, 81-2,147.01, 81-2,162.02, 81-2,270, 81-885.01, 81-885.04, 81-885.11, 81-885.12, 81-1108.56, 81-1502, 81-15,119, 87-307, 87-402, 87-502, 87-602, 87-703, 88-543, 88-545, and 89-187.02, Revised Statutes Supplement, 1992, sections 69-1301 and 69-1310, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 3 and 13, respectively, Legislative Bill 26, Ninety-second Legislature, Third Special Session, 1992, section 8-141, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 81, Ninety-third Legislature, First Session, 1993, sections 9-1,104 and 9-834, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 1 and 53, respectively, Legislative Bill 138, Ninety-third Legislature, First Session, 1993, and sections 1-201, 3-307, and 9-402, Uniform Commercial Code; to adopt the Limited Liability Company Act; to provide for taxation of member income; to harmonize provisions; and to repeal the original sections.".

Enrollment and Review Change to LB 732

The following changes, required to be reported for publication in the Journal, have been made:
ER7271

1. In the Byars-Robinson amendment, AM1453:

a. Section 15 has been renumbered as section 14; and

b. On page 1, line 18, an underscored comma has been inserted after "authority".

2. In the Hartnett amendment, AM1417:

a. On page 9, lines 23 and 26, "or village" has been struck; and in line 25, "the act" has been inserted after "carry" and "the act" has been struck;

b. On page 16, line 15, "Municipal" has been inserted after "Option"; and

c. On page 20, line 26, "revenue sources" has been struck and "sources of revenue" inserted.

3. On page 1, the matter beginning with "18-2709" in line 2 through the second comma in line 3 has been struck and "18-2701, 18-2705, 18-2709 to" inserted; the matter beginning with "redefine" in line 5 through "business" in line 6 has been struck and "provide for the issuance of bonds; to provide powers for carrying out the act; to redefine terms" inserted; and in line 13 "to harmonize provisions;" has been inserted after the second semicolon.

(Signed) Kurt Hohenstein, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 127. Introduced by Crosby, 29.

PURPOSE: The purpose of this study shall be to examine state boards, commissions, and other such similar entities. The scope of this study shall include the creation of boards and commissions by the Ninety-third Legislature, First Session, 1993, and the continued existence of previously established boards and commissions, the gubernatorial appointment process, the legislative confirmation procedure, the compensation and the expenses of boards and commissions, and the purpose for which each commission and board serves the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendments to LB 110 in the Journal. No objections. So ordered.

(1)

AM1612

(Amendments to E & R amendments, AM5473)

1. On page 1, strike beginning with the first "or" in line 17 through "device" in line 18 and insert "of any instrument or device or the administering of any medicine, drug, or other substance".

(2)

AM1613

(Amendments to E & R amendments, AM5473)

1. On page 1, line 23, after "pregnancy" insert ". The provisions of this subdivision shall not apply if such instrument, device, medicine, drug, or other substance lacks the capability to cause the premature termination of a pregnancy".

(3)

AM1614

(Amendments to E & R amendments, AM5473)

1. On page 5, lines 11 and 14, before the semicolon insert ". No duty is imposed by this subdivision to undertake any research in order to provide information which is complete, accurate, and nonmisleading".

(4)

AM1615

(Amendments to E & R amendments, AM5473)

1. On page 8, line 25, after "them" insert "or if the information given in compliance with subdivision (2)(b) or (c) of such section is incomplete, inaccurate, or misleading".

(5)

AM1616

(Amendments to E & R amendments, AM5473)

1. On page 9, line 18, after the period insert "No civil action may be maintained nor shall it be evidence of professional negligence if the information given in compliance with subdivision (2)(b) or (c) of section 28-327 is incomplete, inaccurate, or misleading.".

(6)

AM1617

(Amendments to E & R amendments, AM5473)

1. On page 8, lines 15 and 16, strike "or attempted to be performed"; and in line 27 strike "or attempted".

2. On page 9, lines 2, 9, and 22, strike "or attempted"; in lines 4 and 5 strike "or attempted to perform the abortion"; and in line 11 strike "or attempted to perform".

3. On page 10, line 10, strike "or attempted".

Messrs. Ashford, Horgan, and Hartnett asked unanimous consent to print the following amendment to LB 345 in the Journal. No objections. So ordered.

AM2157

(Amendments to E & R amendments, AM5490)

1. Insert the following new section:

"Sec. 66. That section 77-27,142, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,142. (1) Any incorporated municipality by ordinance of its governing body is hereby authorized to impose a sales and use tax of one-half percent, one percent, or one and one-half percent upon the same transactions within such incorporated municipality on which the State of Nebraska is authorized to impose a tax pursuant to the Nebraska Revenue Act of 1967, as amended from time to time. No sales and use tax shall be imposed pursuant to this section until an election has been held and a majority of the qualified electors have approved such tax pursuant to sections 77-27,142.01 and 77-27,142.02.

(2) A city of the metropolitan class is hereby authorized to increase any city sales and use tax existing on January 1, 1978, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city and the voters by a majority vote approve such increase. The question of such increase shall be submitted to the voters at the primary or general election in 1980 if the city council shall submit a certified copy of a resolution to that effect to the election commissioner not later than forty-one days prior to the primary or general election. Notwithstanding the provisions of section 77-27,143, if the increase is approved by the voters at the primary or general election in 1980, the election commissioner shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held. If the increase is not approved by the voters at the primary or general election in 1980, no tax increased pursuant to this section shall remain in effect after December 31, 1980.

(3) A city of the primary class is hereby authorized to increase any city sales and use tax existing on January 1, 1985, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city and the voters by a majority vote approve such increase. The question of such increase shall be submitted to the voters at the next primary or general election or at a special election if the city council shall submit a certified copy of a resolution

proposing the tax increase to the election commissioner within a reasonable time prior to the primary, general, or special election. If the increase is approved by the voters at the primary, general, or special election, the election commissioner shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held. If the voters of a city of the primary class have not approved such an increase by December 31, 1987, the question of such an increase shall not be submitted thereafter to the voters and there shall be no increase in the city sales and use tax.

(4) A city of the first or second class or village is hereby authorized to increase any city sales and use tax existing on January 1, 1986, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city or village and the voters by a majority vote approve such increase. The question of such increase shall be submitted to the voters at any primary or general election or at a special election if the city council or village board shall submit a certified copy of a resolution proposing the tax increase to the election commissioner or county clerk within a reasonable time prior to the primary, general, or special election. If the increase is approved by the voters at the primary, general, or special election, the election commissioner or county clerk shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held.

(5) A city of the metropolitan class is hereby authorized to increase for no more than twelve consecutive months any city sales and use tax existing on the effective date of this act imposed pursuant to this section by an amount not to exceed one-half of one percent if the governing body of the city adopts an ordinance approving such increase. The proceeds from the tax imposed by this subsection shall be placed in a fund for improvements to and renovations of city-owned entertainment, convention, and sports facilities. This subsection shall terminate on October 1, 1994.".

2. Correct the operative date provision and repealer so that section 77-27,142 becomes operative three calendar months after the adjournment of this legislative session.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 541 in the Journal. No objections. So ordered.

AM2044

(Amendments to Standing Committee amendments, AM1691)
PURPOSE: Restore the 1.5% reduction in state aid for substance abuse ($75,307), mental health ($153,447), and developmental disability ($375,295) programs in FY1993-94 and FY1994-95.

1. On page 39, strike line 14 and insert
"GENERAL FUND 12,565,533 12,560,418"
strike line 17 and insert
"PROGRAM TOTAL 20,414,743 20,418,059"
and in lines 20 and 23 strike "$4,945,162" and insert "$5,020,469".

2. On page 41, strike line 9 and insert
"GENERAL FUND 47,204,114 47,401,430"
strike line 12 and insert
"PROGRAM TOTAL 60,636,221 60,903,492"
in lines 15 and 18 strike "$10,576,374" and insert "$10,729,821"; and in lines 22 and 25 strike "$7,435,331" and insert "$7,588,778".

3. On page 45, strike line 7 and insert
"GENERAL FUND 25,574,654 25,874,654"
strike line 9 and insert
"PROGRAM TOTAL 42,558,019 43,308,019"
in line 11 strike "$25,199,359" and insert "$25,574,654"; and in line 14 strike "$25,499,359" and insert "$25,874,654".

4. On page 169, strike line 22 and insert
"GENERAL FUND 107,048,165 107,378,853"
and strike line 25 and insert
"AGENCY TOTAL 181,217,056 181,598,742".

SELECT FILE

LEGISLATIVE BILL 587. Messrs. Beutler, Baack, and Bernard-Stevens offered the following amendment:
AM2070

1. Insert the following new sections:

"Section 1. That section 9-648, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

9-648. Any county, city, or village which conducts a lottery shall submit to the department on a quarterly basis a tax of ~~two~~ three percent of the gross proceeds. Such tax shall be remitted not later than thirty days from the close of the preceding quarter on forms provided by the department. The department shall remit the tax to the State Treasurer for credit as follows:

(1) Four-sixths ~~and~~ shall be credited to the Charitable Gaming Operations Fund;

(2) One-sixth shall be credited to the Campaign Finance Limitation Cash Fund until the balance of the Campaign Finance Limitation Cash Fund is two million dollars and

thereafter credited to the Drinking Water Source Quality Fund, except that if at any time the balance in the Campaign Finance Limitation Cash Fund falls below two million dollars, one-sixth shall be credited to the Campaign Finance Limitation Cash Fund until such balance again reaches two million dollars; and

(3) One-sixth shall be credited to the Drinking Water Source Quality Fund. All deficiencies of the tax imposed by this section shall accrue interest and be subject to a penalty as provided for sales and use taxes in the Nebraska Revenue Act of 1967.

Sec. 12. That section 32-1610, Revised Statutes Supplement, 1992, be amended to read as follows:

32-1610. The Campaign Finance Limitation Cash Fund is hereby created. The fund shall be used by the commission to provide public financing of campaigns pursuant to the Campaign Finance Limitation Act, except that transfers may be made to the General Fund at the direction of the Legislature. The fund shall consist of money appropriated to it by the Legislature, amounts appropriated to it pursuant to section 9-648, and amounts repaid by candidates pursuant to sections 32-1606 and 32-1607. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 19. Sections 19 to 23 of this act shall be known and may be cited as the Drinking Water Source Quality Act.

Sec. 20. (1) The Legislature finds that:

(a) Safe drinking water sources are precious resources, the maintenance, protection, and conservation of which are essential to the well-being of the State of Nebraska and its citizens both now and in the future;

(b) The quality of water delivered by Nebraska public water suppliers is highly regulated with mandatory expensive testing on regular schedules for dangerous contaminants; and

(c) The high expense of adequate and meaningful water testing places a heavy burden on the water consumer.

Sec. 21. For purposes of the Drinking Water Source Quality Act:

(1) Drinking water source shall mean ground water which occurs in or moves, filters, or percolates through ground under the surface of the land and surface water which occurs in rivers, streams, and lakes from which it can be taken and treated for consumption;

(2) The approved principal laboratory shall mean the drinking water testing facility certified as meeting the standards and capabilities required by the United States Environmental Protection Agency's Safe Drinking Water Program;

(3) Safe drinking water shall mean water for human consumption which meets the standards set forth by the Nebraska Safe Drinking Water Act and rules and regulations promulgated thereunder; and

(4) Drinking water test shall mean prescribed controlled scientific procedures performed by the approved principal laboratory to determine the presence and relative concentration of specified contaminants in water samples submitted by public water suppliers.

Sec. 22. There is hereby created the Drinking Water Source Quality Fund. The fund shall consist of all fees credited to the fund pursuant to the Drinking Water Source Quality Act, any additional money appropriated to the fund by the Legislature, and any gifts, bequests, or other contributions received for credit to the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 23. (1) Subject to subsection (2) of this section, the Drinking Water Source Quality Fund shall be made available to the Department of Health for the administration of the Nebraska Safe Drinking Water Act. The money shall be used to subsidize the cost of drinking water tests which are required by the act and the rules and regulations promulgated thereunder which are performed by the approved principal laboratory. The purpose of such subsidizing is to provide such tests for modest fees to public water suppliers. If the funds available are not sufficient to so subsidize all drinking water testing, then the subsidy shall apply first to the most costly tests, especially the tests for synthetic organic compounds followed in descending order of cost by the other tests. The results of all drinking water testing shall be tabulated by the testing agency as a water source quality data base indexed by geographical location, contaminants found, and other attributes as may be expedient and desirable with such information to be available to other agencies, organizations, and individuals to whom the information may be helpful for information, education, research, and planning.

(2) Commencing two years after January 1, 1994, money from the fund shall not be made available for use under this section unless the department has prepared and submitted to the Natural Resources Committee of the Legislature written annual reports which outline the actual and planned uses or obligations of money from the fund during both the immediately preceding fiscal year and the forthcoming fiscal year and evaluate the success of efforts undertaken by use of the money.".

2. On page 3, line 3, strike "7 to 9" and insert "8 to 11".

3. On page 15, line 25, after "sections" insert "9-648,"; in line 27 strike "and"; and in line 28 after the first comma insert "and 32-1610,".
4. In the Baack amendment, AM0871, strike amendment 2 and renumber the remaining amendment accordingly.
5. Renumber the remaining sections accordingly.

Mr. Abboud requested a ruling of the Chair on whether the Beutler et al. amendment is germane to the bill.

The Chair ruled the Beutler et al. amendment is not germane to the bill.

Mr. Beutler challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Beutler motion to overrule the Chair lost with 10 ayes, 24 nays, 11 present and not voting, and 4 excused and not voting.

The Chair was sustained.

Mr. Baack offered the following amendment:
AM2149
1. On page 12, line 12, strike "individual's" and insert "person's".

The Baack amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Ashford offered the following amendment:
FA220
Insert on line 18 page 8 after the period, "effective for elections after January 1, 1994"

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

The Ashford amendment lost with 5 ayes, 21 nays, 18 present and not voting, and 5 excused and not voting.

Mmes. Pirsch, Witek, Messrs. Haberman, Robinson, Cudaback, Janssen, and Schmitt offered the following amendment:
FA221
Strike all new language of LB 587 and amendments thereto and add
- Sec. 16. The Campaign Finance Limitation Act shall become

operative for elections held after January 1, 1995. and renumber accordingly.

The Pirsch et al. amendment lost with 9 ayes, 14 nays, 21 present and not voting, and 5 excused and not voting.

Mr. Beutler offered the following amendment:
AM2125

1. Insert the following new sections:

"Sec. 11. Beginning with the tax form filed for the 1994 tax year, the Tax Commissioner shall include on the individual income tax form space in which the individual taxpayer may, if a refund is due, designate two dollars of such refund as a contribution to the Campaign Finance Limitation Cash Fund created in section 32-1610.

Sec. 12. That section 32-1610, Revised Statutes Supplement, 1992, be amended to read as follows:

32-1610. The Campaign Finance Limitation Cash Fund is hereby created. The fund shall be used by the commission to provide public financing of campaigns pursuant to the Campaign Finance Limitation Act, except that transfers may be made to the General Fund at the direction of the Legislature. The fund shall consist of money appropriated to it by the Legislature, ~~and~~ amounts repaid by candidates pursuant to sections 32-1606 and 32-1607, and taxpayer contributions to the fund pursuant to section 11 of this act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.".

2. On page 15, line 27, strike "and"; and in line 28 after the first comma insert "and 32-1610,".

3. Renumber the remaining sections accordingly.

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Beutler moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The Beutler amendment was adopted with 29 ayes, 8 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 128. Introduced by Hillman, 48; Moore, 24.

PURPOSE: The purpose of this resolution is to examine and review the sources, methods, and levels of funding of remedial-developmental-foundations education at the public postsecondary education level in Nebraska, with particular emphasis on the state's community college system. Costs of remedial-developmental-foundations education may be addressed along with potential areas for cost and funding reductions particularly where there is a duplication of services between the state's primary and secondary education systems and the public postsecondary education systems. The examination and review shall also include a similar analysis related to the sources, methods, and levels of funding and the costs of remedial-developmental-foundations education in correctional services settings.

The study shall include:

a. A review and analysis of the sources, methods, and levels of funding of the various forms, courses, and programs of remedial-developmental-foundations education at the public postsecondary education level in Nebraska. The review and analysis shall be made at the campus level and may include all funding sources but shall specifically highlight state and local funding sources;

b. A review and analysis of how the sources, methods, and levels of funding and other factors act as incentives or disincentives in promoting a reduction in the amount of remedial-developmental-foundations education which is necessary in public postsecondary education in the state. The review and analysis may also address incentives or disincentives to increase articulation between the state's primary and secondary education systems and the public postsecondary education systems in the state which may reduce costs and funding levels along with increasing quality;

c. A review and analysis may be undertaken of the total cost and cost per student of remedial-developmental-foundations education along with the potential areas of cost reduction where funding may be duplicative between the state's primary and secondary education systems and the public postsecondary education systems;

d. A review and analysis of any related areas as deemed appropriate; and

e. A set of specific recommendations regarding any necessary changes in legislation, funding formulas, budgeting methods, appropriations methods, or any other policy areas as may be appropriate in order to further the attainment of a more cost-effective framework for remedial-developmental-foundations education in the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations and the Education Committees of the Legislature shall be designated to conduct an interim study, in cooperation with such representatives of the Governor as he chooses to designate, to carry out the purposes of this resolution. The committees shall solicit the input of the Coordinating Commission for Postsecondary Education and such other interested state agencies, political subdivisions, persons, and groups as they deem necessary and beneficial to carry out the purposes of this resolution. Financial budget, funding, cost, and enrollment information concerning remedial-developmental-foundations education and such other information as deemed necessary by the committees shall be supplied to the committees as requested from the State Department of Education, primary and secondary education institutions, public postsecondary education institutions, state agencies, and political subdivisions in the state.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or the Legislature and the Governor.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 808 in the Journal. No objections. So ordered.

AM2164

(Amendments to E & R amendments, AM5506)

1. Insert the following new section:

"Sec. 3. The Department of Social Services shall seek a waiver of federal requirements that a copayment or deductible may not be paid by a public assistance recipient if the recipient makes a declaration that he or she is not able to pay.".

2. On page 2, line 16, strike "April" and insert "July" and after "report" insert ", except that for the first year the schedule shall be put into effect by April 1".

3. Renumber the remaining section accordingly.

Mr. Lynch asked unanimous consent to print the following amendment to LB 717 in the Journal. No objections. So ordered.

AM2016

1. On page 2, after line 13, insert the following new subsection:

"(3) The chief of police shall assign each Uniform Patrol Bureau Police Officer who has less than four years of continuous service, for fifty percent of his or her daily shift, excluding time attending school or training courses, to

patrol offstreet parking facilities for the misuse of a stall or space designated exclusively for handicapped or disabled persons, temporarily handicapped or disabled persons, or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons.".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 564 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2174.)

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 541. Placed on Select File as amended.
E & R amendment to LB 541:
AM5521

1. In the Standing Committee amendments, AM1691:

a. On page 6, lines 12 and 19, after "Information" insert "System";

b. On page 7, line 17, after "for" insert "the" and strike "Systems" and insert "System"; and in line 21 strike "Children" and insert "Office of Child" and strike "Office";

c. On page 19, line 25; page 42, line 19; and page 46, line 14, strike "service" and insert "services referral and";

d. On page 22, line 9, after "childhood" insert "education";

e. On page 29, line 2, strike "65,830" and insert "65,820";

f. On page 32, strike line 27 and insert "PROGRAM TOTAL 23,975,845 23,975,845"

g. On page 47, line 13, strike "25" and insert "26";

h. On page 51, line 5, strike "69,619,029" and insert "69,619,027";

i. On page 52, line 17, strike "1,200,000" and insert "1,200,400";

j. On page 55, lines 8 and 11, strike "personal service limit" and insert "total expenditures for salaries and per diems"; in line 8 before the period insert "for FY1993-94"; and in line 12 before the period insert "for FY1994-95";

k. On page 60, line 5, strike "Personal services expenditures" and insert "Expenditures for salaries and per diems";

l. On page 81, line 6, strike "Programs" and insert "Program";

m. On page 82, line 17; and page 93, lines 3 and 12, strike "Education" and insert "Educational";

n. On page 87, line 19, after "University" insert "of Nebraska";

o. On page 96, line 19, strike "above"; and in line 20 after "appropriation" insert "in this section";

p. On page 98, line 25, strike "definition" and insert "definitions";

q. On page 105, line 18, strike both occurrences of "2,894,572" and insert "2,895,572";

r. On page 108, line 17, before "The" insert "(1)";

s. On page 109, line 24; and page 110, line 6, strike "appropriation" and insert "appropriations";

t. On page 111, line 27; and page 127, line 3, strike "appropriations" and insert "appropriation";

u. On page 118, line 9; page 128, lines 10, 11, and 17; page 129, lines 13, 14, and 20; and page 147, line 5, strike the first comma;

v. On page 144, line 13, strike "Building Renewal Allocation Fund,";

w. On page 148, line 15; and page 151, line 18, strike "Nebraska-Omaha" and insert "Nebraska at Omaha";

x. On page 167, line 10, strike "752,092" and insert "757,092"; in line 17 strike "14,213,618" and insert "14,213,622"; and in line 18 strike "14,242,205" and insert "14,242,209";

y. On page 168, strike line 11 and insert

"GENERAL FUND 6,849,422 6,881,450"

and strike line 14 and insert

"AGENCY TOTAL 51,879,001 51,963,069"

z. On page 172, line 3, strike "16,365,475" and insert "16,365,457";

aa. On page 173, line 18, strike "2,077,038" and insert "2,087,307";

bb. On page 174, line 26, strike "to" and insert "and";

cc. On page 175, line 16, strike "23,524,641" and insert "23,254,641";

dd. On page 179, line 2, strike "97,736,580" and insert "97,738,729"; and

ee. On page 180, lines 7 and 8, strike "140,933" and insert "666,210"; and in line 22 strike "2,802,212" and insert "2,808,212".

2. On page 1, strike beginning with the second "to" in line 1 through line 2 and insert "to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 1995; to transfer funds; to provide an operative date; and to declare an emergency.".

LEGISLATIVE BILL 50. Placed on Select File as amended.
E & R amendment to LB 50:
AM5516

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) There is hereby created the State Treasurer Administrative Fund. Funds received by the State Treasurer pursuant to his or her administrative duties shall be credited to the fund. Such funds shall include:

(a) Payments for returned check charges;

(b) Payments for wire transfers initiated by the State Treasurer at the request of state agencies;

(c) Payments for copies of cashed state warrants;

(d) Payments for copies, including microfilm, computer disk, or magnetic tape, of listings relating to outstanding state warrants; and

(e) Payments for copies, including microfilm, computer disk, or magnetic tape, of listings of owners of unclaimed property held by the State Treasurer pursuant to the Uniform Disposition of Unclaimed Property Act.

Money in the fund received pursuant to subdivisions (1)(a) through (d) of this section shall be credited to the General Fund quarterly. Money in the State Treasurer Administrative Fund received pursuant to subdivision (1)(e) of this section shall be credited to the Unclaimed Property Cash Fund. The State Treasurer may retain such amount as he or she deems appropriate in the State Treasurer Administrative Fund for purposes of making change for cash payments. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

(2) The State Treasurer may establish a fee schedule for any of the services listed in subsection (1) of this section. The fees shall approximate the cost of providing the service.

Sec. 2. This act shall become operative on July 1, 1993.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 321. Placed on Select File as amended.
E & R amendment to LB 321:
AM5517

1. On page 1, strike beginning with "Joslyn" in line 1 through "Fund" in line 5 and insert "historical sites; to amend sections 82-134, 82-136, 90-261, and 90-262, Revised Statutes Supplement, 1992; to transfer, change, and eliminate

provisions relating to operation, administration, and acquisition of Joslyn Castle; to eliminate restrictions on the location of the Strategic Air Command Museum; to eliminate a fund; to harmonize provisions".

LEGISLATIVE BILL 323. Placed on Select File.

LEGISLATIVE BILL 543. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5518.)

LEGISLATIVE BILL 670. Placed on Select File as amended.
E & R amendment to LB 670:
AM5520

1. On page 2, line 5, reinstate the stricken "so".

Correctly Engrossed

The following bills were correctly engrossed: 507 and 734.

Enrollment and Review Change to LB 734

The following changes, required to be reported for publication in the Journal, have been made:
ER7273

1. In the Hillman et al. amendment, AM1970, on page 1, line 11, "through" has been struck and "to" inserted; and in line 18 "hospitals" has been struck and "hospital" inserted.

2. In the Cudaback et al. amendment, AM1944:

a. On page 3, line 26, "auditor" has been struck and "Auditor of Public Accounts" inserted;

b. On page 5, line 7, the second comma has been struck;

c. On page 7, line 16, "that is not" has been struck and "who is not an" inserted; in line 17 "an" has been inserted after the second "or"; and in line 18 "and" has been inserted after "government";

d. On page 9, line 2, "no" has been struck and "not" inserted; and in line 3 "a" has been struck;

e. On page 10, line 14, "be" has been struck;

f. On page 17, line 19; page 34, line 5; page 53, line 15; and page 55, line 12, "of each year" has been inserted after "10";

g. On page 18, line 22, "of each year" has been inserted after "22";

h. On page 23, line 24, the comma has been struck and shown as stricken;

i. On page 24, line 19; and page 25, line 2, the last comma has been struck; and

j. On page 34, line 22, an underscored comma has been inserted after "revision".

3. On page 1, the matter beginning with "sections" in line 1 through line 16 and all amendments thereto have been struck and

"sections 13-502, 13-504, 13-511, 16-691, 16-704, 17-706, 17-802, 19-2902, 23-909, 23-913, 23-914, 23-920, and 77-202.03, Reissue Revised Statutes of Nebraska, 1943, and sections 2-2444, 2-3225, 13-501, 13-503, 13-508, 13-509, 14-1821, 18-2107, 23-3552, 31-333, 31-513, 31-711, 31-739, 39-1621, 46-543, 46-631, 77-507.01, 77-508, 77-509, 77-509.01, 77-680, 77-681, 77-1601, 77-1612, 79-810, 79-903, and 79-2210, Revised Statutes Supplement, 1992; to adopt the Municipal Proprietary Function Act and the Local Government Miscellaneous Expenditure Act; to change provisions relating to certification of tax levies and valuation by governing bodies and the State Board of Equalization and Assessment as prescribed; to authorize certain expenditures; to define and redefine terms; to change provisions relating to notice and hearing; to allow certain hospitals to change their fiscal year; to provide for the late filing of real and tangible personal property affidavits; to change provisions" inserted.

4. On page 2, line 1, "an operative date" has been struck and "operative dates" inserted.

(Signed) Kurt Hohenstein, Chairperson

VISITORS

Visitors to the Chamber were 50 sixth grade students and sponsor from Syracuse-Dunbar-Avoca School, Syracuse.

ADJOURNMENT

At 8:11 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Tuesday, May 18, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTY-NINTH DAY - MAY 18, 1993

LEGISLATIVE JOURNAL

SEVENTY-NINTH DAY - MAY 18, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

SEVENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 18, 1993

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mrs. Rasmussen who was excused; and Messrs. Abboud, Ashford, Avery, Bernard-Stevens, Hall, Landis, Lindsay, Lynch, Pedersen, Preister, Warner, Will, Mmes. Bohlke, McKenzie, Robak, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2135, line 2, strike "Warner" and insert "Moore".
The Journal for the seventy-seventh day was approved as corrected.
The Journal for the seventy-eighth day was approved.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 799 in the Journal. No objections. So ordered.

AM2163

1. On page 3, after line 3, insert the following new paragraph:

"The Department of Social Services shall apply for such a waiver from the federal government to carry out the provisions of subdivision (2) of this section.".

Mr. Abboud asked unanimous consent to print the following amendment to LB 345 in the Journal. No objections. So ordered.

AM2082

1. Insert the following new section:

"Section 1. That section 9-629, Reissue Revised Statutes of Nebraska, 1943, as amended by section 16, Legislative Bill 138, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

9-629. (1) ~~Except as provided in section 9-629.02, the~~ The gross proceeds of any lottery conducted by a county, city, or village shall be used solely for community betterment purposes, awarding of prizes, taxes, and expenses.

(2) Not less than sixty-five percent of the gross proceeds shall be used for the awarding of prizes, except that for purposes of conducting a lottery authorized by subdivision (1)(c)(ii) of section 9-607, not less than sixty-five percent of the gross proceeds during an annual period from July 1 to June 30 of each year shall be used for the awarding of prizes.

(3) Not more than fourteen percent of the gross proceeds shall be used to pay the expenses of operating the lottery, except that license fees paid to the department and audit or legal expenses incurred by the county, city, or village which relate directly to the conduct of operating such lottery shall not be included in determining the fourteen-percent limitation on expenses.".

2. On page 133, line 20, after the second comma insert "section 9-629, Reissue Revised Statutes of Nebraska, 1943, as amended by section 16, Legislative Bill 138, Ninety-third Legislature, First Session, 1993,"; and in line 25 after the last comma insert "and also section 9-629.02, Reissue Revised Statutes of Nebraska, 1943,".

3. Renumber the remaining sections and correct internal references accordingly.

ATTORNEY GENERAL'S OPINION

Opinion No. 93038

DATE: May 14, 1993

SUBJECT: LB 564; Can fees for retrieval of driver's licenses impounded after conviction of certain traffic infractions constitutionally be placed in a Youth Alcohol Prevention Education Cash Fund?

REQUESTED BY: Senator Connie J. Day
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

You have introduced amendments to LB 564 which would amend that legislation so as to require the impoundment of the motor vehicle operator's licenses of those persons under 21 years of age who are found to have operated a motor vehicle with a percentage of .02 per cent or more of alcohol in their bloodstream. The impoundment would be for a period of thirty days, and would be imposed by a court after the person involved had been found guilty of a traffic infraction based upon driving with the prohibited percentages of alcohol present. After impoundment for thirty days, the offender could retrieve his or her driver's license from the court upon payment of a fee of $50 to the Clerk of the County Court.

Your amendments to LB 564 also propose the creation of the Youth Alcohol Prevention Education Cash Fund, a fund to be administered by the Division on Alcoholism and Drug Abuse of the Department of Public Institutions, and used for regional alcohol education grant programs. The $50 fee paid by offenders for retrieval of their driver's licenses after impoundment would be placed in the Youth Alcohol Prevention Education Cash Fund. In that regard, you have now asked, "{w}ill the deposit of these reinstatement fees {for reinstatement of motor vehicle operator's licenses} to the {Youth Alcohol Prevention Education} cash fund violate Constitutional provisions?" For the reasons stated below, we believe that there are constitutional problems with the amendments you have proposed.

At the outset, we must point out, as we have done previously, that a question on the general constitutionality of a legislative bill will necessarily result in a general response from this office. See Op. Att'y Gen. No. 89028 (April 4, 1989); Op. Att'y Gen. No. 85177 (December 20, 1985). If we are to address specific questions or concerns with a bill, they must be set out in the opinion request. Otherwise, we can only offer our overall observations on the legislation. You have asked for our opinion as to whether your amendments to LB 564 "violate Constitutional provisions" with no indication as to what specific state or federal constitutional provisions you believe might be at issue. We must, therefore, offer a general response to your question in the absence of any description of your specific concerns.

Your proposed amendments to LB 564 would require that a "fee" generated as a part of a criminal prosecution be placed in a fund for youth alcohol prevention education. This situation raises obvious questions under Article VII Section 5 of the Nebraska Constitution which requires that fines, penalties and license monies arising under the general laws of the State must be appropriated exclusively for the use and support of the common schools. Our analysis of the applicable law in this area indicates that there is a problem with your proposal under that constitutional provision.

Article VII, Section 5 of the Nebraska Constitution provides, as is pertinent here:

> Except as provided in subsections (2) and (3) of this section, all fines, penalties, and license money arising under the general laws of the state, . . . shall belong and be paid over to the counties respectively where the same may be levied or imposed, and all fines, penalties, and license money arising under the rules, bylaws, or ordinances of cities, villages, precincts, or other municipal subdivision less than a county shall belong and be paid over to the same respectively. All such fines, penalties, and license money shall be appropriated exclusively to the use and support of the common schools in the respective subdivisions where the same may accrue, . . .

Several decisions by the Nebraska Supreme Court have set out rules for the application of Article VII, Section 5. This constitutional provision is self-executing, and punitive assessments such as fines and penalties under penal statutes together with license monies must be used for the schools. School District of the City of Omaha v. Adams, 147 Neb. 1060, 26 N.W.2d 24 (1947). On the other hand, compensatory damages or assessments under remedial statutes are not subject to Article VII, Section 5. Id. If money exacted is punitive in character, and not remedial or compensatory, that money is a penalty within the meaning of Article VII, Section 5. School District of McCook v. City of McCook, 163 Neb. 817, 81 N.W.2d 224 (1957). A penal statute is prosecuted for the purpose of punishment, and to also deter others from offending in the same way, while a remedial statute is for the purpose of adjusting the rights of the parties involved as between themselves with respect to the wrong alleged. School District of the City of Omaha v. Adams, supra. It is also clear that court costs which are legitimately compensatory are not penalties within Article VII, Section 5. DeCamp v. City of Lincoln, 202 Neb. 727, 277 N.W.2d 83 (1979). In addition, liquidated damages in favor of a private person, although in the form of a penalty, are not violative of Article VII, Section 5 if the amount provided bears a reasonable relation to the actual damages which might be sustained and which damages are not susceptible to measurement by ordinary pecuniary standards. Abel v. Conover, 170 Neb. 926, 104 N.W.2d 684 (1960).

The factual settings of various Nebraska cases also offer additional guidance as to the application of Article VII, Section 5. For example, in the Adams case cited above, an amount was collected from the estate of certain deceased persons as a statutory penalty for failure to list particular property for taxation. The Court held that the penalty in question did not fall under Article VII, Section 5, because it was remedial and compensatory to the taxing bodies involved. This was true even though the penalty was punitive as to the wrongdoer. In DeCamp v. City of Lincoln, supra, the Court held that court costs collected for parking violations were not fines or penalties under Article VII, Section 5 because the costs were collected by an administrative arm of the municipal court, because the costs were

uniform throughout the entire range of offenses, and because the costs actually appeared to be compensatory.

This office has also issued previous opinions dealing with the application of Article VII, Section 5. Most recently, in Op. Att'y Gen. No. 93018 (March 19, 1993), we indicated that a surcharge to be assessed against all convicted criminal defendants could constitutionally be placed into the Victims' Compensation Fund and into the Crime Victim and Witness Assistance Fund. We concluded that the surcharge payments could be characterized as liquidated damages which were compensatory to the victims of uncompensated injury by criminals. In Op. Att'y Gen. No. 21 (February 10, 1981), we stated that a $1 additional court cost assessed against convicted criminal defendants could be placed in a special Law Enforcement Improvement Fund because there was a reasonable relationship between the cost and the maintenance of the law enforcement and criminal justice system. On the other hand, we indicated in the same opinion that placing a portion of certain increased court costs in the state's general fund would likely violate Article VII, Section 5 since those increases could be considered a fine or penalty rather than compensation. Placing court costs in the state's general fund under those circumstances could also violate the separation of powers provision of the state Constitution in that the courts would be acting as tax collectors.

On balance, and in light of the various authorities cited above, we believe that the fee for retrieval of impounded driver's licenses proposed by your amendments to LB 564 involves a penalty which must be used for school purposes. It is clear that the fee would not be compensatory to any governmental bodies or to any victims of criminal violations, nor would it go directly to maintenance of the criminal justice and law enforcement system. On the other hand, it could be fairly stated that the purpose of the retrieval fee, when considered together with the impoundment process, would be to punish improper conduct and to deter others from acting in the same manner. Consequently, we believe that placement of the retrieval fees in the Youth Alcohol Prevention Education Cash Fund, however meritorious, would likely violate Article VII, Section 5 of the Nebraska Constitution.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
05OP005.593

MOTION - Approve Appointments

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointments found in the Journal on page 2170: Patricia McQuillan, Patricia Kuehl, Dr. Christopher Caudill, Margaret Allington, and Carl Maltas - Nebraska Board of Health.

Voting in the affirmative, 25:

Baack	Day	Hudkins	Pirsch	Warner
Bromm	Dierks	Janssen	Schellpeper	Wehrbein
Coordsen	Elmer	Jones	Schimek	Wesely
Crosby	Hartnett	Kristensen	Schmitt	Witek
Cudaback	Hohenstein	Moore	Vrtiska	Withem

Voting in the negative, 0.

Present and not voting, 9:

Beutler	Chambers	Haberman	Horgan	Wickersham
Byars	Fisher	Hillman	Robinson	

Excused and not voting, 15:

Abboud	Bernard-	Hall	Lynch	Preister
Ashford	Stevens	Landis	McKenzie	Rasmussen
Avery	Bohlke	Lindsay	Pedersen	Robak
				Will

These appointments were confirmed with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 126. Read. Considered.

LR 126 was adopted with 15 ayes, 0 nays, and 34 not voting.

GENERAL FILE

LEGISLATIVE BILL 330. Title read. Considered.

Standing Committee amendment, AM1705, printed separately from the Journal and referred to on page 2176, was considered.

Mr. Wesely offered the following amendment to the Standing Committee amendment:
FA222
Amendment to AM1705
1 On page 7, line 21, strike "$187,647" and insert "$375,294".

2 On page 7, line 22, strike "$187,647" and insert "$375,294".

Mr. Wesely moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Chambers requested a roll call vote on the Wesely amendment.

Voting in the affirmative, 22:

Ashford	Day	Lindsay	Robinson	Vrtiska
Beutler	Dierks	Pedersen	Schellpeper	Warner
Byars	Horgan	Preister	Schimek	Wesely
Chambers	Hudkins	Robak	Schmitt	Will
Crosby	Janssen			

Voting in the negative, 22:

Avery	Bromm	Haberman	Kristensen	Wehrbein
Baack	Coordsen	Hartnett	Landis	Wickersham
Bernard-Stevens	Cudaback	Hillman	Moore	Witek
Bohlke	Elmer	Hohenstein	Pirsch	Withem
	Fisher	Jones		

Excused and not voting, 5:

Abboud	Hall	Lynch	McKenzie	Rasmussen

The Wesely amendment lost with 22 ayes, 22 nays, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. LINDSAY PRESIDING

Mr. Moore moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Haberman requested a roll call vote on the Standing Committee amendment.

Voting in the affirmative, 39:

Ashford	Bernard-Stevens	Bromm	Cudaback	Fisher
Avery	Beutler	Byars	Day	Hartnett
Baack	Bohlke	Chambers	Dierks	Hillman
		Crosby	Elmer	Hohenstein

Horgan	Moore	Robinson	Vrtiska	Wickersham
Hudkins	Pedersen	Schellpeper	Warner	Will
Janssen	Preister	Schimek	Wehrbein	Witek
Landis	Robak	Schmitt	Wesely	Withem
Lindsay				

Voting in the negative, 3:

Coordsen	Haberman	Pirsch

Present and not voting, 1:

Jones

Excused and not voting, 6:

Abboud	Kristensen	Lynch	McKenzie	Rasmussen
Hall				

The Standing Committee amendment was adopted with 39 ayes, 3 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Schmitt and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 6 nays, 12 present and not voting, and 6 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 129. Introduced by Jones, 43; Preister, 5; Bromm, 23; Wickersham, 49; Hartnett, 45; Coordsen, 32; McKenzie, 34; Beutler, 28; Bohlke, 33.

PURPOSE: To study the current in lieu of tax system used by the Game and Parks Commission and to examine and determine if changes are needed in such system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 130. Introduced by Horgan, 4.

PURPOSE: In 1992, the legislature passed Legislative Resolution 328, which authorized a comprehensive study of the retirement systems administered by the Public Employees Retirement Board. An important and necessary component to such a comprehensive study is an analysis of the administration and composition of the agencies, boards, and commissions authorized to oversee the implementation of the retirement system and funds. This resolution authorizes such an analysis which shall include, but not be limited to, the following:

a. A fifty-state comparison of the form, composition, and number of boards, commissions, or other agencies empowered to administer the retirement system or invest the funds of other state retirement systems;

b. A comparison of the duties required of such boards, agencies, and commissions with a particular emphasis on the following issues:

(i) How state retirement policy is formulated;

(ii) The powers and duties vested within each separate state agency, board, and commission; and

(iii) The interaction between the agencies, boards, commissions, and the Legislature relating to retirement legislation and policy; and

c. An analysis of the Public Employees Retirement Board, the Nebraska Investment Council, and the Nebraska Public Employees Retirement Systems, how they compare with other states, and whether the administration and interaction between such entities could be improved through restructuring of the current systems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 131. Introduced by Horgan, 4.

PURPOSE: For years, private industry has utilized the concept of the early retirement incentive in its attempts to downsize and restructure. While such incentives have been offered in small measure, particularly in school districts, the utilization of the incentive for early retirement for public employees in Nebraska is inconsistently and sporadically applied throughout the state. The purpose of this resolution is to examine the concept of incentives for early retirement and its possible implementation and application to retirement systems administered by

the Public Employees Retirement Board. This study shall not in any way alter the early retirement incentives currently offered by the state or local political subdivisions. Such study shall include, but not be limited to, the following:

a. An analysis of current early retirement policy in public employment entities throughout the State of Nebraska;

b. An analysis of new and innovative policies in other states which have been implemented and which may apply to Nebraska state systems;

c. An analysis of whether such a policy could be implemented for state systems which do not currently have incentives for early retirement;

d. An analysis of the rationale and goals relating to incentives for early retirement; and

e. An analysis of the potential costs and savings associated with incentives for early retirement.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 132. Introduced by Baack, 47.

PURPOSE: The purpose of this resolution is to study the potential for developing apprenticeship programs in the State of Nebraska. Other states have developed programs incorporating public and private sector cooperation to include entities such as the State Department of Education and the Department of Labor, as well as community colleges, state colleges, the University of Nebraska, and local high schools.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 133. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Bromm, 23; Chambers, 11; Dierks, 40; Preister, 5; Schimek, 27; Vrtiska, 1.

PURPOSE: The purpose of this study is to examine the process used by the Commission of Industrial Relations in its resolution of cases brought under section 48-818, including the type of evidence that is necessary to establish an appropriate array of compared-to employers, pretrial impasse resolution procedures and settlement conferences, appropriate bargaining unit designations of public school employees, and the scheduling of the collective-bargaining process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business of Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall seek the cooperation of the Commission of Industrial Relations to this study.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

ATTORNEY GENERAL'S OPINION

Opinion No. 93039

DATE: May 17, 1993

SUBJECT: Validity of Op. Att'y Gen. No. 206 (Mar. 28, 1984) in View of State v. Gourley; Practice of Lay Midwifery as the Unauthorized Practice of Medicine and Surgery

REQUESTED BY: Senator Don Wesely
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Jan E. Rempe, Assistant Attorney General

You have submitted two opinion requests to this office regarding the practice of lay midwifery in Nebraska. We note that your questions concern lay midwifery, as opposed to nurse midwifery, which is a practice governed by the Nebraska Certified Nurse Midwifery Practice Act, Neb. Rev. Stat. §§ 71-1738 to 71-1765 (1990). For purposes of this opinion, "lay midwifery" refers to midwives not certified under sections 71-1738 to 71-1765; not licensed to practice medicine in

Nebraska; and not falling within the exceptions in Neb. Rev. Stat. § 71-1,103 (Cum. Supp. 1992), described in further detail below.

In your first opinion request, you have asked whether Opinion of the Attorney General No. 206, dated March 28, 1984, is still the view of this office. That opinion concluded that Neb. Rev. Stat. § 71-1,103 (1981) and a provision in LB 761, which later became the Nebraska Certified Nurse Midwifery Practice Act, would permit a father who was neither licensed to practice medicine and surgery, nor a certified nurse midwife, to deliver his own child at home in an emergency situation; however, he could not practice obstetrics in this manner in a nonemergency situation. After a review of the current statutes governing this matter, we believe the above-referenced opinion is still valid. See Neb. Rev. Stat. §§ 71-1738 to 71-1765 (1990), 71-1,102 (1990), 71-1,103 (Cum. Supp. 1992), 71-102(1) (1990).

In a postscript to your first opinion request, you ask that we review a Lancaster County Court case dealing with certified nurse midwives. We presume you are referring to State v. Gourley, Docket 93F01, Page 8326, in the Lancaster County Court. In that case, the State charged Karen Gourley under Neb. Rev. Stat. § 71-1764(1) (1990) with practicing as a certified nurse midwife without a current certificate as such under the Nebraska Certified Nurse Midwifery Practice Act. The State argued that Gourley was not certified, but performed the functions of a certified nurse midwife in delivering a child in a nonemergency situation in a private home. Brief for State at 3.

The court's order, entered on April 26, 1993, stated that the language of the statute under which Gourley was charged "only prohibits a person from holding themselves out as a certified nurse midwife when they were not so certified. The complaint is dismissed, the State failing to meet their burden of proof for a bindover." The court's order is limited to interpretation of section 71-1764(1) and a determination of whether the State met its burden of proof under that statute. The order does not interpret other sections of the Nebraska Certified Nurse Midwifery Practice Act, nor does it determine whether actions similar to those taken by Gourley would constitute the unauthorized practice of medicine under sections 71-1,102 and 71-1,103.

Therefore, the disposition of the Gourley case does not affect our answer to your first inquiry. Opinion of the Attorney General No. 206, dated March 28, 1984, is still the opinion of this office.

Your second opinion request asks whether the practice of lay midwifery constitutes the unauthorized practice of medicine under Nebraska law.

Neb. Rev. Stat. § 71-1,102 (1990) provides in relevant part:

> For the purpose of the Uniform Licensing Law and except as otherwise provided by law, the following classes of persons shall be deemed to be engaged in the practice of medicine and surgery: (1) Persons who . . . publicly profess to assume the duties incident to the practice of . . . obstetrics . . .; (2) persons who prescribe and furnish medicine for . . . any physical . . . condition . . .; (3)

> persons holding themselves out to the public as being qualified in the diagnosis or treatment of . . . any physical . . . condition . . . of human beings . . . .

Neb. Rev. Stat. § 71-1,103 (Cum. Supp. 1992) creates exceptions to the above definition of the practice of medicine and surgery by listing numerous classes of people who shall not be considered to be engaging in the unauthorized practice of medicine. Section 71-1,103 also states that every act or practice of medicine and surgery, as defined in section 71-1,102, not excepted in section 71-1,103 "shall constitute the practice of medicine and surgery and may be performed in this state only by those licensed by law to practice medicine in Nebraska." See also Neb. Rev. Stat. § 71-102(1) (1990) ("No person shall engage in the practice of medicine and surgery . . . unless such person has obtained a license from the Department of Health for that purpose.") Neb. Rev. Stat. § 71-167 (1990) provides criminal penalties for violations of the Uniform Licensing Law, of which the above statutes are a part.

Due process of law requires criminal statutes to be clear and definite to allow those subject to such statutes to know what conduct will make them liable to punishment and to intelligently choose in advance a lawful course of conduct. State v. Pierson, 239 Neb. 350, 476 N.W.2d 544 (1991). See also Neb. Rev. Stat. § 29-106 (1989) (criminal statutes to be construed according to the plain import of the language used; "no person shall be punished for an offense which is not made penal by the plain import of the words"). Although penal statutes must be strictly construed, they should be given a sensible construction in the context of the object to be accomplished, the evils to be remedied, and the purpose to be served. State v. Kincaid, 235 Neb. 89, 453 N.W.2d 738 (1990). In construing a penal statute, a court will avoid a construction which leads to unjust, unconscionable, or absurd results, and will place a sensible construction upon the statute to effectuate the object of the legislation. Id. "The prohibition against excessive vagueness does not invalidate every statute which a reviewing court believes could have been drafted with greater precision." Pierson, at 353, 476 N.W.2d at 547.

"Midwifery" is the "art or practice of assisting women in childbirth; obstetrics." Webster's Unabridged Dictionary 1140 (2d ed. 1979). A "midwife" is one who "assists at childbirth." Black's Law Dictionary 895 (5th ed. 1979). See also Smith v. State ex rel. Medical Licensing Bd., 459 N.E.2d 401 (Ind. Ct. App. 1984). The "practice of midwifery" is commonly understood to mean "the exercise of, as a profession or occupation, the art or act of assisting at childbirth." State ex rel. Missouri State Bd. of Registration for the Healing Arts v. Southworth, 704 S.W.2d 219, 224 (Mo. 1986). "Practice of midwifery" are "words of common usage, understandable by persons of normal intelligence." Id. at 223.

"'{M}idwife' is a term of common usage and people of common intelligence need not guess at its meaning. . . . Constructions of the terms 'midwife' and 'midwifery' from common usage, legal and

non-legal dictionaries, and case law are nearly unanimous in defining midwifery as assisting at childbirth." People v. Rosburg, 805 P.2d 432, 439-40 (Colo. 1991). But see People v. Jihan, 127 Ill. 2d 379, 537 N.E.2d 751 (1989) ("midwifery" could mean assisting at childbirth or actually delivering the child).

"Midwifery" has also been defined as the practice of obstetrics. Webster's Unabridged Dictionary 1140 (2d ed. 1979) (midwifery is obstetrics); Webster's Unabridged Dictionary 1235 (2d ed. 1979) (obstetrics is the branch of medicine dealing with the care and treatment of women during pregnancy, childbirth, and the period immediately following); Southworth, 704 S.W.2d 219 (adopts Webster's definition of midwifery which includes obstetrics); Banti v. State, 163 Tex. Crim. 89, 289 S.W.2d 244 (1956); People v. Arendt, 60 Ill. App. 89 (1894). The practice of assisting pregnant women in giving birth through "natural childbirth," or without the use of drugs, was deemed to be the practice of obstetrics in the context of a naturopathic physician, or drugless healer, in Griffith v. Department of Motor Vehicles, 23 Wash. App. 722, 598 P.2d 1377 (1979).

Construing section 71-1,102 according to the plain import of its language, the practice of lay midwifery--defined as assisting at childbirth and not falling within one of the exceptions listed in section 71-1,103--would constitute the unauthorized practice of medicine and surgery under section 71-1,102(1) because that section defines the practice of medicine and surgery to include "{p}ersons who . . . publicly profess to assume the duties incident to the practice of . . . obstetrics."[1]

The practice of lay midwifery when not excepted under section 71-1,103 would also appear to constitute the unauthorized practice of medicine under sections 71-1,102(2) and (3) if lay midwives "prescribe and furnish medicine for . . . any physical . . . condition" or hold "themselves out to the public as being qualified in the diagnosis or treatment of . . . any physical . . . condition . . . of human beings" (emphasis added). "Physical condition," as used in similar statutes in other states, has been defined to encompass pregnancy. Bowland v. Municipal Court, 134 Cal. Rptr. 630, 556 P.2d 1081 (1976) (statutes prohibiting unlicensed health practice); Smith, 459 N.E.2d 401 (statute defining the practice of medicine).

As noted above, the practice of medicine by lay midwives under sections 71-1,102(1), (2), or (3) when not excepted under section 71-1,103 would be punishable as a misdemeanor under section 71-167.[2]

We believe this construction of the above-cited statutes is necessitated by the plain import of the language used and the obvious legislative purposes of protecting the health, safety, and welfare of Nebraska citizens and insuring that health providers meet minimum standards of competency and proficiency. See Neb. Rev. Stat. §§ 71-112.03 (1990) (purpose of each board of examiners); 71-1739 (1990) (purpose of the Nebraska Certified Nurse Midwifery Practice Act).

Despite our interpretation of the relevant statutes, you should note that the Nebraska Legislature's failure to specifically mention midwifery in section 71-1,102, or to define it, could cause section 71-1,102 to be challenged as being unconstitutionally vague should a lay midwife be prosecuted for the unauthorized practice of medicine under this statute. See Jihan, 127 Ill. 2d 379, 537 N.E.2d 751. You may wish to consult the statutory language upheld in People v. Rosburg, 805 P.2d 432, 434 n.1 (1991), as well as consider defining the practice of midwifery.

CONCLUSIONS

(1) Opinion of the Attorney General No. 206, dated March 28, 1984, is still the opinion of this office.

(2) The disposition of State v. Gourley, Docket 93F01, Page 8326 (Lancaster County Court 1993) does not affect our conclusion in (1), above.

(3) The practice of lay midwifery--that is, assisting at childbirth--by persons not certified as nurse midwives under sections 71-1738 to 71-1765, not licensed to practice medicine in Nebraska, and not excepted by section 71-1,103 constitutes the unauthorized practice of medicine, punishable under section 71-167.

[1]But see Leigh v. Board of Registration in Nursing, 395 Mass. 670, 481 N.E.2d 1347 (1985), appeal after remand, 399 Mass. 558, 506 N.E.2d 91 (1987) (in dicta, court said ordinary assistance in normal cases of childbirth is not the practice of medicine; however, one who practices midwifery, uses obstetrical instruments when a physician is unavailable, and prescribes drugs engages in the practice of medicine).

[2]Some cases have referred to vital statistics statutes which mention midwives, such as Neb. Rev. Stat. § 71-1405 (1990) (physicians and midwives to file statements setting forth congenital deformities with the Bureau of Vital Statistics), as evidence that the legislature intended midwifery to be a distinct profession from the practice of medicine and surgery. Banti, 163 Tex. Crim. 89, 289 S.W.2d 244 (refers to statutes requiring physicians, nurses, and midwives to use prophylactic drops in newborns' eyes and prohibiting midwives from signing certain birth certificates); People v. Hildy, 289 Mich. 536, 286 N.W. 819 (1939) (refers to physicians' and midwives' duty to file birth certificates). However, the Banti court noted that Texas statutes did not include obstetrics within the definition of practicing medicine, as is the case in Nebraska. Similarly, the Hildy case did not cite a statute which defines acts constituting the practice of medicine, as Neb. Rev. Stat. § 71-1,102 does. Therefore, these cases can be distinguished from the issue at hand.

Sincerely,
DON STENBERG
Attorney General
(Signed) Jan E. Rempe

Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
13-370-6.93D

VISITORS

Visitors to the Chamber were 11 students from Spalding Academy; 21 fourth grade students and sponsor from Shoemaker Elementary, Grand Island; 13 seventh grade students and sponsor from St. Mary's School, Ord; 56 eighth grade students and sponsors from Centura; and 25 fourth grade students and sponsor from Kearney Christian School.

RECESS

At 11:43 a.m., on a motion by Speaker Baack, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Rasmussen who was excused; and Messrs. Ashford, Avery, Bernard-Stevens, Dierks, Elmer, Haberman, Hall, Hohenstein, Lindsay, Lynch, Moore, Wehrbein, Mmes. Bohlke, Crosby, Hillman, Pirsch, Robak, and Ms. Schimek who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Fisher asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 126.

SELECT FILE

LEGISLATIVE BILL 627. Mr. Withem moved to bracket until June 8, 1994.

Mr. Chambers offered the following amendment to the Withem pending motion:
FA225
Amend Withem Motion to Bracket:

Change date to June 2, 1994.

Mr. Chambers withdrew his amendment.

Mr. Bromm offered the following amendment to the Withem pending motion:
FA226
Amend the Bracket motion to insert "June 9, 1993".

MR. HALL PRESIDING

Mr. Cudaback and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the Bromm pending amendment to the Withem pending motion:
FA227
Amend Bromm Motion to Bracket:
Change date to May 19, 1993

Mr. Bromm moved the previous question. The question is, "Shall the debate now close?"

Mr. Bromm moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers withdrew his amendment.

The Chair declared the call raised.

SPEAKER BAACK PRESIDING

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Bromm moved for a call of the house. The motion prevailed with 22 ayes, 2 nays, and 25 not voting.

Mrs. Witek requested a record vote on the Bromm amendment to the Withem pending motion.

Mr. Bromm requested a roll call vote on his amendment.

Voting in the affirmative, 9:

Bromm	Byars	Dierks	Fisher	Janssen

Kristensen	Lynch	Pirsch	Witek	

Voting in the negative, 26:

Abboud	Bohlke	Hall	Landis	Wehrbein
Ashford	Chambers	Hartnett	Preister	Wesely
Avery	Coordsen	Horgan	Robak	Wickersham
Baack	Day	Hudkins	Schellpeper	Will
Bernard-Stevens	Elmer Haberman	Jones	Warner	Withem

Present and not voting, 10:

Beutler	Hillman	Moore	Robinson	Schmitt
Crosby	Hohenstein	Pedersen	Schimek	Vrtiska

Absent and not voting, 1:

Lindsay

Excused and not voting, 3:

Cudaback	McKenzie	Rasmussen

The Bromm amendment lost with 9 ayes, 26 nays, 10 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 134. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Byars, 30; Day, 19; Fisher, 35; Horgan, 4; Pedersen, 39; Pirsch, 10; Schmitt, 41.

PURPOSE: Through the enactment of sections 75-363 and 75-364, the Nebraska Legislature has incorporated by reference and adopted as Nebraska law the provisions of the federal Motor Carrier Safety Regulations and the federal Hazardous Material Regulations.

The interim study shall:

a. Review the current requirements and standards established by the Motor Carrier Safety Regulations and the Hazardous Material Regulations;

b. Review and consider the affect of any proposed amendments to the regulations by the Federal Highway Administration or proposed changes directed by the United States Congress.

c. Review and determine the status of any exemption created by the Legislature through the enactment of section 75-363 or 75-364 in light of uniformity requirements established by the United States Congress pursuant to the Intermodal Surface Transportation Efficiency Act of 1991 and the Hazardous Materials Uniform Safety Act of 1990.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 135. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Byars, 30; Day, 19; Horgan, 4; Pedersen, 39; Pirsch, 10; Schmitt, 41.

PURPOSE: During the Ninety-third Legislature, First Session, 1993, the Transportation Committee of the Legislature had referred to it two legislative bills which proposed the establishment of new specialty license plates. Legislative Bill 354 proposed the establishment and issuance of special plates to active members of the Nebraska National Guard. Legislative Bill 474 provided for the establishment and issuance of collegiate license plates. Both proposed legislative bills have been held in committee.

The purpose of this resolution is to conduct an interim study upon the subject matter proposed by these two legislative bills and also to study the current classes of specialty license plates authorized, the procedure and requirements established for specialty license plate issuance, and the fees associated with the issuance of specialty license plates.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 136. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Byars, 30; Day, 19; Fisher, 35; Horgan, 4; Pedersen, 39; Pirsch, 10; Schmitt, 41.

PURPOSE: The purpose of this interim study resolution is to examine issues raised by, and related to, the provisions of Legislative Bill 221 introduced during the Ninety-third Legislature, First Session, 1993, and held in committee by the Transportation Committee of the Legislature.

The study shall examine the current formula and rationale for the distribution of the county portion of the highway allocation fund and the changes proposed to such formula by Legislative Bill 221.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 137. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Byars, 30; Day, 19; Fisher, 35; Horgan, 4; Pedersen, 39; Pirsch, 10; Schmitt, 41.

PURPOSE: The purpose of this interim study resolution is to study provisions of Nebraska law which govern the requirements for the placement of, use of, and restrictions relative to lighting equipment for motor vehicles and trailers. Such examination shall include a review of current provisions of Nebraska vehicle lighting requirements and a comparison of Nebraska requirements to those established and maintained by other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 138. Introduced by Wickersham, 49.

PURPOSE: To identify centralization trends in state and federal government, to document realities and implications of the trend, and to outline alternatives to centralization.

The study shall include, but not be limited to:

a. A comprehensive inventory of centralization patterns and impacts;

b. A study of whether or not centralization is shifting costs from the service provider to the rural resident; and

c. The identification of possible alternatives to centralization through consolidation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature, the Director of Research, and the Legislative Fiscal Analyst shall be designated to collaborate with the Rural Development Commission to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 139. Introduced by Wickersham, 49; Beutler, 28; McKenzie, 34; Janssen, 15; Bohlke, 33; Warner, 25.

PURPOSE: To review the current educational enrollment-tier structure to determine what changes, if any, need to be made in the tier structure contained in the Tax Equity and Educational Opportunities Support Act to achieve equity in state aid.

The study should address the following specific issues:

1. Whether each tier should contain more than one school district; and

2. Any alternatives to the tier structure presently utilized.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 140. Introduced by Withem, 14.

PURPOSE: The purpose of this study is to examine the current library system with an emphasis on funding and accessibility. The study shall review the issues and recommendations arising from the Public Library Funding Task Force, working in conjunction with the Nebraska Library Commission, which identified statutory and procedural modifications to improve the library system, recognizing the demand and importance of an efficient library system.

The study shall also include, but not be limited to:

a. A review of the governance and funding arrangements for Nebraska public library services;

b. An identification of inconsistencies in the Nebraska statutes or in the interpretations of the statutes relating to public library governance and funding;

c. The development of recommendations for the revision of public library laws; and

d. The development of new local options for the formation of larger units of public library service and the extension of public library service in new tax-supported areas through existing public libraries.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 141. Introduced by Beutler, 28.

PURPOSE: To study issues relating to radioactive waste, including, but not limited to, liability, community consent, and waste facility location.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 142. Introduced by Beutler, 28.

PURPOSE: To study the feasibility of developing alternate energy sources, including, but not limited to, a review of the current research and development efforts of the public power industry in Nebraska relating to alternate and renewable energy sources and alternate energy incentives provided by federal legislation and regulation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 143. Introduced by Beutler, 28.

PURPOSE: To study the structure of the public power industry in Nebraska, including, but not limited to, the examination of the authority and jurisdiction of the Nebraska Power Review Board, joint planning of both power supply and transmission facilities, access to transportation lines, and the management of resources.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 144. Introduced by Beutler, 28.

PURPOSE: To study the Nebraska Litter Reduction and Recycling Act and other state laws and policies relating to waste reduction and recycling, including an examination of the revenue, expenditures, and administration of the act, current and future recycling efforts in state government, how current distribution systems may become more efficient and effective, and how state policies may be restructured to provide further market incentives for the reduction, reuse, and recycling of litter and waste.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 145. Introduced by Beutler, 28.

PURPOSE: To study water related issues in connection with the state's natural resources districts in order to determine: (1) The probable future costs of managing surface water quality and quantity and ground water quality and quantity by obtaining an assessment of those costs from the natural resources districts, which estimated costs assessment shall include ground water management areas, special ground water quality protection areas, and ground water control areas; (2) whether there is continuing surface water pollution, ground water pollution, and ground water depletion within each natural resources district; and (3) to identify each natural resources district's efforts to correct surface water pollution, ground water pollution, and ground water depletion.

The study will also examine what, if any, changes are needed in the law relating to natural resources districts to facilitate proper management of water quality and quantity and what, if any, changes are needed in other areas of Nebraska law to help bring such problems under control.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 146. Introduced by Beutler, 28.

PURPOSE: To study the issue of water contamination in the state, including water quality and quantity, sources of pollution, testing requirements for drinking water and the costs of such testing, contaminant level standards for fertilizers and pesticides, agricultural chemical containment, and coordination between Nebraska governmental entities of regulatory activities relating to contamination.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 147. Introduced by Beutler, 28.

PURPOSE: To review Nebraska governmental entities overseeing natural resources such as the Department of Environmental Quality, the Nebraska Natural Resources Commission, the Department of Water Resources, the Department of Health, the Game and Parks Commission, and the natural resources districts to determine whether the organizational structure of those entities could be strengthened or combined in order to improve the regulation of natural resources in the state. The review will include identification of similar agencies in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 148. Introduced by Beutler, 28.

PURPOSE: To study the occurrence of ground water and surface water transfers in the state and to examine what, if any, changes are needed in the law to address such transfers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 149. Introduced by Beutler, 28.

PURPOSE: To explore the issue of the integrated management of ground water and surface water in the state, including the legal, institutional, regulatory, and socioeconomic effects of such a system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 150. Introduced by Coordsen, 32; Cudaback, 36; McKenzie, 34; Dierks, 40; Jones, 43; Hudkins, 21; Schellpeper, 18.

PURPOSE: (1) To study agriculture equipment liens, other rural issues, and their impact on agriculture in Nebraska; and

(2) To study the impact on agriculture in Nebraska of recent changes or proposed changes in Nebraska statutes including, but not limited to, state takeover of the Federal Insecticide, Fungicide, and Rodenticide Act, soil and water conservation, sales tax exemptions, real estate and personal property valuations, and rural transportation. This study may include the impact of state policies upon rural community infrastructure and population.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 151. Introduced by Hohenstein, 17; Lynch, 13.

PURPOSE: The purpose of this study is to examine and quantify the amount of building projects planned for state-owned buildings. This study shall include: (a) An examination of deferred maintenance projects, ADA compliance projects, and fire, life, and safety projects; and (b) an examination and development of methods of funding a plan for building improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Building Maintenance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 152. Introduced by Hohenstein, 17; Preister, 5.

PURPOSE: The purpose of this study is to examine the feasibility, cost effectiveness, and availability of wind energy in Nebraska. In addition, the study will create a plan to develop and promote wind energy as an alternative energy source in the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 841 in the Journal. No objections. So ordered.

AM2137

1. On page 2, line 8; and page 9, line 12, after "1995" insert ", except that counties with a population of one hundred thousand inhabitants or more shall use such system by July 1, 1997".

Messrs. Moore, Hohenstein, Lynch, Avery, Bernard-Stevens, Wehrbein, Mmes. Hillman, and Crosby asked unanimous consent to print the following amendment to LB 541 in the Journal. No objections. So ordered.

AM2136
(Amendments to Standing Committee amendments, AM1691)
1. On page 90, line 15, strike "with" and insert "by".

NOTICE OF COMMITTEE HEARING
Health and Human Services

Governor Appointments Tuesday, May 25, 1993 1:00 p.m.
Rural Health Advisory Commission
Faye Schellpeper
Michael Steckler
Michael Myers
Rebecca Petersen
Margaret Cavanaugh Boyer
Child Prevention Trust Fund Board
Patricia Lanphier
Elaine Lashkajani
Commission for Hearing Impaired
Marion Reyburn

(Signed) Don Wesely, Chairperson

SELECT FILE

LEGISLATIVE BILL 627. Mr. Bernard-Stevens offered the following amendment to the Withem pending motion:
FA228
Amend the Withem Bracket Motion until June 5th 1994

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT MOUL PRESIDING

Mr. Bernard-Stevens withdrew his amendment.

Mr. Withem withdrew his pending motion to bracket LB 627.

The first Witek pending amendment, FA132, found in the Journal on page 1754, and considered on pages 1917, 1970, and 2054, was renewed.

The first Witek amendment, as amended, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mrs. Witek asked unanimous consent to withdraw the remaining division of her AM1486. No objections. So ordered.

Mr. Ashford renewed his pending amendment, AM1796, found in the Journal on page 1885.

The Ashford amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Bromm withdrew his pending amendment, AM1487, printed separately from the Journal and referred to on page 1767.

Mr. Ashford withdrew his pending amendments, AM1854 and AM1890, found in the Journal on pages 1919 and 1973.

Messrs. Lindsay, Moore, Abboud, and Ashford withdrew their pending amendment, AM1853, found in the Journal on page 1972.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 389. Mr. Coordsen asked unanimous consent to replace his pending amendment, AM1275, found in the Journal on page 1376, with a substitute amendment. No objections. So ordered.

Mr. Coordsen and Mrs. McKenzie renewed their pending substitute amendment, AM1863, found in the Journal on page 1989.

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Coordsen moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Coordsen requested a roll call vote on the Coordsen-McKenzie amendment.

Voting in the affirmative, 19:

Bohlke	Byars	Coordsen	Cudaback	Day

Dierks	Hall	Kristensen	Robak	Schmitt
Fisher	Hudkins	McKenzie	Robinson	Vrtiska
Haberman	Jones	Pirsch	Schellpeper	

Voting in the negative, 13:

Abboud	Chambers	Landis	Warner	Witek
Baack	Hillman	Moore	Wesely	Withem
Beutler	Hohenstein	Schimek		

Present and not voting, 15:

Ashford	Crosby	Horgan	Lynch	Wehrbein
Avery	Elmer	Janssen	Pedersen	Wickersham
Bromm	Hartnett	Lindsay	Preister	Will

Excused and not voting, 2:

Bernard-Stevens	Rasmussen

The Coordsen-McKenzie amendment lost with 19 ayes, 13 nays, 15 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

LEGISLATIVE BILL 598. E & R amendment, AM5488, found in the Journal on page 1906, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 430. E & R amendment, AM5494, found in the Journal on page 1975, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 669. E & R amendment, AM5498, found in the Journal on page 2006, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 669A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 38. E & R amendment, AM5495, found in the Journal on page 2007, was adopted.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 397 in the Journal. No objections. So ordered.

AM2158

1. Insert the following new sections:

"Sec. 4. This act shall become operative on July 1, 1993.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Renumber the remaining section accordingly.

Mr. Hall asked unanimous consent to print the following amendment to LB 397A in the Journal. No objections. So ordered.

AM2159

1. Insert the following new section:

"Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Messrs. Ashford, Horgan, and Hartnett asked unanimous consent to print the following amendment to LB 658 in the Journal. No objections. So ordered.

AM2169

1. Insert the following new section:

"Sec. 13. That section 77-27,142, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,142. (1) Any incorporated municipality by ordinance of its governing body is hereby authorized to impose a sales and use tax of one-half percent, one percent, or one and one-half percent upon the same transactions within such incorporated municipality on which the State of Nebraska is authorized to impose a tax pursuant to the Nebraska Revenue Act of 1967, as amended from time to time. No sales and use tax shall be imposed pursuant to this section until an election has been held and a majority of the qualified electors have approved such tax pursuant to sections 77-27,142.01 and 77-27,142.02.

(2) A city of the metropolitan class is hereby authorized to increase any city sales and use tax existing on January 1, 1978, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city and the voters by a majority vote approve such increase. The question

of such increase shall be submitted to the voters at the primary or general election in 1980 if the city council shall submit a certified copy of a resolution to that effect to the election commissioner not later than forty-one days prior to the primary or general election. Notwithstanding the provisions of section 77-27,143, if the increase is approved by the voters at the primary or general election in 1980, the election commissioner shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held. If the increase is not approved by the voters at the primary or general election in 1980, no tax increased pursuant to this section shall remain in effect after December 31, 1980.

(3) A city of the primary class is hereby authorized to increase any city sales and use tax existing on January 1, 1985, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city and the voters by a majority vote approve such increase. The question of such increase shall be submitted to the voters at the next primary or general election or at a special election if the city council shall submit a certified copy of a resolution proposing the tax increase to the election commissioner within a reasonable time prior to the primary, general, or special election. If the increase is approved by the voters at the primary, general, or special election, the election commissioner shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held. If the voters of a city of the primary class have not approved such an increase by December 31, 1987, the question of such an increase shall not be submitted thereafter to the voters and there shall be no increase in the city sales and use tax.

(4) A city of the first or second class or village is hereby authorized to increase any city sales and use tax existing on January 1, 1986, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city or village and the voters by a majority vote approve such increase. The question of such increase shall be submitted to the voters at any primary or general election or at a special election if the city council or village board shall submit a certified copy of a resolution proposing the tax increase to the election commissioner or county clerk within a reasonable time prior to the primary, general, or special election. If the increase is approved by the voters at the primary, general, or special election, the election commissioner or county clerk shall file a certified copy of the election results with the Tax Commissioner on or before

the last day of the month in which the election is held.

(5) A city of the metropolitan class is hereby authorized to increase for no more than twelve consecutive months any city sales and use tax existing on the effective date of this act imposed pursuant to this section by an amount not to exceed one-half of one percent if the governing body of the city adopts an ordinance approving such increase. The proceeds from the tax imposed by this subsection shall be placed in a fund for improvements to and renovations of city-owned entertainment, convention, and sports facilities. This subsection shall terminate on October 1, 1994.".

2. Correct the operative date provision and repealer so that section 77-27,142 becomes operative three calendar months after the adjournment of this legislative session.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Dierks asked unanimous consent to print the following amendment to LB 292 in the Journal. No objections. So ordered.

AM2185

(Amendments to Final Reading copy)

1. On page 2, line 21, after the comma insert "or"; and strike beginning with "by" in line 21 through "(7)" in line 25.

2. On page 4, strike beginning with "one" in line 10 through "using" in line 25.

3. On page 10, line 3, after the underscored period insert "Any collective-bargaining agreement to which a school district is a party to be negotiated on or after the effective date of this act for the 1993-94 fiscal year shall contain provisions which require that any expenditure made by the school district pursuant to sections 79-1522.01, 79-1545, and 79-1549 as changed by sections 2, 4, and 5, respectively, of this legislative bill and section 3 of this act shall be offset by equal reductions in 1993-94 expenditures for salaries or fringe benefits. Any collective-bargaining agreement to which a school district is a party entered into before the effective date of this act for the 1993-94 fiscal year shall be renegotiated by the parties.".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 841 in the Journal. No objections. So ordered.

AM2150

1. Insert the following new section:

"Sec. 3. (1) The Department of Motor Vehicles shall prepare and transmit to the Appropriations and Transportation

Committees of the Legislature a report which shall:

(a) Designate those counties utilizing the department's computer system for the issuance and filing of certificates of title and the approximate percentage of the statewide total such certificates of title represent;

(b) Designate those counties utilizing the department's computer system for the issuance and filing of registration certificates and the approximate percentage of the statewide total such registration certificates represent;

(c) Contain the most recent schedule maintained by the department showing the anticipated date of installation of the computer system for titling and registration purposes in those counties not yet participating;

(d) Show the department's estimated completion date when such computer system will be programmed, installed, and all necessary training in the operation of the system completed;

(e) Show the total amount of funds expended upon equipment, programming, installation, and training for the vehicle title and registration computer system; and

(f) Show the number of employees, including non-permanent employees, employed by the department for data entry purposes related to motor vehicle titles and registrations.

(2) The report required pursuant to subsection (1) of this section shall be provided on the effective date of this act and on January 1, 1994, March 1, 1994, and October 1, 1994.".

2. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 153. Introduced by Byars, 30.

PURPOSE: The purpose of this resolution is to seek to establish a task force to study possible alternative means of funding capital improvements and infrastructure for school districts. The study shall include, but not be limited to, the feasibility of allowing individual school districts to levy income tax or other taxes and the funding sources used by other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 154. Introduced by Crosby, 29; Hillman, 48; McKenzie, 34; Day, 19.

PURPOSE: The purpose of this resolution is to examine the practices of judicial nominating commissions. The study shall specifically address the following issues: (1) Whether the judicial nominating commission should submit to the Governor a list of all qualified candidates or a list of only the most qualified candidates; (2) whether a private interview of the applicants by the judicial nominating commission should be mandatory; (3) whether some measures may be taken to increase the number of women and minorities nominated; and (4) any other issues the committee deems necessary to carry out the study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 155. Introduced by Witek, 31; Haberman, 44; Pirsch, 10.

PURPOSE: To study the positive and negative impact of having the Governor appoint the Commissioner of Education. The study shall assess the accountability to the voters of Nebraska, assess the current system's success in producing quality education, and conduct a comparative analysis with other states' appointment procedures.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 156. Introduced by Witek, 31; Vrtiska, 1; Bromm, 23; Haberman, 44; Pirsch, 10.

PURPOSE: To study Legislative Bill 76, Ninety-third Legislature, First Session, 1993, also known as the election law, and the federal motor voter bill to assess the fiscal and bureaucratic impact on Nebraska state government, county government, and the election process at all levels. The study should include, but not be limited to, the issues of election integrity, uniformity, and centralization verses the flexibility of local control and a cost benefit analysis.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 157. Introduced by Witek, 31; Haberman, 44.

PURPOSE: To study the productivity and performance of the North Omaha Business Development Corporation. This study shall include an emphasis on the accountability of funds dispersed over the life of the program and to which individuals, corporations, or entities such funds were given. The employment or growth of companies receiving funds should be compared to the initial outlay by the North Omaha Business Development Corporation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 158. Introduced by Witek, 31; Vrtiska, 1; Haberman, 44; Pirsch, 10.

PURPOSE: To study the possibility of dividing the Department of Social Services into functional areas with emphasis placed on the feasibility of a separate division to handle all children's issues. Emphasis should also be placed on reorganization with the intent of increasing productivity and efficiency.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 159. Introduced by Wickersham, 49; McKenzie, 34; Bohlke, 33; Janssen, 15; Beutler, 28; Warner, 25.

PURPOSE: To study the current state aid to the K-12 school funding formula and related state policies to determine the effectiveness of the system in terms of obtaining desired results. The study shall include an analysis of the outcome-based state aid formulas which would provide incentives for the K-12 schools to achieve identified goals.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 160. Introduced by Byars, 30.

PURPOSE: The purpose of this study is to examine the effect and feasibility of raising the compulsory school attendance age to eighteen.

The study shall include gathering information on the number of children who leave school at age sixteen without a high school diploma. It shall also examine what educational and career opportunities these children pursue after dropping out of high school.

The study shall include a review of programs that could be offered in high school for potential dropouts ages sixteen to eighteen. The study shall be broad enough to include, but not be limited to, partnerships with nonschool entities, businesses, and institutions of postsecondary education.

The study shall cover possible funding sources, if needed, and a look into what programs are offered by other states with compulsory education to age eighteen.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 161. Introduced by Pirsch, 10; Witek, 31.

PURPOSE: The purpose of this study shall be to examine issues involved in requiring persons who possess illegal pornography to pay a tax similar to that imposed under our state's drug tax stamp act. The study shall include, but not be limited to, a review of: (1) Statutes in other states which impose such a requirement to obtain a tax stamp to possess illegal pornography; (2) constitutional issues implicated in imposing such a tax stamp scheme; and (3) an evaluation of the rates and methods of imposing such a tax, including administrative costs, and a review of the revenue potentiality.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 162. Introduced by Pirsch, 10; Hall, 7.

PURPOSE: The purpose of this study shall be to examine the adequacy of the criminal record investigations which are available to fire departments when making employment decisions and to evaluate the benefits of providing statutory authority to access the Federal Bureau of Investigation's criminal history records for noncriminal justice purposes. The study shall include, but not be limited to, a review of: (1) Any possible liability exposure brought about by inadequate criminal background investigations; (2) any inadequacies in the current methods of criminal history background investigations utilized by fire departments; and (3) the extent of other background

checks which are undertaken for other employment with the state or its political subdivisions involving similar positions of trust.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 389. Mr. Wehrbein asked unanimous consent to replace his pending amendment, AM1271, found in the Journal on page 1387, with a substitute amendment. No objections. So ordered.

Mr. Wehrbein withdrew his pending amendments, AM1271 and 1592, found in the Journal on pages 1387 and 1659.

Mr. Wehrbein renewed his pending substitute amendment, AM1734, found in the Journal on page 1767.

SPEAKER BAACK PRESIDING

The Wehrbein amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mrs. McKenzie renewed her pending amendment, AM1755, found in the Journal on page 1832.

Mrs. McKenzie withdrew her pending amendment.

Mr. Robinson renewed his pending amendment, AM1850, found in the Journal on page 2036.

MR. BERNARD-STEVENS PRESIDING

SPEAKER BAACK PRESIDING

Mr. Robinson withdrew his pending amendment.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Coordsen renewed his pending amendment, AM1275, found in the Journal on page 1376.

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT MOUL PRESIDING

Mr. Coordsen moved for a call of the house. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mr. Beutler requested a roll call vote on the Coordsen amendment.

Voting in the affirmative, 22:

Bohlke	Dierks	Jones	Pirsch	Vrtiska
Byars	Elmer	Kristensen	Robak	Wehrbein
Coordsen	Fisher	McKenzie	Robinson	Wickersham
Cudaback	Hudkins	Moore	Schmitt	Witek
Day	Janssen			

Voting in the negative, 22:

Abboud	Bernard-	Hall	Landis	Warner
Ashford	Stevens	Hartnett	Lindsay	Wesely
Avery	Beutler	Hillman	Lynch	Will
Baack	Bromm	Hohenstein	Pedersen	Withem
	Chambers	Horgan	Schimek	

Present and not voting, 2:

Crosby Preister

Excused and not voting, 3:

Haberman Rasmussen Schellpeper

The Coordsen amendment lost with 22 ayes, 22 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mrs. McKenzie offered the following amendment:
FA229

On line 22, page 2 after the word "numbered" add the following language

"and the configuration of the subdistrict boundaries may be established with due regard to all relevant factors including but not limited to, the location of works of improvement and the distribution of population and taxable values within the district"

The McKenzie amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mrs. McKenzie requested a machine vote on the advancement of the bill.

Mr. Beutler moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Beutler requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 28:

Abboud	Beutler	Hartnett	Lynch	Wesely
Ashford	Bromm	Hillman	Pedersen	Wickersham
Avery	Chambers	Hohenstein	Preister	Will
Baack	Crosby	Horgan	Schimek	Witek
Bernard-Stevens	Elmer	Landis	Warner	Withem
	Hall	Lindsay	Wehrbein	

Voting in the negative, 17:

Bohlke	Day	Hudkins	Kristensen	Pirsch
Byars	Dierks	Janssen	McKenzie	Robak
Coordsen	Fisher	Jones	Moore	Schmitt
Cudaback	Haberman			

Present and not voting, 2:

Robinson Vrtiska

Excused and not voting, 2:

Rasmussen Schellpeper

Advanced to E & R for engrossment with 28 ayes, 17 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 564. E & R amendment, AM5446, found in the Journal on page 1414, was adopted.

Ms. Day withdrew her pending amendment, AM1543, found in the Journal on page 1613.

Ms. Day renewed her pending amendment, AM1740, found in the Journal on page 1763.

Ms. Day offered the following amendment to her pending amendment: FA230

1. On page 3, line 16 after the underscored period, strike beginning with "The" through "to" in line 27.

2. On page 4, line 1, strike "sections 72-1237 to 72-1276."

The Day amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

The Day amendment, as amended, was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Kristensen renewed his pending amendment, AM2174, printed separately from the Journal and referred to on page 2197.

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall requested a ruling of the Chair on whether the Kristensen amendment is germane to the bill.

The Chair ruled the Kristensen amendment is germane to the bill.

Mr. Hall offered the following amendment to the Kristensen pending amendment:
FA232

Amend AM2174 by striking the word "eight" at each place in the bill that it occurs and inserting the word "six".

Mr. Hall withdrew his amendment.

Mr. Lindsay requested a record vote on the Kristensen amendment.

Voting in the affirmative, 26:

Abboud	Cudaback	Horgan	Pirsch	Vrtiska
Ashford	Day	Hudkins	Preister	Warner
Avery	Fisher	Jones	Robinson	Wehrbein
Bohlke	Hillman	Kristensen	Schellpeper	Wickersham
Byars	Hohenstein	Pedersen	Schimek	Witek
Crosby				

Voting in the negative, 4:

Chambers	Hall	Landis	Lindsay

Present and not voting, 16:

Baack	Bromm	Haberman	Lynch	Robak
Bernard-Stevens	Coordsen	Hartnett	McKenzie	Schmitt
Beutler	Dierks	Janssen	Moore	Wesely
	Elmer			

Excused and not voting, 3:

Rasmussen	Will	Withem

The Kristensen amendment was adopted with 26 ayes, 4 nays, 16 present and not voting, and 3 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 815. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5523.)

LEGISLATIVE BILL 734A. Placed on Select File.
LEGISLATIVE BILL 203A. Placed on Select File.

LEGISLATIVE BILL 657. Placed on Select File as amended.
E & R amendment to LB 657:
AM5222

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The Legislature finds that the depositors of Commonwealth Savings Company, State Security Savings, and American Savings Company have filed numerous submissions to indicate that they have sustained financial losses for which they will not be fully reimbursed from the estates of the insolvent institutions. In part, the financial losses are due to the conditions which led to the insolvencies as well as a continued depletion of the resources of the estates since November 3, 1983. The submissions indicate the complexity of the efforts to reimburse the depositors of the institutions despite numerous legislative and administrative attempts. The Legislature also finds that further reimbursement of the depositors' financial losses is warranted.

Sec. 2. There is hereby appropriated (1) eleven thousand one hundred dollars from the General Fund for FY1993-94, (2) eleven thousand one hundred dollars from the

General Fund for FY1994-95, and if this act is challenged in court and upheld as constitutional, an additional sixteen million four hundred seventy-seven thousand eight hundred dollars from the General Fund to be disbursed in equal amounts over the following three bienniums, for the payment of miscellaneous items of indebtedness in Claim No. 91-310. The claim included in this section shall be paid through Agency 89, Program 536, to Agency 19, Program 28. The funds shall be distributed to all depositors of Commonwealth Savings Company, State Security Savings, and American Savings Company in proportion to the amount of unrecovered loss of guaranteed deposits borne by each depositor.

Sec. 3. The Director of Administrative Services is hereby authorized and directed to draw his or her warrants, upon the funds in the state treasury enumerated in this act, in favor of the beneficiaries named in this act, in an amount to be determined for each person in the class represented by the claim in section 2 of this act. The amount due each beneficiary shall be determined by the Director of Banking and Finance in consultation with the Attorney General. The amounts appropriated in this act shall be in full or partial payment of any and all damages and demands of every character and kind owing by or against the State of Nebraska, its officers, agents, and employees, and their successors and assigns, with respect to each beneficiary in whose favor the appropriations are made. The director shall not deliver a warrant for any item appropriated in this act until a receipt and release for the portion received, releasing the State of Nebraska, its officers, employees, and agents, and their successors and assigns, has been filed by the beneficiary receiving the warrant. Upon presentation of the warrants, the State Treasurer is hereby directed to pay the same out of money in the General Fund or out of money in other funds indicated in this act not otherwise appropriated.

Sec. 4. This act shall become operative on July 1, 1993.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 838. Placed on Select File.
LEGISLATIVE BILL 839. Placed on Select File.

LEGISLATIVE BILL 840. Placed on Select File as amended.
E & R amendment to LB 840:
AM5526

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 71-5837, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

71-5837. (1) An application for a certificate of need shall be filed with the department. All applications for a certificate of need shall be accompanied by a nonrefundable fee as follows:

(a) For an application or project which is granted nonsubstantive review status, ~~three hundred~~ one thousand dollars;

(b) For an amendment to an application determined to be complete by the department, ~~three hundred~~ one thousand dollars;

(c) For any other application involving ~~a capital expenditure of two million dollars or more or an annual operating expenditure of seven hundred thousand dollars or more, five hundred dollars plus five hundred dollars for each full or partial one million dollar increment of capital expenditures or three hundred fifty thousand dollar increment of annual operating expenditures. The maximum fee shall be two thousand five hundred dollars~~ an expenditure in excess of the capital expenditure minimum or the annual operating expenditure minimum, twenty-five hundredths of one percent of the total cost of the proposed project; and

(d) For any other application, ~~five hundred~~ one thousand dollars.

(2) Such fee shall be remitted to the State Treasurer for credit to the Department of Health Cash Fund. The fee shall be used to partially defray the expenses of the Department of Health incurred in the administration of the Nebraska Health Care Certificate of Need Act.

Sec. 2. This act shall become operative on July 1, 1993.

Sec. 3. That original section 71-5837, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 843. Placed on Select File.

LEGISLATIVE BILL 643. Placed on Select File as amended.
E & R amendment to LB 643:
AM5525

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The Legislature recognizes that:

(1) The state has a responsibility to provide a free and appropriate public education to all persons twenty-one years of age and younger with hearing impairments, including deafness;

(2) Education shall be provided through programs that are responsive to both the learning needs and cultural needs of persons with hearing impairments, including deafness. Such a response may include, but need not be limited to, residential services; and

(3) The current campus of the Nebraska School for the Deaf encompasses physical facilities that greatly exceed the needs of residential students and that require extensive maintenance and care. Since enrollment and cost-effectiveness of the Nebraska School for the Deaf have steadily declined while costs continue to rise, it is possible the existing location might not serve as the site for the school.

It is therefor the intent of the Legislature to examine alternative means of providing appropriate education and residential accommodations deemed necessary for students with hearing impairments, including deafness.

Sec. 2. The State Board of Education is directed to develop and submit to the Legislature for approval a plan for providing appropriate educational programs for students with hearing impairments, including deafness. The plan shall include, but not be limited to:

(1) Identification of desired outcomes of appropriate education for students with hearing impairments, including deafness;

(2) Identification of programs that promote high-performance learning with identified outcomes;

(3) An analysis of the need for residential programs based on identified outcomes of appropriate education for students with hearing impairments, including deafness;

(4) Identification of program options for responding to residential needs that reflect consideration of cultural needs, number of students to be served, and cost efficiency;

(5) An analysis of the need for and proposed options for the delivery of outreach services to provide community-based services for students with hearing impairments, including deafness; and

(6) Identification of a process to provide information to families regarding all available educational options for students with hearing impairments, including deafness.

Sec. 3. The State Board of Education shall submit the plan required by section 2 of this act to the Legislature for its approval by November 1, 1993, to be implemented by July 1, 1994.".

2. On page 1, line 3, strike "report" and insert "plan".

LEGISLATIVE BILL 420A. Placed on Select File.
LEGISLATIVE BILL 117A. Placed on Select File.

LEGISLATIVE BILL 741. Placed on Select File as amended.
E & R amendment to LB 741:
AM5527

1. On page 1, line 1, strike "health" and insert "alcoholic beverages"; strike beginning with "to" in line 2 through the semicolon in line 3; and in line 4 after "beverages" insert "as prescribed; to provide an operative date".

(Signed) Kurt A. Hohenstein, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Lindsay asked unanimous consent to print the following amendment to LB 779 in the Journal. No objections. So ordered.

AM2170

1. On page 3, after line 6, insert "(4) This section shall not be construed to interfere with the provisions of sections 39-669.15 to 39-669.19.".

Mr. Wehrbein asked unanimous consent to print the following amendment to LB 835 in the Journal. No objections. So ordered.

AM2183

(Amendments to Standing Committee amendments, AM1760

1. On page 1, line 20, strike "and strike lines 22 through 25".

Mr. Lindsay asked unanimous consent to print the following amendment to LB 110 in the Journal. No objections. So ordered.

AM2175

(Amendments to E & R amendments, AM5473)

1. On page 4, line 14, after "by" insert "a licensed physician assistant who acts as"; and in line 24 strike "physician's agent" and insert "licensed physician assistant".

2. On page 5, line 3, strike "physician's agent" and insert "licensed physician assistant"; and in line 6 strike "an agent" and insert "any agent, who need not be a licensed professional,".

Mr. Lindsay asked unanimous consent to print the following amendment to LB 110 in the Journal. No objections. So ordered.

AM2187

(Amendments to E & R amendments, AM5473)

1. Strike section 7.

2. On page 1, line 6, strike "6, and 7" and insert "and 6".

3. Renumber the remaining sections accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 110 in the Journal. No objections. So ordered.

AM2180

(Amendments to E & R amendments, AM5473)

1. On page 7, line 25, strike "child to term" and insert "pregnancy to term and giving birth".

SELECT FILE

LEGISLATIVE BILL 564. Mr. Chambers offered the following amendment:

FA223

Amend (amendment AM1740)

Page 3, in line 8, strike beginning with "A" through "over" in line 12.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The Chambers amendment was adopted with 26 ayes, 5 nays, 15 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:

FA224

Amend (amendments AM1740)

Page 7, line 25, strike "such person from prosecution" and insert "prosecution of such person"

The Chambers amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Chambers offered the following amendment:

FA231

Amend amendment AM1740

Page 1, line 4, after "age", insert, "who is not an emancipated minor as defined in section 43-2101"

Messrs. Beutler and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers withdrew his amendment.

Pending.

UNANIMOUS CONSENT - Add Cointroducers

Messrs. Chambers and Ashford asked unanimous consent to have their names added as cointroducers to LB 627. No objections. So ordered.

VISITORS

Visitors to the Chamber were 55 fourth grade students and sponsors from Northside Elementary, Nebraska City; Lori Zutavern and daughters from Dunning; Senator Dierks' brother-in-law and sister-in-law, Dr. and Mrs. Bob Zoeller from Topeka, Kansas; 18 eighth grade students and sponsor from Holy Family School, Lindsay; and Dr. Thavajchai Sakpuaram from Thailand and Dr. Monte Reimers from Lincoln.

The Doctors of the Day were Mark Ptacek from O'Neill and Rebecca Eisenman from Leigh.

ADJOURNMENT

At 8:52 p.m., on a motion by Mr. Byars, the Legislature adjourned until 9:00 a.m., Wednesday, May 19, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTIETH DAY - MAY 19, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

EIGHTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 19, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Ed Foster, St. Paul Lutheran Church, Hooper, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Avery, Bernard-Stevens, Beutler, Chambers, Hohenstein, Landis, Lindsay, Lynch, Moore, Wehrbein, Will, Mmes. Bohlke, Crosby, Hillman, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-ninth day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 163. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study appropriate changes in Nebraska's statutes regarding uninsured and underinsured motor vehicles.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 164. Introduced by Landis, 46; Kristensen, 37.

PURPOSE: The purpose of this resolution is to study appropriate changes in the Motor Vehicle Safety Responsibility Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation and Banking, Commerce and Insurance Committees of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 165. Introduced by Wickersham, 49.

PURPOSE: The purpose of this resolution is to review the criminal statutes concerning assaults.

The study will determine whether or not penalties against someone who causes the inducement of a persistent vegetative state in another person should be imposed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 166. Introduced by Withem, 14.

PURPOSE: The purpose of this study is to examine the current method of financing the Highway Trust Fund and the feasibility of separating the city and county allocation from the formula.

The study shall include, but not be limited to:

a. Comparison of the funding differences and trends between cities, counties, and the state;

b. The ability to fund city and county government using a portion of or a separate variable gas tax;

c. Other funding sources and options; and

d. Other states' funding mechanisms for highway and road improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 167. Introduced by Vrtiska, 1.

PURPOSE: The purpose of this study is to:

a. Assess the financial needs of political subdivisions related to the closure of solid waste landfills;

b. Examine the adequacy of existing methods of providing financial assistance for solid waste landfill closure, including, but not limited to, the Solid Waste Landfill Closure Assistance Fund and the Waste Reduction and Recycling Incentive Fund;

c. Examine the status of grant funding for solid waste landfill closure within the Waste Reduction and Recycling Incentive Fund as set forth by section 81-15,161 and the Department of Environmental Quality rules and regulations; and

d. Make any appropriate recommendations regarding how existing and future funding sources can better meet the needs of political subdivisions faced with the closure of a solid waste landfill.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 168. Introduced by Pedersen, 39; Lindsay, 9.

PURPOSE: The purpose of this study is to examine the issues relative to the implementation of Legislative Bill 619, Ninety-third Legislature, First Session, 1993. Specifically, the study shall look into the appropriateness, required mechanisms, and statutory revisions needed for the implementation of the surcharge against convicted defendants as defined by the bill. The study shall also examine other states to determine how those states fund victim assistance and witness units and to evaluate the appropriateness of adopting those funding mechanisms in this state.

In addition, the study shall incorporate any additional information and recommendations that would lead to a stable funding source for the Victim's Compensation Fund and the Witness Assistance Fund. The study may also examine other victim's rights issues.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 169. Introduced by Pirsch, 10; Schimek, 27; Haberman, 44; Witek, 31.

PURPOSE: The purpose of this study is to examine state statutes governing the public bidding process with a view toward identifying possible changes which would improve our public bidding system. The study shall include, but not be limited to: (1) An evaluation of whether certain practices and procedures currently employed within the system of purchasing goods and services for the state may negatively impact competition to provide these goods and services; (2) a review of ways to promote competition to provide goods and services to the state and its political subdivisions; and (3) an evaluation of the advantages and disadvantages of adopting a state preference law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 170. Introduced by Pirsch, 10; Haberman, 44; Witek, 31.

PURPOSE: The purpose of this study shall be to examine the addition of appointed regents to the Board of Regents of the University of Nebraska and the possible means of increasing efficiencies in the governing structure of the University's central administration. This study shall include, but not be limited to, a review of: (1) The present delivery of services and products to the various campuses and ways to improve efficiencies of the same; (2) the consolidation of mutually shared services and supplies; and (3) the coordinating role of the central administration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 171. Introduced by Pirsch, 10; Haberman, 44; Witek, 31.

PURPOSE: A growing number of states are effectively utilizing privatization as a means of both improving services and decreasing the costs of government. The purpose of this study shall be to examine and assess various issues which the privatization of government services and goods encompasses. The study shall include, but not be limited to: (1) Assessing other states' experiences with privatization; (2) identifying interests which work against privatization; (3) assessing whether taxpayers' monies are utilized more efficiently and effectively; and (4) assessing the quality of goods or services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 172. Introduced by Lindsay, 9.

PURPOSE: The purpose of this study is to examine the need for and possible alternatives to the current method of providing clerk's offices for the trial courts. This study shall include an examination of the need for a separate clerk's office for the district and county courts and shall review alternative organizational and funding systems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 173. Introduced by Lindsay, 9.

PURPOSE: The purpose of this study is to collect data on criminal penalties that have been prescribed by statute and to examine the classification of those penalties. The study will make recommendations regarding the classification of crimes and look into the increasing array of hybrid penalties within the criminal code. The investigation shall include, but not be limited to, an assessment of mandatory sentencing provisions, the placement of criminal sanctions within the statutes, habitual criminal statutes, and the updating or elimination of outdated statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 815A. Title read. Considered.

Mr. Warner offered the following amendment:
AM2237

1. On page 2, line 4, strike "$2,909,667" and

insert "$4,364,500"; in line 5 strike "$5,944,059" and insert "$6,006,419"; in line 6 strike "$1,908,418" and insert "$954,209"; and in line 7 strike "$3,034,390" and insert $1,517,196".

The Warner amendment was adopted with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 816A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 536. E & R amendment, AM5415, found in the Journal on page 1011, was adopted.

Mr. Schellpeper withdrew his pending amendment, AM1183, found in the Journal on page 1289.

Mrs. McKenzie withdrew her pending amendment, AM1393, found in the Journal on page 1506.

Mr. Dierks asked unanimous consent to add his name to the Wesely pending amendment, AM1505, printed separately from the Journal and referred to on page 1613. No objections. So ordered.

Messrs. Wesely and Dierks renewed their pending amendment, AM1505, printed separately from the Journal and referred to on page 1613.

Mr. Hall moved to bracket LB 536 until June 8, 1993.

Mr. Hohenstein asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall withdrew his motion to bracket.

Messrs. Wesely and Dierks withdrew their pending amendment, AM1505.

Mr. Wesely renewed his pending amendment, AM1602, printed separately from the Journal and referred to on page 1672.

Pending.

ANNOUNCEMENT

The Chair announced today is Senator Fisher's birthday.

SELECT FILE

LEGISLATIVE BILL 536. Mr. Bernard-Stevens requested a division of the question on the Wesely pending amendment, AM1602.

The Chair sustained the division of the question.

The first Wesely amendment is as follow:
(Amendment on file in the Clerk's Office - Room 2018 - FA233.)

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

The first Wesely amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

The second Wesely amendment is as follows:
(Amendment on file in the Clerk's Office - Room 2018 - FA234.)

PRESIDENT MOUL PRESIDING

The second Wesely amendment was adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

The third Wesely amendment is as follows:
(Amendment on file in the Clerk's Office - Room 2018 - FA235.)

Messrs. Will and Hall offered the following amendment to the Wesely pending amendment:
FA239

Amend LB 536 (FA235) as follows:

1. On page 5 (AM1602), line 25, after "nurse", insert "providing services in a long-term care facility"

The Will-Hall amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bromm offered the following amendment to the Wesely pending amendment:
FA240
Amend LB 536, FA235,
Pg 5, Line 25 after "facility", insert "or in hospitals with a licensed bed capacity of 50 beds or less".

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 5 nays, and 20 not voting.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Bromm amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

The third Wesely amendment, as amended, was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

The fourth Wesely amendment is as follows:
(Amendment on file in the Clerk's Office - Room 2018 - FA236.)

The fourth Wesely amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

The fifth Wesely amendment is as follows:
(Amendment on file in the Clerk's Office - Room 2018 - FA237.)

The fifth Wesely amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

The sixth Wesely amendment is as follows:
(Amendment on file in the Clerk's Office - Room 2018 - FA238.)

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

The sixth Wesely amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The seventh Wesely amendment is as follows:

(Amendment on file in the Clerk's Office - Room 2018 - FA241.)

The seventh Wesely amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Preister renewed his pending amendment, AM1669, found in the Journal on page 1942.

The Preister amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Byars renewed his pending amendment, AM1842, found in the Journal on page 2104.

The Byars amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely renewed his pending amendment, AM2051, found in the Journal on page 2120.

The Wesely amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Hartnett renewed his pending amendment, AM1315, on file in the Clerk's Office and referred to on page 2143.

The Hartnett amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 174. Introduced by Withem, 14.

WHEREAS, Omaha Bryan High School is celebrating its Silver Anniversary on Sunday, May 23rd; and

WHEREAS, Omaha Bryan High School continues to grow and serve student in southern Douglas and northern Sarpy Counties; and

WHEREAS, Omaha Bryan High School has focused for twenty-five years on producing students that excel in academics, activities, and athletics; and

WHEREAS, Omaha Bryan High School is poised to continue its excellence in the future; and

WHEREAS, Omaha Bryan High School will hold an open house for alumni, faculty, and community friends and will be holding a time-capsule ceremony to highlight this event.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulate Omaha Bryan High School on its Silver Anniversary.

2. That a copy of this resolution be included in the time capsule.

3. That the Legislature wish the administration, faculty, students, and patrons of Omaha Bryan High School continued success in their next quarter century.

Laid over.

LEGISLATIVE RESOLUTION 175. Introduced by Warner, 25.

PURPOSE: Few issues faced by the Legislature impact all Nebraskans as significantly as state and local taxation. Improving Nebraska's state and local tax system in terms of equity, competitiveness, efficiency, and adequacy is a never-ending task for the Legislature. The purpose of this study is to examine all aspects of the state and local tax system. Particular emphasis shall be given to the following areas:

A. Equity

(1) A monitoring of the study currently taking place in the Department of Revenue pursuant to Legislative Bill 719A, Ninety-second Legislature, Second Session, 1992, to quantify the tax burden borne by Nebraskans by economic sector; and

(2) A review of the system of assessing agricultural land as proposed by Legislative Bill 606, Ninety-third Legislature, First Session, 1993, and an examination of the possibility of a regional equalization system.

B. Competitiveness

(1) A review of all components of Nebraska's state and local tax systems compared with those of surrounding states and the nation as a whole; and

(2) An examination of economic incentives provided new or expanding business in Nebraska, including:

(a) An analysis of the ability of state policymakers to audit these tax expenditures relative to benefits; and

(b) A review of the extent existing programs impact enterprises in rural areas and to identify rural development enterprise assistance programs around the nation.

C. Efficiency

(1) An examination of principles in dealing with taxpayers in a consistent, responsive, and helpful manner, usually known as a taxpayer bill of rights; and

(2) An examination of the difficulties the sales taxation of auction sales of personal property, together with the sales tax exemption of sales of farm machinery, presents to auctioneers.

D. Adequacy

A study of the long-term impacts of average revenue growth versus average expenditure growth.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 176. Introduced by Pirsch, 10; Will, 8.

PURPOSE: The purpose of this resolution is to study the changes to our statute of limitations controlling the filing of civil suits as proposed in Legislative Bill 120, Ninety-third Legislature, First Session, 1993. The study shall include, but not be limited to, an examination of: (1) Whether current time limits on the filing of civil suits are unduly restricting childhood sexual abuse survivors' access to the courts; (2) the effect of adopting a discovery rule for civil suits involving childhood sexual abuse; (3) whether the changes to the statute of limitations proposed in Legislative Bill 120 could be applied retroactively to allow civil suits which had been barred; (4) the experiences of other states which have expanded their statute of limitation and adopted a discovery rule for childhood sexual abuse civil damage suits; and (5) possible alternatives to the provisions of Legislative Bill 120 which would assist survivors of childhood sexual abuse in the redress of their grievances.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 177. Introduced by Withem, 14.

PURPOSE: To continue to conduct a study of the various groups and organizations participating in Nebraska's school restructuring efforts by again holding a series of public hearings in communities throughout the state to evaluate progress made and problems encountered. This series of hearings will focus on those communities which have developed programs with an emphasis in early childhood education. In recognition of the importance of collaboration between the education community and those agencies attending to the social needs of children and families as they relate to successful early childhood programs and more comprehensive and meaningful K-12 experience, members of both groups are encouraged to participate in this process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 178. Introduced by Withem, 14.

PURPOSE: The purpose of this study is to comprehensively examine the issues surrounding the efficient operation of Nebraska's public schools and the distribution of state aid for education as it relates to the support of such efficiency. Issues studied will include, but not be limited to, the following:

a. Determination of formula need in the equalization formula;

b. Analysis of state aid formulas which would provide incentives for K-12 schools to operate both more effectively and efficiently;

c. Possible alternatives to enrollment tiers;

d. Transportation needs;

e. Provisions in current law which have a disequalizing effect on state aid distribution and possible remedies;

f. Status of current law regarding reorganization and possible changes to enhance the likelihood of mutually beneficial transition in the process; and

g. Educational adequacy of Nebraska school facilities and possible fiscal and educational ramifications.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 179. Introduced by Withem, 14.

PURPOSE: The purpose of this study is to: Review the new University of Nebraska admissions policy to determine its potential impact on the restructuring efforts of Nebraska's K-12 school districts; facilitate discussions among education and community leaders in an effort to identify potential discrepancies in learning strategies and expectations; identify alternative solutions for providing remedial instruction; and determine a structure for continued dialogue regarding the refinement of admissions standards as K-12 schools demonstrate a greater ability to identify and employ more genuine indicators of student progress.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 180. Introduced by Withem, 14.

PURPOSE: The purpose of this study is to investigate strategies for fostering positive interaction between the University of Nebraska and the business community in an effort to identify the current and future research needs and goals of both groups as Nebraska strives to provide an environment which encourages and supports economic development.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 181. Introduced by Withem, 14.

PURPOSE: The purpose of this study is: To gather information regarding the number and nature of education-related technology initiatives now being undertaken at both the K-12 and postsecondary levels; to facilitate discussion among education leaders and technology providers to determine the instructional and administrative needs of school districts and postsecondary institutions; to develop strategies for addressing the fiscal ramifications surrounding installation, continued financial support for usage, and long-term staff development for education personnel which includes usage instruction, curriculum development, and access; and to consider the impact technology will have on the ability of schools to provide expanded instructional opportunities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 182. Introduced by Withem, 14.

PURPOSE: The purpose of this study is to examine issues of student discipline in Nebraska's schools.

The study will include but not be limited to the following:

a. Review of current discipline statutes in Nebraska as well as other states in an effort to study similarities and differences and make recommendations for possible changes;

b. Examination of the alternatives for school boards or boards of education to discipline students for conduct which occurs off school premises, not during an educational function or event, when that conduct has a direct and immediate effect on the discipline or general welfare of the schools and their student body; and

c. Examination of strategies for improved communication among schools, families, law enforcement, and other related support agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 183. Introduced by Withem, 14; Lynch, 13.

PURPOSE: To conduct a study of the guidelines regulating the integrity and thoroughness of preplacement and postplacement adoptive homestudies pursuant to Legislative Bill 16, Ninety-third Legislature, First Session, 1993, which provides that beginning January 1, 1994, preplacement and postplacement homestudies will be performed as prescribed in rules and regulations of the Department of Social Services. The department will be responsible for establishing the rules and regulations governing such homestudies. This study will examine what components are currently included in preplacement and postplacement adoptive homestudies and what guidelines should be included in order to yield comprehensive, accurate, conclusive, and effective results.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 184. Introduced by Wehrbein, 2.

PURPOSE: The purpose of this study is to examine the role and mission of the Nebraska Ethanol Board in promoting the use and production of ethanol using sustainable agricultural products grown in Nebraska. On September 1, 1993, the Ethanol Authority and Development Board will merge with the Gasohol Committee, creating the Nebraska Ethanol Board. The study should examine the past performance of the Ethanol Authority and Development Board and the Gasohol Committee in meeting their statutory goals. This evaluation, along with a review of the intent of Legislative Bill 364, Ninety-third Legislature, First Session, 1993, will help achieve a standard practice for the new board. Emphasis should be placed, but not limited to, the board's duties, staffing, use of consultants, budget needs, and office requirements to fully implement the board's responsibilities in a thorough but cost-efficient manner.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 185. Introduced by Robak, 22.

WHEREAS, the St. Isidore Elementary School sixth grade class from Columbus, Nebraska, taught by Mary Lou Green, won individual and group events at "National History Day: Nebraska" held at Nebraska Wesleyan University; and

WHEREAS, those students who qualified will now represent Nebraska at the "National History Day" competition to be held June 13 through 17 at the University of Maryland; and

WHEREAS, this is the twelfth straight year that Mary Lou Green has taken a team from St. Isidore to the national competition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the following members of the St. Isidore Elementary School sixth grade class who qualified for the "National History Day": Clinton Hamling; Ryan Greiner; Keri Brichacek; Nick Cumberland; Kari Kunneman; Sarah Pillen; Gregg Dohmen; Stephanie Kruse; Lisa Schneider; Ryan Schnieders; Emily Wick; Laura Mlinar; Tom Rogers; Erica Moser; Jeff Eikmeier; Sara Rief; Jerod Trouba; and John Tworek-Hofstetter.

2. That Mary Lou Green be congratulated for her work and dedication in preparing her students for the "National History Day" contest.

3. That a copy of this resolution be forwarded to Mary Lou Green and the members of her class.

Laid over.

LEGISLATIVE RESOLUTION 186. Introduced by Rules Committee: Will, 8, Chairperson; Beutler, 28; Bohlke, 33; Bromm, 23; Withem, 14.

PURPOSE: This resolution authorizes a study of the rules of the Legislature. Because the rules are essential to ensuring that the Legislature is conducted in a smooth and orderly fashion, the Legislature needs to study its present rules for inadequacies and

omissions. The study shall include, but not be limited to, the following issues:

a. The process by which questions are divided;

b. The order in which motions take precedence over one another;

c. Germaneness; and

d. Any other issues the committee deems necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Rules Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 835. Placed on Select File as amended.
E & R amendment to LB 835:
AM5528

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. There are hereby appropriated the following sums of money, or so much thereof as may be required, from the General Fund or from other funds as indicated in the state treasury, not otherwise appropriated, for the payment of claims arising out of miscellaneous items of indebtedness owing by the State of Nebraska.

1992-1993 MISCELLANEOUS CLAIMS

DESCRIPTION	DOLLARS
Claim No. 92-072, against the Department of Roads, pay to Willard Woldt, 7708 So. Hill Circle, Littleton, CO 80120, out of the Department of Roads Operation Cash Fund	400.00
Claim No. 92-314, against the Board of Parole, pay to Leland Oberg, c/o James L. Haszard, Attorney, 6940 "O" Street, Suite 326, Lincoln, NE 68510, out of the General Fund	11,115.00
Claim No. 92-315, against the Board of Parole, pay to Marlene Cupp, c/o James L. Haszard, Attorney, 6940 "O" Street, Suite 326, Lincoln, NE 68510, out of the General Fund	7,437.00
Claim No. 92-318, against the Department of Social Services, pay to Prairie Medical Center, 4628 So. 25th, Omaha, NE 68107, out of the General Fund	4,290.00

Claim No. 93-024, against the Game and Parks Commission, pay to Peggy Hattam, 9053 Meadow Dr., Omaha, NE 68114, out of the State Park Cash Revolving Fund 242.90

Claim No. 93-035, against the Department of Correctional Services, pay to D. Scott Stansbury, Villa Park #9, Kearney, NE 68847, out of the General Fund 2,000.00

Claim No. 93-089, against the Department of Administrative Services, central data processing division, pay to George Simpson, 1230 H St. Apt. 3, Lincoln, NE 68508, out of the Data Processing Revolving Fund for employee wages 62.57

and out of the Data Processing Revolving Fund for the employer's share of F.I.C.A. payments 4.79

Total appropriation 67.36

Claim No. 93-112, against the Department of Roads, pay to Ralph Peters, Box 274, York, NE 68469, out of the Department of Roads Operation Cash Fund 182.25

Claim No. 93-128, against the Department of Roads, pay to Front Range Fire Apparatus, c/o Ernie Tangye, 4615 M St., Lincoln, NE 68510, out of the Department of Roads Operation Cash Fund 300.00

Claim No. 93-204, against the Department of Social Services, pay to Terri Steinspring, 6917 No. 33rd St., Omaha, NE 68112, out of the General Fund 1,349.60

Claim No. 93-243, against the Secretary of State, pay to Nebraska Press Advertising Service, 1120 K St., Lincoln, NE 68508, out of the General Fund 171,014.39

The claims included in this section shall be paid through Program 536 in Agency 89.

For informational purposes only, the appropriations contained in this section and fund source:

General Fund	197,205.99
Cash Fund	882.25
Revolving Fund	310.26
Total	198,398.50

Sec. 2. There are hereby appropriated the following sums of money, or so much thereof as may be required, from the General Fund, for the payment of claims, interest, and the employer share of F.I.C.A. and retirement arising out of miscellaneous items of indebtedness in conjunction with a settlement with employees of the former Omaha Municipal Court. All warrants issued as payment for components of the claims

listed in this section shall be mailed to the attorney of record in this case Gallup & Schaefer, c/o James E. Schaefer, Attorney, 1001 Farnam, On the Mall, Omaha, NE 68102.

Description	Wages	Employer Share F.I.C.A./ Retirement	Interest	Total
Carol Pinard Cronin	4,396.41	336.32	2,722.16	7,454.89
Mary Dew	6,081.40	1,000.87	3,456.40	10,538.67
Jean Douchey	4,920.80	545.65	2,950.58	8,417.03
Amy Ciochon-James	1,400.30	107.12	967.67	2,475.09
Kathy Jaudegis	6,653.92	1,085.46	3,611.27	11,350.65
Roy Johnson	4,494.88	343.86	2,770.47	7,609.21
Mike Komasincki	1,496.88	256.66	1,034.40	2,787.94
David Meyers	4,387.20	739.07	2,704.36	7,830.63
Deb Minardi	4,630.24	776.92	2,896.35	8,303.51
Diane Palmtag	4,259.20	701.13	2,423.52	7,383.85
Deanne Phillips	12,005.44	1,960.87	6,556.91	20,523.22
Keith Sprecher	5,177.16	857.10	3,032.56	9,066.82
Cathy Waller	6,521.80	1,065.98	3,575.53	11,163.31
TOTAL	66,425.63	9,777.01	38,702.18	114,904.82

For informational purposes only, the amount of funds appropriated in this section for Program 52 of the Supreme Court is $114,904.82 out of the General Fund.

At the direction of the State Claims Board, the sums appropriated in this section may be administratively transferred to the appropriate agency and program in order to allow direct payment of the claim by the agency involved and to facilitate correct recording of all payroll information and deductions.

Sec. 3. The following sums of money, or so much thereof as may be required, are hereby appropriated from the General Fund or from other funds as indicated in the state treasury, not otherwise appropriated, for the payment of tort claims which have been settled by the Attorney General in the district court and which require the approval of the Legislature for payment.

DESCRIPTION	DOLLARS
Tort Claim No. 8-067, against the Department of Roads, pay to the Estate of Paul Brochtrup, P.R. Pat Brochtrup, c/o R. Collin Mangrum, Attorney, Creighton University, School of Law, Omaha, NE 68178, out of the Department of Roads Operation Cash Fund	66,485.22
Tort Claim No. 8-121, against the Department of Roads, pay to the Estate of John Michael Maresh, P.R. Ronald J. Maresh, c/o J. Michael Fitzgerald, Attorney, 500 South 18th St., Omaha, NE 68102, out of the Department of	

Roads Operation Cash Fund 68,609.51
Tort Claim No. 8-132, against the Department of Roads, pay to Darrell Armstrong, c/o Hal W. Anderson, Attorney, P.O. Box 4554, Lincoln, NE 68504-4554, out of the Department of Roads Operation Cash Fund 65,756.74
Tort Claim No. 8-166, against the Department of Roads, pay to Clerk of Dodge County District Court, for Jorge A. Velas Jr., Fremont, NE 69025, out of the Department of Roads Operation Cash Fund 23,692.36
Tort Claim No. 8-184, against the Department of Roads, pay to the Estate of Michael Blankenau, P.R. John Blankenau, c/o James R. Welsh, Attorney, 1850 First National Center, 1620 Dodge St., Omaha, NE 68114-1505, out of the Department of Roads Operation Cash Fund 63,188.87

The claims included in this section shall be paid through Program 538 in Agency 89.

For informational purposes only, the amount of funds appropriated in this section for Program 538 in Agency 89 is $287,732.70 out the the Department of Roads Operation Cash Fund.

Sec. 4. The Director of Administrative Services is hereby authorized and directed to draw his or her warrants on or before June 30, 1994, upon the funds in the state treasury enumerated in this act, in favor of the several beneficiaries named in this act for the amount set opposite their respective names upon the presentation of proper vouchers therefor. The several amounts appropriated in this act shall be in full payment of any and all claims, rights, causes of action, damages, and demands of every character and kind owing by or against the State of Nebraska, its officers, agents, and employees, and their successors and assigns with respect to each of the beneficiaries respectively in whose favor the appropriations are made. The director shall not deliver any warrant for any items appropriated in this act until a receipt and release in full, releasing the State of Nebraska, its officers, employees, and agents, and their successors and assigns, has been filed by each of the beneficiaries respectively. Upon presentation of the warrants, the State Treasurer is hereby directed to pay the same out of money in the General Fund or out of money in other funds indicated in this act not otherwise appropriated.

Sec. 5. The following requests were filed by state agencies seeking permission to write off certain accounts. The State Claims Board reviewed and approved the following requests:

DESCRIPTION DOLLARS

Request No. 92-220, made by Peru State College		83,876.91
Request No. 92-277, made by the Department of Motor Vehicles		453.75
Request No. 92-442, made by the Secretary of State, Records Management		2.00
Request No. 93-009, made by Wayne State College		6,394.86
Request No. 93-016, made by the State Racing Commission		13,297.35
Request No. 93-104, made by the Department of Public Institutions, Nebraska Veterans' Home, Grand Island		7,900.27
Request No. 93-183, made by the Department of Public Institutions, Western Nebraska Veterans' Home		12,977.91
Request No. 93-193, made by the Department of Public Institutions, Norfolk Veterans' Home		4,361.38
Request No. 93-201, made by the Department of Roads		35,333.85
Request No. 93-203, made by the Department of Administrative Services, central data processing division		5,885.34
Request No. 93-218, made by the Department of Public Institutions, Thomas Fitzgerald Veterans' Home		40,720.95
Request No. 93-225, made by the Military Department		3,491.91
Request No. 93-226, made by the Department of Veterans' Affairs		8,558.13
Request No. 93-229, made by Chadron State College		10,351.07

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Kurt A. Hohenstein, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 345 in the Journal. No objections. So ordered.

AM2160

(Amendments to E & R amendments, AM5490)

1. Insert the following new section:

"Section 1. That section 9-629, Reissue Revised Statutes of Nebraska, 1943, as amended by section 16, Legislative Bill 138, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

9-629. (1) Except as provided in section 9-629.02, the gross proceeds of any lottery conducted by a county, city, or village shall be used solely for community betterment purposes, awarding of prizes, taxes, and expenses.

(2) Not less than sixty-five percent of the gross proceeds shall be used for the awarding of prizes, except that for purposes of conducting a lottery authorized by subdivision (1)(c)(ii) of section 9-607, not less than sixty-five percent

of the gross proceeds during an annual period from July 1 to June 30 of each year shall be used for the awarding of prizes.

(3) Not more than fourteen percent of the gross proceeds shall be used to pay the expenses of operating the lottery, except that license fees paid to the department and audit or legal expenses incurred by the county, city, or village which relate directly to the conduct of operating such lottery ~~shall~~ need not be included in determining the fourteen-percent limitation on expenses.

(4) For purposes of this section, audit and legal expenses shall include all expenses relating to: (a) The governmental organization of the lottery; (b) government maintenance, monitoring, and examination of lottery records; and (c) enforcement, regulatory, administrative, investigative, and litigation functions undertaken by government but shall not include the expenses of the actual conduct of the game. Expenses of the actual conduct of the game during an annual period from July 1 to June 30 of each year in excess of one percent of gross proceeds or five thousand dollars, whichever is greater, shall be subject to the fourteen percent limitation on expenses under subsection (3) of this section. In the case of a joint lottery conducted pursuant to an interlocal agreement as provided for in section 9-625, the combined gross proceeds of the joint lottery shall be used to determine that portion of audit and legal expenses that are not subject to the fourteen percent limitation on expenses.".

2. Renumber the remaining sections and correct internal references accordingly.

3. Correct the operative date provision and repealer so that the section added by this amendment becomes operative on its effective date.

Messrs. Schellpeper and Will asked unanimous consent to print the following amendment to LB 345 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM2072.)

PROPOSED RULE CHANGE

Mr. Will asked unanimous consent to print the following amendment to the proposed rule change in the Journal. No objections. So ordered.

Amend Rule 2, Section 1, to read as follows:
Section 1. Rules, Matters Not Covered. (a) These rules shall be adopted at the commencement of each regular session and, as amended from time to time, shall govern the Legislature for a period of one year. In all matters not covered herein, the Legislature shall decide as

to the procedure to be followed, the same to require the concurrence of a majority of the elected members.

(b) In the absence of a controlling rule to cover a specific situation, the presiding officer may utilize Mason's Manual of Legislative Procedure as authority.

Referred to the Rules Committee.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 536A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 536, Ninety-third Legislature, First Session, 1993.

VISITORS

Visitors to the Chamber were 63 fourth grade students and sponsors from Eagle Elementary; four fifth through eighth grade students and sponsors from Seward Middle School; Karen Gartner and Jan Lee from Omaha; 37 students and sponsors from Our Lady of Lourdes, Omaha; and 50 fourth grade students and sponsor from Florence Elementary, Omaha.

RECESS

At 12:04 p.m., on a motion by Speaker Baack, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Avery, Beutler, Coordsen, Lynch, Moore, Pedersen, Robinson, Will, and Withem who were excused until they arrive.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 595A. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 595, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 187. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 38; Haberman, 44; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

PURPOSE: To examine the license fees, occupation taxes, and hours of operation of retail liquor establishments. Fees and occupation taxes should be examined to determine if they are appropriate in light of the following: (1) The health and safety needs of the public; (2) control of the number of licenses; (3) the number of years since fees and taxes have been changed; (4) tax and fee structures in neighboring states; (5) the value of licenses; (6) the cost of regulation; and (7) the economic needs of licensees. The hours of operation should be examined in light of health and safety needs of the public, law enforcement concerns, regulatory concerns, the relationship with laws of neighboring states, and the economic needs of licensees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 188. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 38; Haberman, 44; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

PURPOSE: Horseracing in Nebraska has experienced a general decline in attendance and parimutuel handle for the past several years. Competition from dog and horse tracks in other states, a proliferation of casino-type gambling in other states, and the growth of county and city lotteries and charitable gaming in Nebraska, among other things, have had an impact on the profitability of horseracing. Horseracing differs from other activities that involve gambling because it is much more labor-intensive and requires substantial expenditures for agricultural products which provides economic benefits to the state. This study is intended to examine methods of improving the financial

viability of horseracing in Nebraska, and shall include, but not be limited to, the following:

a. The impact of other types of gambling in Nebraska on horseracing and the consideration of methods of providing mutual benefit;

b. Strategies for improving the marketing of horseracing;

c. Methods of providing financial benefits for the various racetracks, the horsepersons, and the State Racing Commission; and

d. Any other matters necessary for a thorough examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 189. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 38; Haberman, 44; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

PURPOSE: In 1988, the United States Congress passed the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et seq., which sets up a process for negotiation between Indian tribes and the state to establish compacts to regulate the conduct of certain types of gaming on Indian lands. The federal law provides that Class III gaming, which includes lotteries, parimutuel wagering, keno, slot machines, and electronic and video gaming devices, are lawful on Indian lands only if they are located in a state which permits such gaming and conducted in accordance with a tribal-state compact entered into by the tribe and the state. The federal act has generated a great deal of controversy and litigation. There have been concerns regarding whether this process may allow types of games within a state which would not otherwise be allowed by state law. The legislative history of the federal act indicates an intent to establish a balance between the sovereign rights and economic interests of the tribes and the regulatory concerns of the states, but it is unclear where that balance may be reached. The purpose of this study is to examine the state's rights and responsibilities with regard to the Indian Gaming Regulatory Act, and shall include, but not be limited to, examination of the following:

a. Legal parameters concerning types of games which may be subject to negotiation for a compact entered into between a tribe and the state;

b. The sovereign rights of Indian tribes and their economic needs;

c. Rulings by federal courts on the Indian Gaming Regulatory Act;

d. Legislation and other activities in other states in relation to this matter; and

e. Any other issues which are necessary for a thorough examination of this matter.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 190. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 38; Haberman, 44; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

PURPOSE: The current system of funding the State Racing Commission is based primarily on admission taxes and daily license fees charged the racetracks. During recent years attendance has decreased and the number of racing days has been reduced, resulting in a reduction in the amount of revenue available to fund the operations of the commission. The commission must continue to carry out its regulatory responsibilities which are intended to insure the integrity of both live racing and simulcasting, even though its funding is decreasing. The purpose of this study is to examine the funding and scope of authority of the State Racing Commission and shall include, but not be limited to, the following:

a. Examining whether use of a portion of parimutuel handle would be appropriate to fund the commission's operations;

b. Examining whether changes in the commission's regulatory duties are needed; and

c. Any other issues necessary for a thorough examination of this matter.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 191. Introduced by Landis, 46; Wickersham, 49.

PURPOSE: The purpose of this resolution is to consider rewriting and updating Nebraska's statutes regarding interest rates. Particular attention shall be given to pertinent provisions of Chapter 45, article 1.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 192. Introduced by Witek, 31; Pirsch, 10; Bromm, 23; Hudkins, 21; Fisher, 35.

PURPOSE: To compare and contrast the Rules of the Nebraska Unicameral Legislature with the rules of the legislatures of other states, including, but not limited to, the examination of the methods and options for limiting extended debate or filibusters. While recognizing that there are certain inherent rights and rules needed for legislative debate, these rights should not be used to unnecessarily interfere with or delay legislation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Rules Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 193. Introduced by Abboud, 12; Horgan, 4; Witek, 31; Pedersen, 39; Avery, 3; Hartnett, 45.

PURPOSE: Municipal annexation of neighboring territory is always a difficult and complicated process, particularly when it has the effect of dividing an existing service-delivery public entity, reducing its tax base and thereby adversely impacting its ability to continue providing an adequate level of service to its remaining residents. This is nowhere more serious than in the case of a municipality's annexation of a

substantial portion of a rural or suburban fire protection district. Such districts rely heavily on the property tax to finance current operational expenses as well as the large capital expenditures for buildings and heavy equipment necessary to provide adequate fire protection and rescue services. In addition, annexation takes individuals out of the pool of actual and potential volunteers, individuals who are needed to carry on the actual fire suppression and rescue work. The net result may well be a loss of the ability of the remaining district to properly carry out its functions due to a lack of personnel and funds. Annexation can have the effect of cutting into the middle of a fire protection district, leaving some of the residents of the district isolated from the nearest stationhouse or separated from it. This can result in gaps in fire protection coverage and create longer response times to fires or other emergencies. Current dispatching methods do not necessarily utilize the nearest facility but rather the nearest facility within the district. This is exacerbated by the fact that no state-wide system currently exists which provides for cross-jurisdictional responses.

This study shall focus on the impact of municipal annexation on rural and suburban fire protection districts. It shall analyze the effects of such annexation on their tax base, the effect on response times, and on the ability of the remaining district area to provide sufficient volunteers and financial resources to meet local needs. It shall attempt to determine the feasibility of developing a cross-jurisdictional dispatch system and the form such a system might best take. This study shall undertake to determine how best to coordinate existing fire-protection and rescue activities of neighboring municipalities and fire protection districts in order to provide for proper future planning on such things as equipment acquisition, facility location and construction, and debt financing for such acquisitions and purchases in order to make proper use of public finances for those purposes and ensure the protection of the public without waste and duplication. Investigation shall be made into possible arrangements on territories and finances to permit cities and fire protection districts to serve designated areas without regard to municipal boundaries and any future changes due to annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 564. Messrs. Abboud and Lindsay offered the following amendment:
AM2234

1. Insert the following new section:

"Sec. 4. That section 29-2264, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2264. (1) Whenever any person is placed on probation by a court and satisfactorily completes the conditions of his or her probation for the entire period thereof or who is discharged from probation prior to the termination of the period thereof, the sentencing court shall issue an order releasing the offender from probation and such order shall in all felony cases restore the offender's civil rights the same as though a pardon had been issued.

(2) Whenever any person is convicted of a ~~crime~~ misdemeanor or felony and is placed on probation by the court or is sentenced to a fine only, he or she may, after satisfactory fulfillment of the conditions of ~~his~~ probation for the entire period thereof, or after discharge from probation prior to the termination of the period thereof and after payment of any fine, petition the sentencing court to set aside the conviction.

(3) In determining whether to set aside the conviction, the court shall consider:

(a) The behavior of the offender ~~while on probation~~ after sentencing;

(b) The likelihood that the offender will not engage in further criminal activity; and

(c) Any other information the court considers relevant.

(4) The court may grant the offender's petition and issue an order setting aside the conviction when in the opinion of the court the order will be in the best interest of the offender and consistent with the public welfare. Such order shall:

(a) Nullify the conviction; and

(b) Remove all civil disabilities and disqualifications imposed as a result of the conviction the same as though a pardon had been issued.

(5) The setting aside of a conviction in accordance with the provisions of sections 29-2246 to 29-2268 shall not:

(a) Require the reinstatement of any office, employment, or position which was previously held and lost or forfeited as a result of the conviction;

(b) Preclude proof of a plea of guilty whenever such plea is relevant to the determination of an issue involving the rights or liabilities of someone other than the offender;

(c) Preclude proof of the conviction as evidence of the commission of ~~a crime~~ the misdemeanor or felony, whenever

the fact of its commission is relevant for the purpose of impeaching the offender as a witness, except that the order setting aside the conviction may be introduced in evidence;

(d) Preclude use of the conviction for the purpose of determining sentence on any subsequent conviction of a criminal offense;

(e) Preclude the proof of the conviction as evidence of the commission of ~~a crime~~ the misdemeanor or felony in the event an offender is charged with a subsequent offense and the penalty provided by law is increased if the prior conviction is proved; or

(f) Preclude the proof of the conviction to determine whether an offender is eligible to have a subsequent conviction set aside in accordance with the provisions of sections 29-2246 to 29-2268.

(6) This section shall be retroactive in application and shall apply to all persons, otherwise eligible in accordance with the provisions of this section, whether convicted prior to, on, or subsequent to ~~August 27, 1971~~ the effective date of this act.".

2. On page 14, line 23, strike "section 39-669.13" and insert "sections 29-2264 and 39-669.13".

3. Renumber remaining sections and correct internal references accordingly.

The Abboud-Lindsay amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Kristensen offered the following amendment:
AM2240

(Amendments to AM2174)

1. Strike sections 1, 2, 3, and 5 and insert the following new section:

"Sec. 14. That original section 39-669.07, Revised Statutes Supplement, 1992, is repealed.".

2. On pages 9 and 10 strike the new matter and reinstate the stricken matter.

3. Strike amendment 2 and insert the following new amendment:

"2. On page 14, line 21, strike 'The' and all amendments thereto and insert 'Sections 1 and 14 of this act shall become operative on their effective date. The other sections of this'.".

4. Renumber the remaining section accordingly.

The Kristensen amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Chambers offered the following amendment:
FA242
In AM1740,
P. 1, line 4, after "age", insert "who is not an emancipated minor as defined in subdivision (c) of this section.
After line 15, add,
"(c) For purposes of this act, an emancipated minor is a person under the age of twenty-one who is married or who is self-supporting and not residing with his or her parents."

Messrs. Lindsay and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Ashford	Bernard-Stevens	Chambers	Hartnett	Pedersen
Baack	Beutler	Crosby	Landis	Robak
		Hall	Lindsay	

Voting in the negative, 24:

Abboud	Elmer	Janssen	Robinson	Wehrbein
Bohlke	Fisher	Jones	Schellpeper	Wickersham
Bromm	Hohenstein	Kristensen	Schmitt	Witek
Byars	Horgan	McKenzie	Vrtiska	Withem
Day	Hudkins	Pirsch	Warner	

Present and not voting, 8:

Avery	Cudaback	Haberman	Rasmussen	Schimek
Coordsen	Dierks	Preister		

Excused and not voting, 5:

Hillman	Lynch	Moore	Wesely	Will

The Chambers amendment lost with 12 ayes, 24 nays, 8 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 194. Introduced by Wesely, 26.

PURPOSE: The purpose of this study is to examine the programs, services and general operation of the Department of Public Institutions. The study shall focus on the department's implementation of Legislative Bill 830, Ninety-second Legislature, First Session, 1991, and the relationship between the Department of Public Institutions and the Department of Social Services, including a clarification of roles and responsibilities of each department. The study shall include an examination of services provided to individuals with developmental disabilities, an examination of the effectiveness of and services provided by the Department of Public Institutions, and whether changes are needed to provide better services at lower costs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 195. Introduced by Wesely, 26.

PURPOSE: The purpose of this study is to continue the study begun during the 1992 interim concerning an examination of the general licensure laws in Nebraska governing the various Boards of Examiners within the Department of Health. The study shall examine areas where there can be uniformity among the various health care professions licensed, certified, and registered in Nebraska and make recommendations that will facilitate uniformity and simplification. The study shall also include a review of the fees charged health care professionals who are licensed, certified, or registered by the Department of Health. The current system is based on the number of individuals regulated in a particular health-care-related profession. The result is that professions with large numbers of member have lower fees than professions with fewer members who may have less ability to pay. The study should also examine whether fees charged should be

based on the benefit to the public derived from the regulation of the various health-care-related professions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 196. Introduced by Wesely, 26.

PURPOSE: The purpose of this study resolution is to examine the need for child care programs and ways to improve the child care system in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 197. Introduced by Wesely, 26.

PURPOSE: The purpose of this study is to examine the need for independent living centers in Nebraska, the funding for independent living centers, and ways to facilitate the development of these centers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 198. Introduced by Wesely, 26.

PURPOSE: The purpose of this resolution is to study the need for a state housing trust fund. The study shall include an examination of trust funds in other states, potential program responsibilities, and possible funding sources.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 199. Introduced by Wesely, 26.

PURPOSE: The purpose of this resolution is to examine problems and concerns regarding adoption in Nebraska. Adoption legislation, programs, and policies need to be examined to see how they can be improved. The nature, extent, and impact of advertising for adoption also needs to be studied.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 200. Introduced by Wesely, 26.

PURPOSE: The purpose of this resolution is to examine the liability exposure of the many individuals who contribute their valuable knowledge and services as unpaid volunteers in performance of various programs administered by the state, nonprofit organizations, or other community services in the State of Nebraska. The study shall include an examination of the availability and affordability of liability insurance, other options for financial responsibility, the actual and potential liability exposure of volunteers and its effect on volunteerism, a comparative study of other states' statutes, and the possibility of extending coverage to volunteers through the State Tort Claims Act. The study shall also include an analysis of the various types of volunteer services and the differing need for indemnification or liability protection.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 841A. Introduced by Moore, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 841, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 741 in the Journal. No objections. So ordered.

AM2154

(Amendments to Standing Committee amendments, AM1673)

1. Strike section 3 and insert the following new sections:

"Section 1. That section 53-125, Revised Statutes Supplement, 1992, be amended to read as follows:

53-125. No license of any kind shall be issued to (1) a person who is not a resident of ~~the county in which the premises covered by the license are located~~ Nebraska, except in case of railroad, airline, or boat licenses, (2) a person who is not of good character and reputation in the community in which he or she resides, (3) a person who is not a citizen of the United States, (4) a person who has been convicted of or has pleaded guilty to a felony under the laws of this state, any other state, or the United States, (5) a person who has been convicted of or has pleaded guilty to any Class I misdemeanor pursuant to Chapter 28, article 3, 4, 7, 8, 10, 11, or 12, or any similar offense under a prior criminal statute or in another state, except that any additional requirements imposed by this subdivision on May 18, 1983, shall not prevent any person holding a license on such date from retaining or renewing such license if the conviction or

plea occurred prior to May 18, 1983, (6) a person whose license issued under the Nebraska Liquor Control Act has been revoked for cause, (7) a person who at the time of application for renewal of any license issued under the act would not be eligible for such license upon initial application, (8) a copartnership, unless one of the copartners is a resident of ~~the county in which the premises covered by the license are located~~ Nebraska and unless all the members of such copartnership are otherwise qualified to obtain a license, (9) a corporation, if any officer, manager, or director of the corporation or any stockholder owning in the aggregate more than twenty-five percent of the stock of such corporation would be ineligible to receive a license under this section for any reason other than the reasons stated in subdivisions (1) and (3) of this section, except that ~~this~~ a manager of a corporate licensee shall be a resident of Nebraska. This subdivision shall not apply to railroad licenses, (10) a person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee, (11) a person who does not own the premises for which a license is sought or does not have a lease or combination of leases on such premises for the full period for which the license is to be issued, (12) except as provided in this subdivision, an applicant whose spouse is ineligible under this section to receive and hold a liquor license. Such applicant shall become eligible for a liquor license only if the commission finds from the evidence that the public interest will not be infringed upon if such license is granted. It shall be prima facie evidence that when a spouse is ineligible to receive a liquor license the applicant is also ineligible to receive a liquor license. Such prima facie evidence shall be overcome if it is shown to the satisfaction of the commission (a) that the licensed business will be the sole property of the applicant and (b) that such licensed premises will be properly operated, (13) a person seeking a license for premises which do not meet standards for fire safety as established by the State Fire Marshal, (14) a law enforcement officer, except that this subdivision shall not prohibit a law enforcement officer from holding membership in any nonprofit organization holding a liquor license or from participating in any manner in the management or administration of a nonprofit organization, or (15) a person less than twenty-one years of age.

When a trustee is the licensee, the beneficiary or beneficiaries of the trust shall comply with the requirements of this section, but nothing in this section shall prohibit any such beneficiary from being a minor or a person who is mentally incompetent.

Sec. 2. That section 53-129, Revised Statutes Supplement, 1992, as amended by section 10, Legislative Bill 183, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

53-129. Retail and bottle club licenses issued under the Nebraska Liquor Control Act shall apply only to that part of the premises described in the application and in the license issued thereon, and only one location shall be so described in each license. After such license has been granted for particular premises, the local governing body may endorse upon the license permission to add to, delete from, or abandon the premises described in such license and if applicable ~~remove~~ to move from the premises to other premises approved by ~~it~~ the local governing body, but in order to obtain such approval the retail or bottle club licensee shall file with the local governing body a request in writing and a statement under oath which ~~shall show~~ shows that the premises as added to or deleted from~~,~~ or to which ~~removal~~ such move is to be made~~,~~ comply in all respects with the requirements of the act. No such addition, deletion, or ~~removal~~ move shall be made by any such licensee until his or her license has been endorsed to that effect in writing by the local governing body and the licensee furnishes proof of payment of the state registration fee prescribed in section 53-131.

Sec. 4. That section 53-164.01, Revised Statutes Supplement, 1992, be amended to read as follows:

53-164.01. Payment of the tax provided for in section 53-160 on alcoholic liquor shall be paid by the manufacturer or wholesaler as follows:

(1)(a) All manufacturers or wholesalers, except farm winery producers, whether inside or outside this state shall, on or before the twenty-fifth day of each calendar month following the month in which shipments were made, submit a report under oath or affirmation to the commission upon forms furnished by the commission showing the total amount of alcoholic liquor in gallons or fractional parts thereof shipped by such manufacturer or wholesaler, whether inside or outside this state, during the preceding calendar month;

(b) All beer wholesalers shall, on or before the twenty-fifth day of each calendar month following the month in which shipments were made, submit a report under oath or affirmation to the commission upon forms furnished by the commission showing the total amount of beer in gallons or fractional parts thereof shipped by all manufacturers, whether inside or outside this state, during the preceding calendar month to such wholesaler;

(c) Farm winery producers shall, on or before the twenty-fifth day of each calendar month following the month in which wine was packaged or bottled for sale, submit a report

under oath or affirmation to the commission upon forms furnished by the commission showing the total amount of wine in gallons or fractional parts thereof packaged or bottled by such producer during the preceding calendar month; ~~and~~

(d) A brewpub shall, on or before the twenty-fifth day of each calendar month following the month in which the beer was produced for sale, submit a report under oath or affirmation to the commission on forms furnished by the commission showing the total amount of beer in gallons or fractional parts thereof produced for sale by the brewpub during the preceding calendar month; and

~~(d)~~ (e) Reports submitted pursuant to subdivision (a), (b), or (c) of this subdivision shall also contain a statement of the total amount of alcoholic liquor, except beer, in gallons or fractional parts thereof shipped to licensed retailers inside this state and such other information as the commission may require;

(2) The wholesaler or farm winery producer shall at the time of the filing of the report pay to the commission the tax due on alcoholic liquor, except beer, shipped to licensed retailers inside this state at the rate fixed in accordance with section 53-160. The tax due on beer shall be paid by the wholesaler on beer shipped from all manufacturers;

(3) The tax imposed pursuant to section 53-160 shall be due on the date the report is due less a discount of one percent of the tax on alcoholic liquor for submitting the report and paying the tax in a timely manner. The discount shall be deducted from the payment of the tax before remittance to the commission and shall be shown in the report to the commission as required in this section. If the tax is not paid within the time provided in this section, the discount shall not be allowed and shall not be deducted from the tax;

(4) If the report is not submitted by the twenty-fifth day of the calendar month or if the tax is not paid to the commission by the twenty-fifth day of the calendar month, the following penalties shall be assessed on the amount of the tax: One to five days late, three percent; six to ten days late, six percent; and over ten days late, ten percent. In addition, interest on the tax shall be collected at the rate of one percent per month, or fraction of a month, from the date the tax became due until paid;

(5) No tax shall be levied or collected on alcoholic liquor manufactured inside this state and shipped or transported outside this state for sale and consumption outside this state;

(6) In order to insure the payment of all state taxes on alcoholic liquor, together with interest and penalties, persons required to submit reports and payment of

the tax shall, at the time of application for a license under section 53-124, enter into a surety bond with corporate surety, both the bond form and surety to be approved by the commission. Subject to the limitations specified in this subdivision, the amount of the bond required of any taxpayer shall be fixed by the commission and may be increased or decreased by the commission at any time. In fixing the amount of the bond, the commission shall require a bond equal to the amount of the taxpayer's estimated maximum monthly excise tax ascertained in a manner as determined by the commission. Nothing in this section shall prevent or prohibit the commission from accepting and approving bonds which run for a term longer than the license period. The amount of a bond required of any one taxpayer shall not be less than one thousand dollars. The bonds required by this section shall be filed with the commission; and

(7) When a manufacturer or wholesaler sells and delivers alcoholic liquor upon which the tax has been paid to any instrumentality of the armed forces of the United States engaged in resale activities as provided in section 53-160.01, the manufacturer or wholesaler shall be entitled to a credit in the amount of the tax paid in the event no tax is due on such alcoholic liquor as provided in such section. The amount of the credit, if any, shall be deducted from the tax due on the following monthly report and subsequent reports until liquidated.

Sec. 6. That original sections 53-125, 53-160, and 53-164.01, Revised Statutes Supplement, 1992, and section 53-129, Revised Statutes Supplement, 1992, as amended by section 10, Legislative Bill 183, Ninety-third Legislature, First Session, 1993, are repealed.".

2. On page 1, line 7, strike "or a", show as stricken, and insert an underscored comma and after "wholesaler" insert ", or a brewpub".

3. Renumber the remaining sections accordingly.

Mr. Hall asked unanimous consent to print the following amendment to LB 841 in the Journal. No objections. So ordered.

AM2153

1. Insert the following new sections:

"Sec. 3. That section 60-302, Revised Statutes Supplement, 1992, as amended by section 16, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

60-302. (1) No motor vehicle, trailer, semitrailer, or cabin trailer, unless otherwise expressly provided, shall be operated on the highways of this state unless such vehicle is registered in accordance with Chapter 60, article 3. Every

owner of a vehicle required to be registered shall make application for registration to the county treasurer of the county in which the vehicle has tax situs as defined in section 77-1240. The application shall be a copy of a certificate of title or, in the case of a renewal of a registration, the application shall be the previous registration period's certificate or as otherwise provided in section 60-310. A salvage certificate of title as defined in section 60-129 and a nontransferable certificate of title provided for in section 60-131 shall not be valid for registration purposes.

(2) ~~All~~ Except as otherwise provided in section 60-310, all applications for registration of motor vehicles shall be accompanied by proof of financial responsibility. Proof of financial responsibility shall be evidenced by a copy of proof of financial responsibility filed pursuant to subdivision (2), (3), or (4) of section 60-528 bearing the seal of the Department of Motor Vehicles or by a certificate or policy of insurance or, in the case of renewal of registration by the special telephone registration system, by supplying the information required pursuant to subdivision (1)(b) of section 60-310. Such certificate or policy of insurance shall be written by an insurance carrier duly authorized to do business in this state and shall certify that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate or policy shall give the effective dates of such motor vehicle liability policy, which dates shall be evidence that the coverage is in effect on and following the date of registration, and shall designate, by explicit description or by appropriate reference, all motor vehicles covered thereby.

(3) Any nonresident owner, who desires to register a vehicle or vehicles in this state, shall register in the county where the vehicle is domiciled or where the owner conducts a bona fide business.

(4) Each new application shall contain, in addition to such other information as may be required by the department, the name and post office address of the applicant and a description of the vehicle, including the color, the manufacturer, the identification number, and the weight of the vehicle required by Chapter 60, article 3. With such application and proof of financial responsibility, the applicant shall pay the proper registration fee as provided in sections 60-305.08 to 60-339 and shall state whether the vehicle is propelled by electricity, motor vehicle fuel as defined in section 66-482, or special fuel as defined in section 66-602, and if special fuel, the type of fuel. The form shall also contain a notice that bulk special or diesel

fuel purchasers may be subject to federal excise tax liability. The department shall prescribe a form, containing such notice, for supplying the information for vehicles to be registered. The county assessor shall include the form in each mailing made pursuant to section 77-1240.

(5) The county treasurer or his or her agent shall collect, in addition to other registration fees, the sum of one dollar and fifty cents for each and every certificate issued, which fee shall be remitted by the county treasurer to the State Treasurer for credit to the State Recreation Road Fund.

(6) If a county board consolidates services under the office of a designated county official other than the county treasurer pursuant to section 1 of this act, the powers and duties of the county treasurer relating to registration under sections 60-301 to 60-347 shall be performed by the designated county official.

Sec. 4. That section 60-310, Revised Statutes Supplement, 1992, be amended to read as follows:

60-310. (1)(a) Such registration may be renewed annually in the same manner and upon payment of the same fee as provided for the original registration. On making an application for renewal, the registration certificate for the preceding registration period shall be presented with the application. If the certificate is not presented, a fee of one dollar shall be added to the registration fee.

(b) An owner of a motor vehicle may renew the registration of a motor vehicle by the use of a telephone and credit card upon the establishment by a county of a special telephone registration system.

When the registration of a motor vehicle is made by use of the special telephone registration system, the county treasurer of such county may accept a credit card transaction in lieu of money for the payment of a fee, fine, penalty, or tax to be collected by such county treasurer for renewal of the registration. The county treasurer may charge an additional fee or assessment to cover the expenses for use of the special telephone registration system and credit card transaction. Such fee or assessment shall be paid by the owner renewing the registration at the time of such renewal.

An owner of a motor vehicle using the special telephone registration system shall supply the number of the previous registration period's certificate and, in addition to other information required for such renewal, provide proof of financial responsibility by supplying, at the time of renewal, the name of the insurance carrier who shall be duly authorized to do business in this state who is insuring such motor vehicle and the insurance policy number and effective dates.

The county may contract with a vendor, acting as its

agent, to implement the special telephone registration system. The vendor shall take the information from the owner, verify such information with the county treasurer, and forward to the county treasurer all renewal information and payment. Upon receipt of such information and payment confirmation that the information is correct, proof of financial responsibility is in effect on and following the date of registration, and all other requirements for renewal of registration in Chapter 60, article 3, are met, the county treasurer shall mail a registration certificate and renewal tabs or license plates to the owner of such motor vehicle.

(2) The certificate of registration and license plates furnished by the department shall be valid during the registration period for which they are issued and, when renewal tabs furnished pursuant to section 60-311 have been affixed thereto, they shall also be valid for the registration period designated by such renewal tabs.

(3) The registration period for motor vehicles, trailers, semitrailers, and cabin trailers required to be registered as provided in section 60-302 shall expire on the first day of the month one year from the month of issuance, and renewal shall become due on such day and shall become delinquent on the first day of the following month.

(4) The above provisions shall not apply to dealer's license plates, repossession plates, and transporter plates as provided in section 60-320, which plates shall be issued for a calendar year. The registration period for vehicles licensed as apportioned vehicles as provided in section 60-305.09 shall expire December 31 of each year and shall become delinquent February 1 of the following year. Any owner who has two or more vehicles required to be registered under Chapter 60, article 3, may register all such vehicles on a calendar-year basis or on an annual basis for the same registration period beginning in a month chosen by the owner. When electing to establish the same registration period for all such vehicles, the owner shall pay the registration fee and motor vehicle tax on each vehicle for the number of months necessary to extend its current registration period to the registration period under which all such vehicles will be registered. Credit shall be given for registration paid on each vehicle when the vehicle has a later expiration date than that chosen by the owner. Thereafter all such vehicles shall be registered on an annual basis starting in the month chosen by the owner.".

2. On page 9, line 21, strike "and" and insert "section 60-310, Revised Statutes Supplement, 1992,"; in line 25 strike "and"; and in line 27 after the last comma insert "and section 60-302, Revised Statutes Supplement, 1992, as amended by section 16, Legislative Bill 112, Ninety-third Legislature, First Session, 1993,".

3. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 564. Mr. Chambers offered the following amendment:
FA243

AMEND AMENDMENTS (AM1740)

Add a new section 1 and renumber accordingly:

"Notwithstanding the provisions of section 60-4,108 or any other provision of law, no penalties other than those set forth in this act shall be imposed for violation of the provisions of this act."

Page 3, after line 7, add new section and renumber accordingly:

"Any person who operates a vehicle during the time of impoundment shall: (1) For the first violation be fined not more than one hundred dollars; (2) upon conviction of a second violation during the same time of impoundment be fined not more than two hundred dollars; and (3) upon a third or subsequent conviction during the same time of impoundment be fined not more than three hundred dollars."

Mr. Kristensen and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 1:

Robak

Voting in the negative, 28:

Abboud	Coordsen	Fisher	Landis	Schmitt
Ashford	Crosby	Hohenstein	Pirsch	Vrtiska
Avery	Cudaback	Horgan	Rasmussen	Warner
Bohlke	Day	Hudkins	Robinson	Wehrbein
Bromm	Dierks	Janssen	Schellpeper	Witek
Byars	Elmer	Jones		

Present and not voting, 14:

Baack	Beutler	Hall	Lindsay	Schimek
Bernard-Stevens	Chambers	Hartnett	Pedersen	Wickersham
	Haberman	Hillman	Preister	Withem

Excused and not voting, 6:

Kristensen	McKenzie	Moore	Wesely	Will
Lynch				

The Chambers amendment lost with 1 aye, 28 nays, 14 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Chambers and Hohenstein offered the following amendment:
FA244
add a new section,
"in Section 53-180.02, strike, after "thereof,"
"except that a minor may possess or have physical control of alcoholic liquor in his or her permanent place of residence."
and add,
"No person under the age of 21 may consume alcoholic liquor in this state."

Mrs. Witek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Chambers requested a roll call vote on the Chambers-Hohenstein amendment.

Voting in the affirmative, 10:

Ashford	Crosby	Hohenstein	Robak	Vrtiska
Chambers	Day	Pedersen	Schmitt	Wehrbein

Voting in the negative, 28:

Abboud	Bohlke	Elmer	Hudkins	Rasmussen
Avery	Bromm	Fisher	Janssen	Schellpeper
Baack	Byars	Haberman	Kristensen	Schimek
Bernard-Stevens	Coordsen	Hall	Landis	Warner
	Cudaback	Hillman	Lindsay	Wickersham
Beutler	Dierks	Horgan	Moore	

Present and not voting, 6:

Hartnett	Pirsch	Preister	Witek	Withem
Jones				

Excused and not voting, 5:

Lynch	McKenzie	Robinson	Wesely	Will

The Chambers-Hohenstein amendment lost with 10 ayes, 28 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Messrs. Landis and Hall offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1736.)

Messrs. Avery and Bernard-Stevens asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Landis-Hall amendment was adopted with 28 ayes, 3 nays, 12 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
FA245

Add new section: "In addition to any other penalty imposed by any other provision of law, any person who violates any provision of this act shall be placed in stocks in front of the County Courthouse and given 30 lashes with a cat-'o-nine-tails."

MR. HALL PRESIDING

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 2:

Chambers	Robak

Voting in the negative, 15:

Byars	Day	Jones	Pirsch	Warner
Crosby	Hall	McKenzie	Rasmussen	Wehrbein
Cudaback	Hohenstein	Pedersen	Vrtiska	Witek

Present and not voting, 26:

Abboud	Baack	Bohlke	Coordsen	Elmer
Ashford	Beutler	Bromm	Dierks	Fisher

Haberman	Hudkins	Landis	Preister	Schmitt
Hartnett	Janssen	Lindsay	Schellpeper	Wickersham
Hillman	Kristensen	Moore	Schimek	Withem
Horgan				

Excused and not voting, 6:

Avery	Bernard-Stevens	Lynch	Robinson	Wesely
				Will

The Chambers amendment lost with 2 ayes, 15 nays, 26 present and not voting, and 6 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Dierks asked unanimous consent to print the following amendment to LB 292 in the Journal. No objections. So ordered.

AM2233

(Amendments to Final Reading copy)

1. On page 2, line 21, after the comma insert "or"; strike beginning with "by" in line 21 through "(7)" in line 25; and in line 26 strike "<eighty-hundredths" and insert "<seventy-three-hundredths".

2. On page 4, strike beginning with "one" in line 10 through "using" in line 25; and in line 25 strike "<eighty-hundredths" and insert "<seventy-three-hundredths".

3. On page 10, line 3, after the underscored period insert "Any collective-bargaining agreement to which a school district is a party entered into before the effective date of this act for the 1993-94 fiscal year shall be renegotiated by the parties.".

Ms. Schimek asked unanimous consent to print the following amendment to LB 50 in the Journal. No objections. So ordered.

AM2167

(Amendments to E & R amendments, AM5516)

1. On page 2, after line 8, insert the following new subsection:

"(3) At any time that the State Treasurer assesses a returned check charge against a state agency, that agency may assess the charge to the payor of the check. The charges assessed by the state agency against the payor of the check shall be used to make payment to the State Treasurer or to reimburse the state agency for the assessments for returned checks.".

Mr. Wehrbein asked unanimous consent to print the following amendment to LB 835 in the Journal. No objections. So ordered.

AM2249

(Amendments to E & R amendments, AM5528)

1. On page 2, after line 23, insert:
"Claim No. 93-124, against the Department of Social Services, pay to Syracuse Good Samaritan Center, P. O. Box F-1, Syracuse, NE 68446-0646, out of the General Fund 13,485.56".
2. On page 3, line 14, strike "197,205.99" and insert "210,691.55"; and in line 17 strike "198,398.50" and insert "211,884.06".

Messrs. Will and Warner asked unanimous consent to print the following amendment to LB 310 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2250.)

NOTICE OF COMMITTEE HEARINGS

Revenue

Governor Appointments Wednesday, June 2, 1993 12:00 noon
Nebraska Agricultural Land Valuation Advisory Board
James W. Galyen
Paul Grabouski
Bruce B. Johnson
Ivan Schmedding

(Signed) Jerome Warner, Chairperson

General Affairs

Governor Appointment Wednesday, May 26, 1993 1:15 p.m.
Nebraska Liquor Control Commission
Nancy McGinley

(Signed) Stan Schellpeper, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 98A. Introduced by Withem, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 98, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 345A. Introduced by Warner, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 345, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 840A. Introduced by Moore, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 840, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 201. Introduced by Wesely, 26.

PURPOSE: The purpose of this resolution is to study the state regulation of bank card interest rates, costs, and fees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 202. Introduced by Rasmussen, 20; Wesely, 26.

PURPOSE: The purpose of this study is to examine programs and services for children and families in Nebraska. The study should include the development of a plan to address the needs of Nebraska's children and their families. The plan shall include, as appropriate, recommendations and proposals of various public and private initiatives and studies underway in Nebraska concerning children and families.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 203. Introduced by Wesely, 26; Byars, 30.

PURPOSE: The purpose of this resolution is to study the role of county government in providing human services to the people of Nebraska. Currently, counties have some funding responsibility for developmental disabilities services, substance abuse services, mental health services, aging services, and substance abuse services, as well as total fiscal responsibility for indigent medical care services and general assistance services. Significant state funds and some federal funds are provided for developmental disabilities services, mental health services, aging services, and substance abuse services, but the management of these programs is primarily by the counties or the regions they serve. Indigent medical care services and general assistance services are totally county funded and administered.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 204. Introduced by Wesely, 26.

PURPOSE: The purpose of this resolution is to study the need for consumer protection legislation in the physical exercise club industry. The failure of several clubs to open after pre-selling memberships, and the closure of several clubs which had sold long-term memberships indicate a need for consumer protection. In the interest of promoting fair competition within the industry, consumer protection legislation would also be examined as a means of protecting current and future physical exercise clubs from unfair trade practices which ultimately hurt the consumer and the industry's reputation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 205. Introduced by Hartnett, 45; Will, 8; Robinson, 16; Preister, 5; Pedersen, 39; Abboud, 12; Avery, 3; Schimek, 27; Bromm, 23.

PURPOSE: The Urban Affairs Committee 1992 interim study on annexation resulted in serious discussion about the future of the Chalco area located in northwest Sarpy County, near the Interstate 80 corridor, just south of the boundary with Douglas County and the City of Omaha. This area has grown rapidly in recent years, arriving at a current population of over ten thousand people, residing in several adjacent sanitary and improvement districts. Issues have been raised about the future organization of the area as it continues to grow. Under existing state law, no new city can be formed within five miles of an existing city. In consequence, this area cannot organize itself and incorporate as a city. This means that the area must rely on the sanitary and improvement districts and the county to provide the necessary services despite the fact that they are not organized or provided the necessary statutory authority to deal with the situation. Two bills were introduced during the Ninety-third Legislative Session and considered by the Urban Affairs Committee, both aimed at addressing the particular Chalco area problem. Legislative Bill 368 would have authorized the City of Omaha to annex into Sarpy County to bring Chalco within its borders. Legislative Bill 530 would have permitted the Chalco area to incorporate as a first or second class city. The presence of the legislation spurred a great deal of local interest resulting in the formation of a local task force of representatives from Chalco sanitary and improvement districts to study the future of the area. After extensive testimony and discussion of the issues, both by local residents and representatives of neighboring political subdivisions, the committee decided to hold both bills pending a full study of the issues during the 1993 interim period.

This study shall be conducted in cooperation with the existing task force formed by the Chalco area residents. The purpose of the study shall be to explore the existing situation in the Chalco area and how best to address the issue of providing municipal services to the residents of the area. The particular solutions proposed by Legislative Bill 368 and Legislative Bill 530 shall be explored in depth and other potential solutions, including making no changes at all, shall be investigated. The study shall include a review of current development plans and future growth patterns in the area, the current services being provided to residents and how such services are financed, and how other local jurisdictions would be impacted by potential proposals for Chalco's future. The study shall also focus on current sanitary and

improvement district and annexation statutes and any potential changes which might be recommended in the light of the Chalco area's history and experience. Emphasis will be placed on the annexation policies of Nebraska's cities as they relate to when a municipality decides to proceed with an annexation, the appropriate size of particular areas which might be the subject of an annexation, and what role the consent of the residents of the area proposed for annexation should play in the process of determining when or if an annexation should take place.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 206. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Bromm, 23; Preister, 5; Robinson, 16; Schimek, 27; Will, 8.

PURPOSE: One of the oldest and most important institutions of local city and village government is the volunteer fire department. For well over a century, groups of local volunteers have provided fire suppression and emergency response services to their local communities at only a fraction of the cost to taxpayers that would have resulted from the need to implement a paid fire department. Many cities and villages could not afford the cost of their current level of service without the presence of the local pool of volunteers.

Legislation considered by the Urban Affairs Committee in the Ninety-third Legislature, First Session, 1993, has shown the need for a review of existing statutes governing the operation and management of municipal volunteer fire departments and fire protection districts. Over the course of time, numerous pieces of legislation have been adopted for different purposes and to meet particular problems arising at a given moment but without regard to the whole body of statutes governing volunteer departments. This has led to a patchwork of legislation with some inconsistencies and numerous holes. Additionally, many of the statutes are out-dated, having been adopted to address problems which existed under a totally different set of circumstances from those prevailing now. Solutions for 1930's problems are not necessarily relevant to the legal and financial difficulties facing volunteer departments in the 1990's.

This study shall undertake to identify the existing statutes governing volunteer fire departments, whether municipal or in rural or suburban fire protection districts. Comments shall be solicited from volunteer

fire departments and interested public officials to identify existing problems with the statutes and those areas which require new or up-dated legislative change. An attempt shall be made to modernize the statutes when appropriate to provide volunteer fire departments with the authority to continue to serve their communities into the next century and to provide them with the financial resources to meet their responsibilities to the general public. Special attention shall be given to the problem of volunteer fire department organization and the legal relationship between a volunteer fire department and the city or fire protection district which it serves. Also, problems of the federal tax status of volunteer fire departments and the contributions which they receive shall be investigated to insure that contributors could make tax-free donations recognized by the federal Internal Revenue Service.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 207. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Bromm, 23; Preister, 5; Robinson, 16; Schimek, 27; Will, 8.

PURPOSE: During the 1993 Legislative Session, the Urban Affairs Committee considered the Municipal Proprietary Function Act which was part of LB 722. The act was later made a part of LB 734 and advanced to final reading by the full Legislature. The act is aimed at separating municipal proprietary functions, utilities such as electric, natural gas, and water, wastewater collection and treatment, solid waste management operations, and hospitals or nursing homes, from the rest of the municipal budgeting and audit processes. The rationale for the legislation was based on the unique nature of such utilities as customer or consumer demand-driven operations. It was argued that such activities do not lend themselves well to the normal budgeting process and that continuing to include them in the regular municipal budget would only serve to distort the whole process.

Consideration of the legislation has raised several issues which were not immediately apparent. In particular, defining some suitable statutory provision for a limit on cash reserves held by a municipal proprietary operation has proven to be complex and difficult to delineate because of the nature of such enterprises. Further, providing suitable public notice and input on the proprietary function budget must take into consideration the need for municipalities to act quickly in

meeting customer demand for utility services. Crafting suitable and comprehensive legislation to deal with proprietary function budgeting, finance, and rate-setting issues will require a full review of current statutes and the nature of current proprietary function activities to address the legitimate concerns of all parties involved. Such a review should also inquire into the manner in which the statutes of other states and jurisdictions have dealt with similar problems and concerns and what success they have had under their existing statutory schemes.

This study shall initiate such a review. Special attention shall be devoted to current proprietary function rate setting statutes as they relate to budgeting. The intent of the study is to draft appropriate legislation which will provide full and complete public access to proprietary function financial information, which will provide the public with the opportunity to comment on proprietary function rates and budgets in a meaningful manner at all relevant stages of the process, and which will provide proprietary functions with sufficient flexibility consistent with the public interest to respond efficiently and expeditiously to consumer demands for service.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 208. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Bromm, 23; Preister, 5; Robinson, 16; Schimek, 27; Will, 8.

PURPOSE: The Urban Affairs Committee considered six bills that were introduced and referenced to it in the Ninety-third Legislature, First Session, 1993, which dealt with various aspects of municipal ownership or regulation of natural gas utilities: LB 388, on providing loan funds to finance municipal franchise reviews, LB 508, to deal with various reforms and adjustments to the Municipal Natural Gas Regulation Act, and LB 485, LB 486, LB 487, and LB 581, which dealt with various aspects of municipal condemnation of natural gas utilities. Because of the complexity of the issues involved, their inter-relationship, and the need to develop a working consensus on the solutions to the problems, the committee deferred action pending a fuller review of the general subject of natural gas utilities and their regulation in Nebraska.

This study shall undertake to review current statutes on the granting of municipal franchises to private corporations for the provision of

natural gas. The process for granting and reviewing such franchises as well as the appropriate terms upon which such franchises should be granted shall be studied and reviewed. Consideration shall be given to the appropriateness of providing state funds, either as a grant or a loan, to assist municipalities to carry out their responsibilities to review and grant franchises and to whether or not the granting of franchises should be incorporated into the general regulatory process in the Municipal Natural Gas Regulation Act. Additionally, the study shall investigate current statutes and procedures on the condemnation of natural gas utilities by municipalities. Investigation shall be made into the history of such activity in Nebraska and the statutory schemes of other states to determine what changes would be appropriate in the Nebraska context, where there is no general state-level body to regulate the industry. Recommendations or potential legislation shall be prepared to change the condemnation statutes, if necessary, to provide for greater economy, efficiency, and safety for consumers as well as security, certainty, and stability for natural gas providers. The study shall continue the process of reviewing the operation of the Municipal Natural Gas Regulation Act and the existing statutory scheme to recommend appropriate changes and improvements to achieve the purposes of that legislation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 209. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Bromm, 23; Preister, 5; Robinson, 16; Schimek, 27; Will, 8.

PURPOSE: Of the several standing committees of the Legislature, the Urban Affairs Committee has perhaps the broadest and most diverse subject matter jurisdiction. The committee traditionally has been referenced bills the subject matter of which extends from cemeteries to natural gas regulation to museums. Bills quite often arise from specific problems in specific municipalities in a manner which does not lend itself to early identification or classification as would be the case within the jurisdiction of other committees. More often than not, these issues arise outside of the regular legislative session and to address them adequately and fully in the next session, the Urban Affairs Committee must begin work on them during the interim period.

Recognizing this fact, the Urban Affairs Committee has, in the prior four interim periods, undertaken a general interim study aimed at identifying specific problems prior to the next legislative session to permit more careful review of the legislative solutions before the session begins when time would not be available for the type of analysis which the problem may deserve.

The purpose of this study is to continue the process begun with Legislative Resolution 95 in the 1989 interim period and provide a forum during the interim period for municipalities and their representatives, as well as other interested parties, to present issues which could be the subject of future legislation or to solicit their reaction to proposals which have been presented to the committee for future consideration. The subjects available for committee consideration would extend to any matter relevant to the Urban Affairs Committee's subject matter jurisdiction.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 210. Introduced by Wesely, 26.

PURPOSE: The purpose of this resolution is to study the fiscal rate of return and impact of the Employment and Investment Growth Act, Laws 1987, LB 775. The study shall include an analysis of the costs associated with and the benefits derived from agreements under the act. The analysis shall consider the design of a fiscal rate-of-return analysis which may be applied to project applications prior to approval in order to meet threshold criteria. The study shall also include an examination of possible changes to the act to enhance its ability to meet its stated and implied goals.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 211. Introduced by Wesely, 26; Hillman, 48.

PURPOSE: The purpose of this study is to examine the various avenues available to the State of Nebraska which would stimulate the development of our state's economy. The study should include an inventory of the various economic development programs and initiatives now underway in Nebraska by state and local government.

The study should also examine what economic development tools other states are now using to stimulate economic growth and how they might be applicable to Nebraska.

The study should evaluate the various tax incentives, job training programs, financing mechanisms, research and development programs, business assistance programs, and other economic development programs which now exist or could be developed to ascertain their potential impact on Nebraska's economy.

In undertaking this study, the committee should work with the various federal, state, local, and private-sector officials active in economic development concerning the viability, attractiveness, and competitiveness of various economic development alternatives.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a special committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 212. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Byars, 30; Day, 19; Dierks, 40; Horgan, 4; Rasmussen, 20; Vrtiska, 1.

PURPOSE: The purpose of this study is to examine health care reform issues including the proposed NebraskCare plan of the Governor's Blue Ribbon Coalition on health care. The study shall also examine the recommendations of the Inter-agency Health Care Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 213. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Byars, 30; Day, 19; Dierks, 40; Horgan, 4; Rasmussen, 20; Vrtiska, 1.

PURPOSE: The purpose of this resolution is to undertake a study of ways to provide for welfare reform in Nebraska. The study shall identify ways to provide individuals and families with temporary support needed for those individuals who are not capable of being self-sufficient. The study shall identify ways to promote self-sufficiency and shall include, but not be limited to, the study of:

(1) Training and wage subsidy programs;

(2) Job search programs;

(3) Community jobs programs;

(4) Increasing earned income and savings limits by recipients;

(5) Programs to encourage teenage parents to stay in school;

(6) Limitations on the length of public assistance benefits;

(7) Other mechanisms to further welfare reform by making welfare transitional for those who are able to work;

(8) Other state efforts at welfare reform; and

(9) Ways to contain additional costs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 214. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Byars, 30; Day, 19; Dierks, 40; Horgan, 4; Rasmussen, 20; Vrtiska, 1.

PURPOSE: The State of Nebraska is affected fiscally and socially by the need for and provision of human service programs and by the health status of its citizens. These human service and health status issues include, but are not limited to, cost containment for health care services, availability of health care providers, health care for the medically indigent, maternal and infant care, mental health, mental retardation and other developmental disabilities, substance abuse, poverty, regulation of new health professions, the comprehensive health insurance pool, rural health care availability, teenage pregnancy, child abuse, adult abuse, medicaid services, fees for licensure, the disabled persons and family support program, hunger, acquired

immunodeficiency syndrome, sexual abuse of children, the Nebraska Mental Health Commitment Act, and certificate of need. These issues have been reviewed but need continued review by the Legislature to determine the appropriate legislative responses. In addition, the study shall include ways to expand the utilization of mid-level practitioners in Nebraska, the future of the regional centers in Nebraska, and an analysis of the benefits of adding the rehabilitation option to the medicaid program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 215. Introduced by Hall, 7.

PURPOSE: The purpose of this study is to examine issues relating to the Legislature's current and future computer needs. The study shall include, but not be limited to, the following:

a. An evaluation of the current legislative computer policies and procedures;

b. The identification and evaluation of current resources including personnel, hardware, and software;

c. An evaluation of issues related to providing access to legislative databases; and

d. The development of long-term goals.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the board shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 216. Introduced by Hall, 7.

PURPOSE: Since the process of referencing legislative bills and resolutions has not been studied since 1985 and changes to and additions to the problems confronting the Legislature during recent

years have raised questions involving the referencing process and the resulting unequal committee workloads, a comprehensive study should be undertaken to examine the procedure for referencing bills, resolutions, and gubernatorial appointments.

The study shall include the process, method, and procedure for referencing bills, resolutions, and gubernatorial appointments undertaken by the Executive Board of the Legislative Council. The study shall also include workload equalization and any other related issues which could serve to update and improve the referencing process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Executive Board shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 217. Introduced by Moore, 24.

PURPOSE: The purpose of this resolution is to initiate a study regarding a consolidation of all state legal resources into the office of the Attorney General. The study shall include, but shall not be limited to:

a. An identification of the number of state attorneys outside the jurisdiction of the office of the Attorney General, their employing agencies, and the functions they perform; and

b. Assessments of possible efficiencies and attendant cost savings associated with consolidation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 218. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Lynch, 13; Wehrbein, 2.

PURPOSE: The purpose of this resolution is to provide for a comprehensive study of the audit function of state government. The study should encompass the pre-audit and internal audit functions performed by individual state agencies, the pre-audit function performed by the Department of Administrative Services - Accounting Division, the Comprehensive Annual Financial Report audit performed by the Auditor of Public Accounts, and the post-audit function performed by the Auditor of Public Accounts and independent certified public accountant firms.

The pre-audit and internal audit functions are important elements of internal control, while the post-audit function also provides assurances that the state's financial position and results of operations are fairly presented. Together, they represent significant safeguards in protecting the state's assets and providing assurances that the expenditures of the state, which exceeds three billion dollars each year, are made in conformance with state law.

Because of changing technologies and practices, the current audit approaches should be reviewed to determine if they are the most efficient and cost-effective. The study should review the existing practices and determine if changes or modifications should be made.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 219. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Lynch, 13; Wehrbein, 2.

PURPOSE: The purpose of this resolution is to initiate a study of the fiscal impact exhibited by the Nebraska Crime Control Act of 1993 contained in Legislative Bill 627, Ninety-third Legislature, First Session, 1993. The study shall include, but shall not be limited to:

a. Projections of increased inmate populations associated with relevant provisions of the bill;

b. Estimated increases in departmental per diem costs and medical costs; and

c. Identification of costs associated with construction of new correctional facilities and expansion of existing facilities to accommodate significant population increases.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a joint committee consisting of the members of the Appropriations Committee and three members of the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the joint committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 220. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Lynch, 13; Wehrbein, 2.

PURPOSE: The purpose of this study shall be to examine the statutes relating to the authority of the Governor to direct any state department, agency, or institution of state government to furnish the Governor's Policy Research Office with such information, personnel, equipment, and services as are necessary to enable it to carry out its responsibilities and duties pursuant to subsection (3) of section 84-133. The study shall include:

a. A review of the initial legislation and intent granting this authority Laws 1969, LB 1398;

b. A review and analysis of the historical utilization of this statute and specific projects, personnel, equipment, and services;

c. A review, to the extent possible, of the costs associated with each historical utilization and an analysis of the cost allocation between agencies or programs; and

d. A set of specific recommendations regarding any changes in legislation, including potential restrictions on personnel utilization, establishment of time limits for such projects, and guidelines on identification and allocation of costs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 221. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Lynch, 13; Wehrbein, 2.

PURPOSE: The purpose is to study the differences and similarities of the foster care reviews conducted by the Department of Social Services and the State Foster Care Review Board. The study shall include, but not be limited to, duplication of reviews, federal requirements for permanency planning reviews, and possible cost savings.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 222. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Lynch, 13; Wehrbein, 2.

PURPOSE: To examine and review the formula used to fund programs for persons with developmental disabilities. The study shall also focus on an analysis of the projected costs to implement the entitlements to service contained in Laws 1991, LB 830, beginning July 1, 1995.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 223. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Lynch, 13; Wehrbein, 2.

PURPOSE: The purpose of this study is to examine and review the effectiveness and the operations of the Equal Opportunity Commission. The study shall include, but not be limited to: (a) The intake procedures and guidelines; (b) the possible duplication of procedures; (c) the development of streamlining procedures which will insure prompt and efficient access to relief from the commission; (d) the proper role and function of the commission in the hearing process; and (e) the method of compensation to the commission for the handling of such cases.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 224. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Lynch, 13; Wehrbein, 2.

PURPOSE: The purpose of this resolution is to examine the possibility of closing selected National Guard armories in response to the down-sizing of the Nebraska Army National Guard. It is possible that Nebraska could lose fifteen to twenty percent of its current force structure because of federal efforts to reduce the military budget. This study shall determine the optimum number and location of National Guard armories needed to support a down-sized National Guard force.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 225. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Lynch, 13; Wehrbein, 2.

PURPOSE: To examine and review the feasibility of implementing the Mental Health Roadmap Plan which was developed by the Department of Public Institutions and the Department of Social Services with input from the six mental health regions. The study shall examine the plan to address the needs of children with severe emotional disturbances and their families. It shall include an analysis of the costs to provide services and a timetable for service development and provision.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 226. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Lynch, 13; Wehrbein, 2.

PURPOSE: The purpose of this resolution is to determine the most cost-effective method for state agencies to procure legal services. Currently, several state agencies are contracting with private attorneys for legal services at a cost of up to one hundred thirty dollars per hour. This study shall explore the possibility of hiring attorneys to be shared by various agencies at a considerable per-hour-cost savings. This study shall explore the possibility of housing these attorneys in the Attorney General's office with all costs to be paid on a pro rata basis by those agencies receiving legal services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 227. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3;

Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Lynch, 13; Wehrbein, 2.

PURPOSE: The Legislature finds that the cost of correctional health care has increased dramatically in recent years and that an investigation of alternative means of providing medical care to correctional inmates is in order. The purpose of this resolution is to initiate a study of existing medical programming administered by the Department of Correctional Services and to assess the merits of alternative arrangements for the delivery of health care services. The study shall include, but shall not be limited to, an assessment of various private arrangements with reference to the comparative cost and quality of services rendered.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 228. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Lynch, 13; Wehrbein, 2.

PURPOSE: The purpose of this resolution is to examine the role of the Office of Dispute Resolution and to evaluate its effectiveness in efforts to foster remediation of legal conflicts outside the traditional court setting. The study shall include, but shall not be limited to, an examination of the types and number of cases processed since the program's inception, assessment of its cost effectiveness, its success in tempering judicial caseloads, and prospects for the future role of mediation in the reduction of costs and enhancement of efficiency in the administration of justice.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 229. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Lynch, 13; Wehrbein, 2.

PURPOSE: The purpose of this study is to review the roles of the Nebraska Commission on the Status of Women, the Commission on Indian Affairs, and the Commission on Mexican-Americans. The study shall include, but not be limited to, an examination of the roles and responsibilities and goals of each agency, an assessment of their abilities to achieve those goals, and identification of possible alternative methods of achieving effective advocacy for minorities and women in the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 230. Introduced by Will, 8; Pirsch, 10; Hall, 7.

PURPOSE: The purpose of this study is to examine the need to statutorily address the issue of the battered spouse syndrome in light of the fact that such syndrome has emerged as an issue of growing concern in America today. The study shall include an examination of the definition of battered spouse syndrome.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 564. Mr. Vrtiska offered the following amendment:
AM2265

(Amendments to AM1740)

1. On page 1, lines 7 and 12, strike "two-hundredths" and insert "four-hundredths".

Messrs. Jones, Cudaback, and Warner asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 16 ayes, 6 nays, and 27 not voting.

Mr. Chambers requested a roll call vote on the Vrtiska amendment.

Voting in the affirmative, 17:

Abboud	Bernard-Stevens	Fisher	Lindsay	Vrtiska
Ashford	Chambers	Hall	Robak	Wickersham
Baack	Elmer	Hartnett	Schellpeper	Withem
		Landis	Schmitt	

Voting in the negative, 18:

Avery	Day	Horgan	Moore	Robinson
Bromm	Dierks	Janssen	Pedersen	Wehrbein
Byars	Haberman	Kristensen	Pirsch	Witek
Crosby	Hohenstein	McKenzie		

Present and not voting, 8:

Beutler	Coordsen	Hudkins	Rasmussen	Schimek
Bohlke	Hillman	Preister		

Excused and not voting, 6:

Cudaback	Lynch	Warner	Wesely	Will
Jones				

The Vrtiska amendment lost with 17 ayes, 18 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA246

Insert a new section:

Any person whose operator's license is impounded pursuant to the provisions of this act may be allowed by the court to operate a motor vehicle in order to drive to and from his or her place of employment.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

PRESIDENT MOUL PRESIDING

The Chambers amendment was adopted with 26 ayes, 10 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Pedersen requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 27 ayes, 1 nay, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 564A. Ms. Day offered the following amendment:

AM2238

1. Strike original section 1 and insert the following new sections:

"Section 1. There is hereby appropriated $21,100 from the General Fund for FY1993-94 to the Supreme Court, for Program 52, to aid in carrying out the provisions of Legislative Bill 564, Ninety-third Legislature, First Session, 1993.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 2. There is hereby appropriated $2,000 from the General Fund for FY1993-94 to the Department of Motor Vehicles, for Program 70, to aid in carrying out the provisions of Legislative Bill 564, Ninety-third Legislature, First Session, 1993.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

The Day amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 725. E & R amendment, AM5447, found in the Journal on page 1433, was adopted.

Mr. Warner withdrew his pending amendment, AM1438, found in the Journal on page 1564.

Mr. Warner renewed his pending amendment, AM1743, found in the Journal on page 1799.

Mr. Warner offered the following amendment to his pending amendment:
AM2079

(Amendments to AM1743)

1. On page 1, line 1, after "17" insert "and all amendments thereto".

2. On page 2, line 18, strike "may" and insert "shall".

The Warner amendment was adopted with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

Mr. Withem, Ms. Day, and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BAACK PRESIDING

Mr. Lindsay moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Warner moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Warner requested a record vote on his amendment, as amended.

Voting in the affirmative, 14:

Ashford	Beutler	Haberman	Moore	Schellpeper
Bernard-Stevens	Coordsen	Hartnett	Pirsch	Schimek
	Dierks	Landis	Robinson	Warner

Voting in the negative, 24:

Abboud	Cudaback	Horgan	Pedersen	Wickersham
Avery	Fisher	Hudkins	Preister	Will
Baack	Hall	Janssen	Rasmussen	Witek
Bohlke	Hillman	Jones	Vrtiska	Withem
Bromm	Hohenstein	Lindsay	Wehrbein	

Present and not voting, 6:

Byars	Crosby	Elmer	Kristensen	Schmitt
Chambers				

Excused and not voting, 5:

Day	Lynch	McKenzie	Robak	Wesely

The Warner amendment, as amended, lost with 14 ayes, 24 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Hartnett renewed his pending amendment, AM1638, found in the Journal on page 1891.

The Hartnett amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Hartnett renewed his pending amendment, AM1637, found in the Journal on page 1891.

The Hartnett amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Schellpeper renewed his pending amendment, AM1639, found in the Journal on page 1900.

The Schellpeper amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 491. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5524.)

LEGISLATIVE BILL 491A. Placed on Select File.

(Signed) Kurt A. Hohenstein, Chairperson

STANDING COMMITTEE REPORT
Agriculture

LEGISLATIVE RESOLUTION 90. Reported to the Legislature for further consideration.

(Signed) Merton L. Dierks, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 98 in the Journal. No objections. So ordered.

AM2202

(Amendments to Standing Committee amendments, AM1502)

1. On page 2, line 4, after the period insert "Beverage shall not include soup.".

2. On page 3, strike beginning with "containing" in line 19 through "volume" in line 20 and all amendments thereto and insert "which are juice"; and in line 23 after the period insert "For purposes of this section, (i) juice shall mean any beverage which contains ten percent or more fruit or vegetable juice but shall not include any beverage which is carbonated, and (ii) dairy product shall include any product which is primarily intended to be mixed with a dairy product for consumption as a beverage.".

Mr. Lindsay asked unanimous consent to print the following amendment to LB 677 in the Journal. No objections. So ordered.

AM2218

(Amendments to Second Final Reading copy)

1. Insert the following new sections:

"Section 1. That section 29-2264, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2264. (1) Whenever any person is placed on probation by a court and satisfactorily completes the conditions of ~~his~~ probation for the entire period thereof or who is discharged from probation prior to the termination of the period thereof, the sentencing court shall issue an order releasing the offender from probation and such order shall in all felony cases restore the offender's civil rights. ~~the same as though a pardon had been issued.~~

(2) Whenever any person is convicted of a crime and is placed on probation by the court, he or she may, after satisfactory fulfillment of the conditions of ~~his~~ probation for the entire period thereof, or after discharge from probation prior to the termination of the period thereof, petition the sentencing court to set aside the conviction.

(3) In determining whether to set aside the conviction, the court shall consider:

(a) The behavior of the offender while on probation;

(b) The likelihood that the offender will not engage in further criminal activity; and

(c) Any other information the court considers relevant.

(4) The court may grant the offender's petition and issue an order setting aside the conviction when in the opinion of the court the order will be in the best interest of the offender and consistent with the public welfare. Such order shall:

(a) Nullify the conviction; and

(b) Remove all civil disabilities and disqualifications imposed as a result of the conviction. ~~the same as though a pardon had been issued.~~

(5) The setting aside of a conviction in accordance with the ~~provisions of sections 29-2246 to 29-2268~~ the Nebraska Probation Administration Act shall not:

(a) Require the reinstatement of any office, employment, or position which was previously held and lost or forfeited as a result of the conviction;

(b) Preclude proof of a plea of guilty whenever such plea is relevant to the determination of an issue involving the rights or liabilities of someone other than the offender;

(c) Preclude proof of the conviction as evidence of the commission of a crime, whenever the fact of its commission is relevant for the purpose of impeaching the offender as a witness, except that the order setting aside the conviction may be introduced in evidence;

(d) Preclude use of the conviction for the purpose of determining sentence on any subsequent conviction of a criminal offense;

(e) Preclude the proof of the conviction as evidence of the commission of a crime in the event an offender is charged with a subsequent offense and the penalty provided by law is increased if the prior conviction is proved; or

(f) Preclude the proof of the conviction to determine whether an offender is eligible to have a subsequent conviction set aside in accordance with the ~~provisions of sections 29-2246 to 29-2268~~ act.

~~(6) This section shall be retroactive in application and shall apply to all persons, otherwise eligible in accordance with the provisions of this section, whether convicted prior to or subsequent to August 27, 1971.~~

Sec. 6. That section 83-1,118, Revised Statutes Supplement, 1992, be amended to read as follows:

83-1,118. (1) If in the opinion of the board a parolee does not require guidance or supervision, the board may dispense with and terminate such supervision.

(2) The board may discharge a parolee from parole at any time if such discharge is compatible with the protection

of the public and is in the best interest of the parolee.

(3) The board shall discharge a parolee from parole when the time served in the custody of the department and the time served on parole equal the maximum term less good time.

(4) The department shall discharge a committed offender from the custody of the department when the time served in the facility equals the maximum term less good time.

(5) Whenever any committed offender has completed the lawful requirements of the sentence, the director shall issue a certificate of discharge to the offender, and the certificate shall restore the civil rights of the offender. ~~as though a pardon had been issued.~~

Sec. 7. That section 83-1,126, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,126. There is hereby created the Board of Pardons which shall consist of the Governor, Attorney General, and Secretary of State. The Governor shall be ~~chairman~~ chairperson of the board. The Secretary of State shall be secretary of the board and keep its records or designate such a record keeper.

Sec. 8. That section 83-1,126.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,126.01. Any person in the custody of the Department of Correctional Services or under supervision of the Board of Parole shall be subject to the provisions of ~~this act~~ the Nebraska Treatment and Corrections Act. ~~Any person eligible for immediate discharge or release pursuant to this act shall be so discharged or released no later than one hundred twenty days after August 24, 1975, subject to the approval of the Board of Pardons.~~

Sec. 10. That section 83-1,129, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,129. (1) Any person desiring the Board of Pardons to exercise its pardon authority shall ~~file a written application with~~ request an application from its secretary. The application shall be returned to the secretary and shall state the specific relief requested and such other information as is prescribed by the board.

(2) The application shall be considered with or without a hearing by the board at its next regular scheduled meeting. ~~or within thirty days, whichever is earlier.~~ If a hearing is held, it shall be conducted in an informal manner~~,~~ ~~but~~ and a ~~complete~~ record of the proceedings shall be made and preserved according to the guidelines of the board.

Sec. 11. That section 81-1,130, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,130. (1) After consideration of the application~~,~~ and after such further investigations as it may deem appropriate, the Board of Pardons shall either grant or

deny the relief requested~~,~~ or grant such other relief as may be justified. The board may decline to accept further applications after the initial application for pardon from an offender for any prescribed amount of time, but in no case shall such time exceed two years. The board shall notify the offender in writing of any restriction for subsequent applications after the hearing on the initial application.

(2) The Board of Pardons may, in appropriate cases ~~where~~ when a person has been convicted of a felony~~,~~ and has ~~heretofore~~ been granted a pardon by the appropriate authority of this state~~,~~ or is hereafter granted a pardon for a conviction occurring prior to, on, or subsequent to August 25, 1969, empower the Governor to expressly authorize such person to receive, possess, or transport in commerce a firearm.

(3) All actions of the Board of Pardons shall be by majority vote and shall be filed in the office of the Secretary of State or the office designated by the Secretary of State.".

2. On page 8, line 22, after "original" insert "sections 29-2264, 83-1,126, 83-1,126.01, 83-1,129, and 83-1,130, Reissue Revised Statutes of Nebraska, 1943, section 83-1,118, Revised Statutes Supplement, 1992,".

3. Renumber the remaining sections accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 658 in the Journal. No objections. So ordered.

FA248

Strike the Wickersham amendment (#2021) adopted to LB 658 on general file.

RESOLUTIONS

LEGISLATIVE RESOLUTION 231. Introduced by Ashford, 6.

PURPOSE: The purpose of this study is to look at the financial feasibility of the state's participation in managed health care plans. The study shall examine the cost differences between managed health care plans in urban and rural areas.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 232. Introduced by Pedersen, 39.

PURPOSE: The purpose of the study is to examine whether the administration of the Division on Alcoholism and Drug Abuse and the Office of Community Mental Health should be consolidated within the Department of Public Institutions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 233. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study possible legislation regarding property and casualty insurance fraud.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 234. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to consider updating and rewriting Nebraska law regarding credit life insurance and credit health and accident insurance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 235. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Haberman, 44; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

PURPOSE: The levels of taxation of keno, bingo, pickle cards, and other types of charitable gaming and the allocation of the revenue received should be examined to determine whether they are appropriate with regard to the benefits provided nonprofit charitable entities, communities, and the state. This study shall include, but not be limited to, the following:

a. The levels of taxation on gaming activities in other states;

b. Whether such levels of taxation are appropriate in relation to other types of gaming activities;

c. What is appropriate regulation to insure the integrity of gaming activities;

d. What is an appropriate allocation of revenue from gaming activities; and

e. Any other issues necessary or appropriate for a thorough examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 236. Introduced by Coordsen, 32; McKenzie, 34.

PURPOSE: To examine the duties and purposes of Natural Resources Districts (NRDS), the Game and Parks Commission, and the Travel and Tourism Division of the Department of Economic Development, hereinafter referred to as agencies. Special attention should be directed as to which of the agencies have primary responsibility for the following: Soil and water concerns; fish and wildlife; recreation; development of historical sites; and promotion of Nebraska's tourist attractions.

While some overlapping of agency effort is desired, such overlapping should not be duplicative and wasteful. This study should determine where such overlap is of value and where it violates the primary duty and purpose of the agency.

The intent of this study is to identify the primary duty and purpose of each agency and to examine how closely each agency follows such duty and purpose. If duplication exists, it is the intent of this study that legislation be introduced to eliminate one or more of the agencies, to combine the agencies, or to more clearly define the primary duties and purposes of the agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 237. Introduced by Wesely, 26; Hartnett, 45; Chambers, 11; Haberman, 44; Will, 8; Schimek, 27; Crosby, 29; Bernard-Stevens, 42; Hall, 7; Beutler, 28.

PURPOSE: The purpose of this resolution is to study Nebraska's system for filling judicial vacancies. The study should examine potential changes in Nebraska's judicial selection process, including models from other states, to evaluate how Nebraska can broaden representation of minorities and women in judicial appointments, provide for a more open process, and offer the Governor more qualified candidates when having to fill a judicial vacancy.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 238. Introduced by Beutler, 28.

PURPOSE: To study issues related to the response, investigation, and cleanup of environmental hazards, including a review of relevant federal and state laws, particularly the federal Comprehensive

Environmental Response, Compensation and Liability Act of 1980 (CERCLA), and the possibility of creating a similar state act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 239. Introduced by Beutler, 28.

PURPOSE: To study the operating structure and legal authority of the Game and Parks Commission including, but not limited to, an examination of the commission's authority with regard to the acceptance and disposition of property, the structure of in lieu of tax payments to counties, and the criminal penalties under the jurisdiction of the commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 240. Introduced by Beutler, 28.

PURPOSE: To study issues related to abandoned water wells in the state including, but not limited to, the role of landowners and Nebraska governmental entities such as the natural resources districts, the Department of Water Resources, and the Department of Health in the identification and classification of water wells and proper plugging of abandoned water wells to protect ground water quality in the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 241. Introduced by Beutler, 28.

PURPOSE: To study state laws and policies relating to instream appropriations of water including an examination of applications filed under such statutes and judicial interpretation of relevant issues. The study shall also examine what, if any, changes are needed in the law relating to instream appropriations of water or other areas of Nebraska law to facilitate proper management of water resources.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 242. Introduced by Beutler, 28.

PURPOSE: To study state laws and policies relating to environmental education, including an analysis of similar efforts in other states.

The study will also examine what, if any, changes are needed in the public policy of this state to encourage the implementation of environmental education curricula.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 243. Introduced by Beutler, 28.

PURPOSE: To study recreation in the state, including, but not limited to, a review of the Nebraska governmental entities overseeing

recreation, such as the natural resources districts, the Game and Parks Commission, and the municipalities as well as private and nonprofit groups involved in the issue.

The study shall also examine what, if any, changes are needed in state law or policy relating to recreation to facilitate proper management of the state's recreational resources.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 244. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Bromm, 23; Chambers, 11; Dierks, 40; Preister, 5; Schimek, 27; Vrtiska, 1.

PURPOSE: The purpose of this resolution is to examine the factors contributing to the rapidly escalating costs of workers' compensation insurance. The study shall include a comparison of premiums in Nebraska, an examination of injury experience in the state, the awards made by the Nebraska Workers' Compensation Court, the methods utilized by the Department of Insurance in approving premium increases, the possibility of private pooling arrangements, and any other aspect of the workers' compensation system deemed appropriate by the committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 725. Mr. Schellpeper withdrew his pending amendment, AM1790, found in the Journal on page 1901.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 725A. Mr. Hartnett offered the following amendment:
FA247
Add the emergency clause.

The Hartnett amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 203. E & R amendment, AM5496, found in the Journal on page 1974, was adopted.

Mr. Beutler offered the following amendment:
AM1880

1. Insert the following new section:

"Section 1. That section 81-1504.01, Revised Statutes Supplement, 1992, be amended to read as follows:

81-1504.01. The Department of Environmental ~~Control~~ Quality shall provide the following information to the Clerk of the Legislature by December 1 of each year:

(1) A report by type of service or aid provided by the use and distribution of federal funds received by the department. The report shall also include user fees, permit fees, license fees, and application fees authorized by the Environmental Protection Agency as follows:

(a) Actual expenditure of each grant or authorized fees for the most recently completed state fiscal year, including state matching funds;

(b) Current budget and planned use and distribution of each grant and authorized fees for the current state fiscal year, including state matching funds;

(c) A summary of the projected funding level of each grant and authorized fees and the impact of federal mandates and regulations upon the future use of each grant and authorized fees; and

(d) Program summaries including statistical summaries when applicable for the most recently completed state fiscal year and program activity goals for the current state fiscal year;

(2) A summary of regulations of the Environmental Protection Agency which the department is required to implement and which do not include federal funding assistance and the possible financial impact to the state and political subdivisions;

(3) A report by type of service or aid provided by the use and distribution of state general and cash funds, including user fees, permit fees, license fees, and application fees, to carry out activities that are not funded

by federal grants as follows:

(a) Actual expenditure of state funds, by agency sections, for the most recently completed state fiscal year, including a breakdown of expenditures by personal services, operations, travel, capital outlay, and consulting and contractual services;

(b) Current budget and planned use and distribution of state funds, by agency sections, for the current state fiscal year, including a breakdown of expenditures by personal services, operations, travel, capital outlay, and consulting and contractual services;

(c) A summary of projected program funding needs based upon the statutory requirements and public demand for services and the department's assessment of anticipated needs statewide; and

(d) Program summaries including statistical summaries when applicable for the most recently completed state fiscal year and program activity goals for the current state fiscal year;

(4) A report regarding staff turnover by job class and the department's assessment of its ability to hire and retain qualified staff considering the state's personnel pay plan; ~~and~~

(5) A report listing the method used by each new or existing licensee, permittee, or other person who is required by the department to establish proof of financial responsibility; and

(6) A report of funds credited to the Nebraska Litter Reduction and Recycling Fund under the Nebraska Litter Reduction and Recycling Act.".

2. In the Standing Committee amendments, AM1677:

a. On page 1, line 5; page 7, line 18; and page 8, line 14, strike "15" and insert "16";

b. On page 5, line 15, after "On" insert "or before";

c. On page 9, line 22, strike "shall" and insert "may"; and

d. On page 17, line 2, strike beginning with "18" through "24" and insert "19, 21, 24, and 25"; in lines 3 and 4 strike beginning with "19" through "25" and insert "20, 22, 23, and 26"; and in line 12 strike "section" and insert "sections 81-1504.01 and".

2. Renumber the remaining sections accordingly.

The Beutler amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 110. E & R amendment, AM5473, printed separately from the Journal and referred to on page 1688, was adopted.

Messrs. Will and Robinson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers asked unanimous consent to replace his pending amendment, FA88, found in the Journal on page 1562, with a substitute amendment. No objections. So ordered.

Mr. Chambers withdrew his pending amendment, FA88, found in the Journal on page 1562.

Mr. Chambers renewed his pending substitute amendment, AM1612, found in the Journal on page 2186.

Mr. Horgan asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT MOUL PRESIDING

Mr. Lindsay offered the following amendment to the Chambers pending amendment:
FA249
Amend AM1612 to LB 110 by inserting after the second "or" in line 3 "the prescription or"

Mr. Lindsay moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Lindsay amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 245. Introduced by Horgan, 4; Robinson, 16; Fisher, 35; Lynch, 13; Crosby, 29.

PURPOSE: The purpose of this resolution is to study the growth in the number of state employees over the last ten years. The study shall identify the following: The specific agencies, divisions, or programs where the growth has occurred; the cost to the state budget to fund the

salaries, benefits, and other obligations of the state, such as unemployment and workers compensation, in expanding the number of employees; the number of employees paid out of the General Fund compared to other funds or appropriations; how the impact of the growth has affected the benefits, salary rates, and salary raises for all employees; the projected rate in the growth of the number of state employees in the next ten years and how the expense of adding more employees will affect the state budget and the ability to pay for benefits, employer obligations, and salaries for all employees; how the state can efficiently and effectively manage the number of state employees; how the increased cost of adding employees affects the mission of the agency, division, or program where the employees are added; an analysis of the effectiveness of state hiring freezes; a method of conducting a cost-benefit analysis to determine the justification of the number of employees in relation to their duties; the number of higher paid employees compared to lower paid employees and the disparity in salaries; how the addition of more employees affects the state's and employees' contributions to retirement systems provided for employees; how the number of employees will affect retirement systems when the employees begin to collect retirement benefits; and any other issue related to the number or growth in the number of state employees.

For purposes of this study, state employee shall mean any employee paid by the State of Nebraska from any state fund or appropriation, full-time or part-time, and temporary or permanent.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations and Nebraska Retirement Systems Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 246. Introduced by Beutler, 28.

PURPOSE: To study the cost structure of public power districts and the extent to which such structure includes the cost of environmental externalities. The study shall examine the progress public power districts are making in adopting integrated resource plans which include demand side management measures as well as supply side resources. The study shall also examine whether ratepayers are subsidizing nondistrict economic enterprises.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Messrs. Hall and Wesely asked unanimous consent to print the following amendment to LB 815 in the Journal. No objections. So ordered.

AM2242

(Amendments to E & R amendments, AM5523)

1. Insert the following new sections:

"Sec. 23. That section 77-2704.12, Revised Statutes Supplement, 1992, be amended to read as follows:

77-2704.12. (1) Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of purchases by any organization created exclusively for religious purposes, any nonprofit organization providing services exclusively to the blind, any private educational institution established under Chapter 79, article 17, any private college or university established under Chapter 85, article 11, any ~~hospital, health clinic when two or more hospitals or the parent corporations of the hospitals own or control the health clinic for the purpose of reducing the cost of health services or when the~~ health clinic which receives funds under the Urban Health Initiative Program or the Rural Health Initiative Program of the United States Public Health Service, ~~skilled nursing facility, intermediate care facility, or nursing facility licensed under sections 71-2017 to 71-2029 and organized not for profit, any nonprofit organization providing services primarily for home health care purposes,~~ any licensed child-caring agency, or any licensed child placement agency.

(2) Any organization listed in subsection (1) of this section shall apply for an exemption on forms provided by the Tax Commissioner. The application shall be approved and a numbered certificate of exemption received by the applicant organization in order to be exempt from the sales and use tax.

(3) The appointment of purchasing agents shall be recognized for the purpose of altering the status of the construction contractor as the ultimate consumer of tangible personal property which is physically incorporated into the

structure and becomes the property of the owner of the organization or institution. The appointment of purchasing agents shall be in writing and occur prior to having any tangible personal property incorporated into the construction, improvement, or repair. The contractor who has been appointed as a purchasing agent may apply for a refund of or use as a credit against a future use tax liability the tax paid on inventory items incorporated into the construction, improvement, or repair of a project for a licensed not-for-profit institution.

(4) Any organization listed in subsection (1) of this section which enters into a contract of construction, improvement, or repair upon real estate without first issuing a purchasing agent authorization to a contractor or repairperson prior to purchasing tangible personal property to be incorporated into the project may apply to the Tax Commissioner for a refund of any sales and use tax paid by the contractor or repairperson on the tangible personal property physically incorporated into the construction, improvement, or repair.

(5) Any person purchasing, storing, using, or otherwise consuming tangible personal property in the performance of any construction, improvement, or repair by or for any institution enumerated in subsection (1) of this section which is licensed upon completion although not licensed at the time of construction or improvement, which tangible personal property is incorporated into a structure and becomes the property of the owner of the institution, shall pay any applicable sales or use tax thereon. Upon becoming licensed and receiving a numbered certificate of exemption, the institution organized not for profit shall be entitled to a refund of the amount of taxes so paid in the performance of such construction, improvement, or repair and shall submit whatever evidence is required by the Tax Commissioner sufficient to establish the total sales and use tax paid upon the tangible personal property physically incorporated into the construction, improvement, or repair.

Sec. 28. Sections 23 and 29 of this act shall become operative on July 1, 1993. The other sections of this act shall become operative on their effective date.

Sec. 29. That original section 77-2704.12, Revised Statues Supplement, 1992, is repealed.".

2. On page 18, line 5, strike "24 and 26" and insert "25 and 27".

3. On page 22, line 7, strike "24" and insert "25".

4. Renumber remaining sections accordingly.

Messrs. Hall and Wesely asked unanimous consent to print the following amendment to LB 815 in the Journal. No objections. So ordered.

AM2241

(Amendments to E & R amendments, AM5523)

1. Insert the following new section:

"Sec. 23. That section 77-2704.12, Revised Statutes Supplement, 1992, be amended to read as follows:

77-2704.12. (1) Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of purchases by any organization created exclusively for religious purposes, any nonprofit organization providing services exclusively to the blind, any private educational institution established under Chapter 79, article 17, any private college or university established under Chapter 85, article 11, any ~~hospital, health clinic when two or more hospitals or the parent corporations of the hospitals own or control the health clinic for the purpose of reducing the cost of health services or when the~~ health clinic which receives funds under the Urban Health Initiative Program or the Rural Health Initiative Program of the United States Public Health Service, ~~skilled nursing facility, intermediate care facility, or nursing facility licensed under sections 71-2017 to 71-2029 and organized not for profit, any nonprofit organization providing services primarily for home health care purposes,~~ any licensed child-caring agency, or any licensed child placement agency.

(2) Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of purchases by any hospital, health clinic when two or more hospitals or the parent corporations of the hospitals own or control the health clinic for the purpose of reducing the cost of health services, skilled nursing facility, intermediate care facility, or nursing facility licensed under sections 71-2017 to 71-2029 and organized not for profit, or any nonprofit organization providing services primarily for home health care purposes. This subsection shall become ineffective on the earlier of July 1, 1995, or the first day of the month following certification by the Director of Social Services pursuant to section 13 of this act that the amount of federal matching funds has been or will be reduced because of intergovernmental transfers provided in section 8 of this act and the tax provided in section 17 of this act.

~~(2)~~ (3) Any organization listed in subsection (1) or (2) of this section shall apply for an exemption on forms provided by the Tax Commissioner. The application shall be

approved and a numbered certificate of exemption received by the applicant organization in order to be exempt from the sales and use tax.

~~(3)~~ (4) The appointment of purchasing agents shall be recognized for the purpose of altering the status of the construction contractor as the ultimate consumer of tangible personal property which is physically incorporated into the structure and becomes the property of the owner of the organization or institution. The appointment of purchasing agents shall be in writing and occur prior to having any tangible personal property incorporated into the construction, improvement, or repair. The contractor who has been appointed as a purchasing agent may apply for a refund of or use as a credit against a future use tax liability the tax paid on inventory items incorporated into the construction, improvement, or repair of a project for a licensed not-for-profit institution.

~~(4)~~ (5) Any organization listed in subsection (1) or (2) of this section which enters into a contract of construction, improvement, or repair upon real estate without first issuing a purchasing agent authorization to a contractor or repairperson prior to purchasing tangible personal property to be incorporated into the project may apply to the Tax Commissioner for a refund of any sales and use tax paid by the contractor or repairperson on the tangible personal property physically incorporated into the construction, improvement, or repair.

~~(5)~~ (6) Any person purchasing, storing, using, or otherwise consuming tangible personal property in the performance of any construction, improvement, or repair by or for any institution enumerated in subsection (1) or (2) of this section which is licensed upon completion although not licensed at the time of construction or improvement, which tangible personal property is incorporated into a structure and becomes the property of the owner of the institution, shall pay any applicable sales or use tax thereon. Upon becoming licensed and receiving a numbered certificate of exemption, the institution organized not for profit shall be entitled to a refund of the amount of taxes so paid in the performance of such construction, improvement, or repair and shall submit whatever evidence is required by the Tax Commissioner sufficient to establish the total sales and use tax paid upon the tangible personal property physically incorporated into the construction, improvement, or repair.".

2. On page 18, line 5, strike "24 and 26" and insert "25 and 27"; and in line 7 after "ineffective" insert "and subsection (2) of section 77-2704.12 shall become ineffective according to its terms".

3. On page 22, line 7, strike "24" and insert "25".

4. On page 25, line 18, strike "section 77-2734.03" and insert "sections 77-2704.12 and 77-2734.03".

5. Renumber the remaining sections accordingly.

Mr. Pedersen and Mrs. Pirsch asked unanimous consent to print the following amendment to LB 541 in the Journal. No objections. So ordered.

AM2191

(Amendments to Standing Committee amendments, AM1691)

1. On page 125, line 2, strike "57,130 57,130" and insert "157,130 157,130"; in line 4 strike "579,130 579,130" and insert "679,130 679,130"; and in lines 6 and 9 strike "$57,130" and insert "$157,130".

2. On page 182, line 4, strike "2,033,900 2,063,432" and insert "2,133,900 2,163,432"; and in line 7 strike "8,736,424 8,709,919" insert "8,836,424 8,809,919".

Mr. Withem asked unanimous consent to print the following amendment to LB 348 in the Journal. No objections. So ordered.

AM2263

(Amendments to E & R amendments, AM5471)

1. Insert the following new sections:

"Sec. 4. That section 77-3439, Revised Statutes Supplement, 1992, be amended to read as follows:

77-3439. (1) A governing body may increase the anticipated aggregate receipts from property taxes by up to five percent more than the amount permitted by section 77-3438 upon an affirmative vote of at least seventy-five percent of the governing body. Such vote shall be taken at a public meeting of the governing body following a special public hearing called for the purpose of receiving testimony on such proposed increase.

(2) In addition to the increase permitted by subsection (1) of this section, (a) a Community College Board of Governors may increase the anticipated aggregate receipts from property taxes by the amount necessary to pay for accessibility barrier elimination project costs and for abatement of environmental hazards as such terms are defined in section 79-4,207 and (b) the board of an educational service unit may increase the anticipated aggregate receipts from property taxes for purposes of section 44 of this act. Such increase shall be upon an affirmative vote of a majority of the board ~~of governors. Such vote shall be~~ taken at a public meeting of the board ~~of governors~~ following ~~(a)~~ (i) a hearing called pursuant to subsection (1) of this section at which there is an opportunity for testimony on the increase

proposed under this subsection or ~~(b)~~ (ii) a special public hearing called for the purpose of receiving testimony on the increase proposed under this subsection.

(3) The governing body, ~~or~~ board of governors, or board of an educational service unit shall give at least seven calendar days' notice of a public hearing called under subsection (1) or (2) of this section and shall publish such notice at least once in a newspaper of general circulation in the political subdivision.

Sec. 44. Each educational service unit shall provide, in cooperation with the State Department of Education, access for all school districts within the geographical area served by the unit to telecomputing resources through the installation of necessary equipment at each educational service unit location and provide support for training users to meet their specific telecomputing needs. The purchase of and planning for equipment and software for the educational service units shall be coordinated by the department and shall be compatible with a statewide plan for telecomputing agreed upon by the Department of Administrative Services and the State Department of Education. Educational service units may enter into agreements pursuant to the Interlocal Cooperation Act to carry out this section.

Sec. 45. That section 79-2210, Revised Statutes Supplement, 1992, be amended to read as follows:

79-2210. After the adoption of its budget statement, the board for each educational service unit may levy a tax, in the amount which it requires under its adopted budget statement to be received from taxation, of not to exceed three and five-tenths cents on each one hundred dollars on the taxable valuation of the taxable property within its geographical unit, except that the tax may exceed three and five-tenths cents on each one hundred dollars of such valuation by up to five-tenths cent on each one hundred dollars of such valuation in order to carry out the purposes of section 44 of this act. The amount of such levy shall be certified by the secretary of the educational service unit board to the county board of equalization of each county in which any part of the geographical area of the educational service unit is located on or before September 1 for 1992 and on or before August 25 for all other years. Such tax shall be levied and assessed in the same manner as other property taxes and entered on the books of the county treasurer. The proceeds of such tax, as collected, shall be remitted to the treasurer of the board not less frequently than once each month.".

2. Correct the operative date and repealer provisions so that sections 4, 44, and 45 added by this amendment become operative on their effective date.

3. Renumber the remaining sections and correct internal references accordingly.

SELECT FILE

LEGISLATIVE BILL 110. The Chambers pending amendment, AM1612, as amended, was renewed.

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Ashford	Beutler	Day	Hudkins	Schimek
Baack	Bohlke	Haberman	Landis	Warner
Bernard-Stevens	Chambers	Hillman	Rasmussen	Wickersham

Voting in the negative, 30:

Abboud	Cudaback	Janssen	Moore	Schellpeper
Avery	Dierks	Jones	Pedersen	Schmitt
Bromm	Elmer	Kristensen	Pirsch	Vrtiska
Byars	Fisher	Lindsay	Preister	Wehrbein
Coordsen	Hartnett	Lynch	Robak	Witek
Crosby	Hohenstein	McKenzie	Robinson	Withem

Absent and not voting, 1:

Hall

Excused and not voting, 3:

Horgan	Wesely	Will

The Chambers amendment, as amended, lost with 15 ayes, 30 nays, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Chambers asked unanimous consent to replace his pending amendment, FA89, found in the Journal on page 1562, with a substitute amendment. No objections. So ordered.

Mr. Chambers withdrew his pending amendment, FA89, found in the Journal on page 1562.

Mr. Chambers asked unanimous consent to replace his pending substitute amendment, AM1613, found in the Journal on page 2187, with the following substitute amendment:
FA250
Strike all portions of LB 110 and insert the following: "That the legislature establish a committee comprised of all eleven female senators to address the issues of unwanted pregnancies and report its findings and recommendations to the legislature by January of 1994.

Mr. Lindsay objected.

Mr. Chambers moved to replace his pending substitute amendment, AM1613, found in the Journal on page 2187, with the substitute amendment, FA250.

Mr. Lindsay requested a ruling of the Chair on whether the Chambers motion to substitute is in order.

The Chair ruled the Chambers motion is in order.

Mr. Lindsay challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Byars moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Lindsay motion to overrule the Chair prevailed with 24 ayes, 21 nays, 2 present and not voting, and 2 excused and not voting.

The Chair was overruled.

The Chambers pending substitute amendment, AM1613, found in the Journal on page 2187, was renewed.

Mr. Chambers and Ms. Schimek offered the following amendment to the Chambers pending amendment:
FA251
Strike the provisions of AM1613 and insert:
"Strike all portions of LB 110 and insert the following "that the legislature establish a committee comprised of the eleven female senators to address the issues of unwanted pregnancies and the provisions of LB 110 and to report its findings and recommendations to the legislature by January 8, 1994.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Mr. Chambers requested a roll call vote on the Chambers-Schimek amendment.

Voting in the affirmative, 16:

Ashford	Bohlke	Haberman	McKenzie	Warner
Baack	Chambers	Hillman	Rasmussen	Wickersham
Bernard-Stevens	Day	Landis	Schimek	Will
	Fisher			

Voting in the negative, 30:

Abboud	Crosby	Hohenstein	Moore	Schellpeper
Avery	Cudaback	Hudkins	Pedersen	Schmitt
Beutler	Dierks	Janssen	Pirsch	Vrtiska
Bromm	Elmer	Jones	Preister	Wehrbein
Byars	Hall	Kristensen	Robak	Witek
Coordsen	Hartnett	Lindsay	Robinson	Withem

Absent and not voting, 1:

Lynch

Excused and not voting, 2:

Horgan Wesely

The Chambers-Schimek amendment lost with 16 ayes, 30 nays, 1 absent and not voting, and 2 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 725. No objections. So ordered.

VISITORS

Visitors to the Chamber were 26 seventh and eighth grade students and sponsor from Zion Lutheran Church School, Pierce; 50 second grade students and sponsors from Hayward School, Nebraska City; Mary Peterson from Belgrade, Minnesota; 15 sixth grade students and

sponsor from Zion Lutheran, Kearney; and former Senator Frank Korshoj.

The Doctor of the Day was Gill Wright III from Syracuse.

ADJOURNMENT

At 10:44 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Thursday, May 20, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTY-FIRST DAY - MAY 20, 1993

LEGISLATIVE JOURNAL

EIGHTY-FIRST DAY - MAY 20, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

EIGHTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 20, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Barry Winkelbauer, Chaplain of the Thoroughbred Race Tracks of Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Wesely who was excused; and Messrs. Abboud, Ashford, Chambers, Dierks, Fisher, Hall, Hartnett, Lindsay, Moore, Warner, Will, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2342, line 26, after "amendment" insert ", as amended,".
The Journal for the eightieth day was approved as corrected.

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 22. Placed on Select File.

LEGISLATIVE BILL 595. Placed on Select File as amended.
E & R amendment to LB 595:
AM5530
1 1. In the Standing Committee amendment, AM1672, on

page 8, lines 7 and 8, strike "University of Nebraska", show as stricken, and insert "Eugene C.".

2. On page 1, strike beginning with "sections" in line 1 through "and" in line 3; and in line 8 after the semicolon insert "to state intent;".

(Signed) Kurt A. Hohenstein, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 247. Introduced by Kristensen, 37.

WHEREAS, Dr. William Nester is the Chancellor of the University of Nebraska at Kearney, serving in that position since 1991. Previous to this, Dr. Nester served as President of Kearney State College from 1983-1991; and

WHEREAS, an Ohio native, Chancellor Nester left a distinguished career in key administrative positions at the University of Cincinnati and Ohio State University to head the Kearney Campus; and

WHEREAS, Chancellor Nester initiated a successful fund drive to provide a permanent home for the state's official art collection at the Museum of Nebraska Art, a unique entity of the State of Nebraska and the University of Nebraska at Kearney; and

WHEREAS, Chancellor Nester is recognized throughout the state for his leadership in guiding the campus from its status as Kearney State College to the University of Nebraska at Kearney in the university system; and

WHEREAS, Chancellor Nester stressed cohesive, active management, and long-range planning to advance the quality of the university's academic programs and its reputation for excellence; and

WHEREAS, Chancellor Nester strengthened alliances with businesses and elected officials, promoted university-wide computer literacy, and increased efforts to enhance the university's public image; and

WHEREAS, Chancellor Nester strengthened student honors program, scholarship support grew significantly, and the university received increased national attention as a prominent public university focused on high quality instruction; and

WHEREAS, under Chancellor Nester's tenure total enrollment grew sixteen percent and recognition as a university committed to academic excellence is evident in that the University of Nebraska at Kearney is the only Nebraska institution of higher education to boast student enrollment from all ninety-three counties; and

WHEREAS, under Chancellor Nester the University of Nebraska at Kearney has increased the number of faculty by adding nearly one hundred new faculty members, many representing prestigious institutions from across the nation and around the world. Further, Chancellor Nester successfully sought support for competitive salaries

for the university faculty, a faculty which is committed to teaching excellence; and

WHEREAS, during Chancellor Nester's tenure the University of Nebraska at Kearney has expanded and improved physical facilities. Through his efforts, the university has added three residence halls, the Health and Sports Center, the Peterson-Yanney Memorial Carillon Tower, and the Memorial Columns. In addition, Thomas Hall was renovated and an addition was constructed and the east wing of the West Center Building was renovated. Also completed during his tenure were additions to Calvin T. Ryan Library and Nebraskan Student Union as well as the construction of the Ockinga Seminar Center; and

WHEREAS, Chancellor Nester remains quite active professionally in numerous national organizations. He has earned well-deserved respect for his leadership in higher education within our state and at the National level.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes Dr. William Nester on his outstanding career and congratulates Dr. Nester on his retirement.

2. That a copy of this resolution be forwarded to Dr. Nester.

Laid over.

LEGISLATIVE RESOLUTION 248. Introduced by Kristensen, 37.

WHEREAS, on July 31 and August 1, 1993, St. George Eastern Orthodox Church of Kearney, Nebraska will commemorate its Ninetieth anniversary; and

WHEREAS, the original members of the parish came to Kearney from Lebanon and Syria between 1889 and 1903; and

WHEREAS, St. George's first priest, Father Nicola Yanney, was ordained in 1904 to serve as not only St. George's pastor but also the pastor of all the territory from Canada to the Gulf of Mexico and from the Mississippi River to the Rocky Mountains; and

WHEREAS, St. George's was the fourth American parish established in the Antiochian Archdiocese and was the first parish of the Archdiocese west of the Mississippi River; and

WHEREAS, the congregation of St. George's today includes many descendants of the original Syrian and Lebanese parishioners and today several families of Greek ancestry are also members of the parish, so it can be said that two of the great centers of Orthodoxy in the ancient world, Antioch and Constantinople, are represented by St. George's; and

WHEREAS, the present priest, Father Philip Vreeland, has served as pastor since 1989 and St. George's plays an integral role in serving the religious needs of the community of Kearney.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. The Legislature recognizes and congratulates the past and present clergy and parishioners of St. George Eastern Orthodox Church of Kearney, Nebraska.

2. The Legislature congratulates St. George for its outstanding service to the community throughout the last ninety years.

3. That a copy of this resolution be forwarded to the pastor and parishioners of St. George Eastern Orthodox Church of Kearney, Nebraska.

Laid over.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of May 19, 1993. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Andrew, M. Jean - Lincoln (Withdrawn 05/14/93)	Nebraska Chapter of National Association of Social Workers
Bergman, Janet - Lincoln (Withdrawn 04/02/93)	Licensed Practical Nurse Association of Nebraska
	Nebraska Health Care Association
Pappas, James E. - Lincoln	Immanuel Healthcare System, Inc.

ATTORNEY GENERAL'S OPINION

Opinion No. 93040

DATE: May 18, 1993

SUBJECT: LB 507; Can the Legislature constitutionally establish requirements for future legislation projected to increase inmate population in correctional facilities in Nebraska?

REQUESTED BY: Senator Kate Witek
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

LB 507 is a bill which establishes certain requirements for future legislation projected to increase the inmate population in state correctional facilities in Nebraska. When any legislation enacted after June 30, 1993, is projected to increase the total adult or juvenile population in such correctional institutions, Section 1 of LB 507 would require the Legislature to include estimates of the operating costs resulting from the increased adult or juvenile inmate population in the legislation. The estimates would be based upon fiscal notes prepared by the Legislative Fiscal Analyst with the assistance of the Department of Correctional Services.

Section (3) of LB 507 provides further:

> The Legislature shall provide by specific itemized appropriation, for the fiscal year or years for which it can make valid appropriations, an amount sufficient to meet the cost indicated in the estimate contained in the legislation {projected to increase inmate populations} for such fiscal year or years. The appropriation shall be enacted in the same legislative session in which the legislation is enacted and shall be contained in a bill which does not contain appropriations for other programs.

Section (4) of LB 507 also provides,

> Any legislation enacted after June 30, 1993, which does not include the estimates required by this section and is not accompanied by the required appropriation shall be null and void.

You have now requested our opinion on the constitutionality of LB 507. For the reasons stated below, we believe that LB 507 is unconstitutional under the pertinent provisions of the Nebraska Constitution.

LB 507 clearly purports to place strictures upon future Legislatures with respect to requirements for legislation which would increase the adult and juvenile inmate population in Nebraska's correctional facilities. The general rule concerning such attempts by one legislature to bind or restrict succeeding legislatures is set out in 82 C.J.S. Statutes § 9:

> One legislature cannot bind a succeeding legislature or restrict or limit the power of its successors to enact legislation, except as to valid contracts entered into by it, and as to rights which have actually vested under its acts, and no action by one branch of the legislature can bind a subsequent session of the same branch.

This statement of the rule is amply supported by cases from a number of jurisdictions. See Newton v. State, 375 So.2d 1245 (Ala. Crim. App. 1979); Maine State Housing Authority v. Depositors Trust Company, 278 A.2d 699 (Me. 1971); Frost v. State, 172 N.W.2d 575 (Iowa 1969); Village of North Atlanta v. Cook; 219 Ga. 316, 133 S.E.2d 585 (1963); Atlas v. Wayne County, 281 Mich. 596, 275 N.W. 507 (1937); Iowa-Nebraska Light & Power Co. v. City of Villisca, 220 Iowa 238, 261 N.W. 423 (1935); Harsha v. City of Detroit 261 Mich. 586, 246 N.W. 849 (1933). As stated in the Cook case from Georgia, the rule is as follows:

> One Legislature cannot lawfully provide that, whenever a subsequent Legislature enacts a statute with reference to a given subject, such statute shall embrace certain specified provisions. It cannot tie the hands of its successors, or impose upon them conditions with reference to subjects upon which they have equal power to legislate.

Village of North Atlanta v. Cook, 219 Ga. at 320, 321, 133 S.E.2d at 589. In the Maine State Housing Authority case, supra, the court also specifically indicated that one legislature cannot impose a legal obligation to appropriate money on succeeding legislatures.

There are no Nebraska cases which specifically adopt the general rule stated above. However, the general rule appears to be grounded upon the constitutional power of the Legislature to legislate. Iowa-Nebraska Light & Power Co. v. City of Villisca, supra. Article III, Section 1 of the Nebraska Constitution vests the legislative authority of the state in the Legislature, and it is clear that Legislature has plenary authority limited only by the state and federal constitutions. Orleans Education Association v. the School District of Orleans in Harlan County, 193 Neb. 675, 229 N.W.2d 172 (1975). Given the Nebraska Constitution and Nebraska law concerning the authority of the Legislature, we believe that the Nebraska Supreme Court would adopt the general rule stated above with respect to the authority of one legislature to bind succeeding legislatures.

We would also note that the Nebraska Supreme Court did indirectly consider the general rule discussed above in State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445, 283 N.W.2d 12 (1979). That case involved a challenge to the constitutionality of the statutes creating the Nebraska Mortgage Finance Fund, and one argument advanced by opponents of that legislation was that the statutes at issue impermissibly restricted the discretion of future legislatures to revise, amend or repeal the Act in question. The Nebraska Supreme Court stated that the Act did not restrict future legislatures from changing the law. Obviously, had the general rule discussed above not had some application in Nebraska, there would have been no need to discuss the impact of the legislation upon future legislatures, and the Court could have simply rejected that argument out of hand.

Consequently, based upon the authorities cited above, we believe that LB 507 is unconstitutional as legislation which would improperly attempt to bind or restrict the authority of future legislatures to pass legislation which might impact the inmate population in correctional facilities in Nebraska.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature

05OP006.593

UNANIMOUS CONSENT - Member Excused

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 174. Read. Considered.

LR 174 was adopted with 24 ayes, 0 nays, and 25 not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 523.

A BILL FOR AN ACT relating to support obligations; to amend sections 42-364.13, 42-763, 42-773, 42-779, 42-799, 43-1711, 43-1712, and 43-1733, Reissue Revised Statutes of Nebraska, 1943, sections 42-368, 42-371, 43-512.12, 43-512.14, 43-512.15, 43-512.17, 43-1708, 43-1720, 43-1722 to 43-1726, 43-1728, 43-1737, 48-161, and 48-647, Revised Statutes Supplement, 1992, and section 48-149, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 118, Ninety-third Legislature, First Session, 1993; to change provisions relating to child, medical, and spousal support; to change provisions of the Revised Uniform Reciprocal Enforcement of Support Act; to provide and change provisions relating to income withholding; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 34:

Ashford	Beutler	Coordsen	Hartnett	Landis
Avery	Bohlke	Crosby	Hohenstein	Lynch
Baack	Bromm	Cudaback	Hudkins	Moore
Bernard-Stevens	Byars	Day	Janssen	Preister
	Chambers	Elmer	Jones	Rasmussen

Robak	Schellpeper	Schmitt	Wehrbein	Witek
Robinson	Schimek	Vrtiska	Wickersham	Withem

Voting in the negative, 0.

Present and not voting, 3:

Horgan	Kristensen	McKenzie

Excused and not voting, 12:

Abboud	Haberman	Lindsay	Pirsch	Wesely
Dierks	Hall	Pedersen	Warner	Will
Fisher	Hillman			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 523A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 523, Ninety-third Legislature, First Session, 1993; and to reduce appropriations.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Ashford	Coordsen	Hudkins	Moore	Schmitt
Avery	Crosby	Janssen	Preister	Vrtiska
Baack	Cudaback	Jones	Rasmussen	Wehrbein
Beutler	Day	Kristensen	Robak	Wickersham
Bohlke	Elmer	Landis	Robinson	Will
Bromm	Hartnett	Lynch	Schellpeper	Witek
Byars	Hohenstein	McKenzie	Schimek	Withem
Chambers				

Voting in the negative, 0.

Present and not voting, 2:

Bernard-Stevens	Horgan

Excused and not voting, 11:

Abboud	Haberman	Hillman	Pedersen	Warner
Dierks	Hall	Lindsay	Pirsch	Wesely
Fisher				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 544A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 544, Ninety-third Legislature, First Session, 1993; to provide for the transfer of funds; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Abboud	Bromm	Hartnett	Lynch	Schimek
Ashford	Byars	Hohenstein	McKenzie	Schmitt
Avery	Chambers	Horgan	Moore	Vrtiska
Baack	Coordsen	Hudkins	Preister	Wehrbein
Bernard-Stevens	Crosby	Janssen	Rasmussen	Wickersham
	Cudaback	Jones	Robak	Will
Beutler	Day	Kristensen	Robinson	Witek
Bohlke	Elmer	Landis	Schellpeper	Withem

Voting in the negative, 0.

Excused and not voting, 10:

Dierks	Haberman	Hillman	Pedersen	Warner
Fisher	Hall	Lindsay	Pirsch	Wesely

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 629.

A BILL FOR AN ACT relating to families; to amend section 42-120, Reissue Revised Statutes of Nebraska, 1943, and section 42-364, Revised Statutes Supplement, 1992; to adopt the Parenting Act; to change provisions relating to decrees concerning marriage validity, divorce, and legal separation; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud	Bromm	Hohenstein	McKenzie	Schellpeper
Ashford	Byars	Horgan	Moore	Schmitt
Avery	Coordsen	Hudkins	Pedersen	Vrtiska
Baack	Crosby	Janssen	Preister	Wehrbein
Bernard-Stevens	Cudaback	Jones	Rasmussen	Wickersham
	Day	Kristensen	Robak	Will
Beutler	Elmer	Landis	Robinson	Withem
Bohlke	Hartnett	Lynch		

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Schimek Witek

Excused and not voting, 9:

Dierks	Haberman	Hillman	Pirsch	Wesely
Fisher	Hall	Lindsay	Warner	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 510.

A BILL FOR AN ACT relating to children; to amend section 71-1915, Reissue Revised Statutes of Nebraska, 1943, and section 71-1911, Revised Statutes Supplement, 1992; to change license requirements for early childhood programs; to provide additional types of licenses; to change provisions relating to the suspension or revocation of licenses; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud	Bromm	Hartnett	Lynch	Schmitt
Ashford	Byars	Hohenstein	McKenzie	Warner
Avery	Coordsen	Horgan	Pedersen	Wehrbein
Baack	Crosby	Hudkins	Preister	Wickersham
Bernard-Stevens	Cudaback	Janssen	Rasmussen	Will
	Day	Jones	Robak	Witek
Beutler	Dierks	Landis	Schimek	Withem
Bohlke	Elmer			

Voting in the negative, 2:

Kristensen Schellpeper

Present and not voting, 3:

Chambers Robinson Vrtiska

Excused and not voting, 8:

Fisher	Hall	Lindsay	Pirsch	Wesely
Haberman	Hillman	Moore		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 563. With Emergency.

A BILL FOR AN ACT relating to gambling; to amend sections 9-601, 9-606.01, 9-621, 9-623, 9-630 to 9-632, 9-636, 9-639, 9-642 to 9-643, 9-646, 9-648, 9-650, 9-652, and 9-653, Reissue Revised Statutes of Nebraska, 1943, sections 9-1,104, 9-607, 9-620, and 9-810, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 1, 14, 15, and 26, respectively, Legislative Bill 138, Ninety-third Legislature, First Session, 1993, and section 9-812, Revised Statutes Supplement, 1992, as amended by section 28, Legislative Bill 138, Ninety-third Legislature, First Session, 1993; to provide for fingerprinting, criminal history record information checks, personal history reports, background investigations, and facility inspections as prescribed; to provide for costs of investigations and inspections; to define and redefine terms; to change powers and duties of the Department of Revenue; to change application procedures for certain lottery operators; to change license renewal provisions; to provide for additional licenses under the Nebraska County and City Lottery Act; to eliminate provisions relating to the construction of tickets; to prohibit certain acts relating to the play and operation of lotteries; to restrict the use of interest on lottery proceeds and change record-keeping requirements; to change provisions relating to certain violations; to change restrictions on the sale of lottery tickets and provisions relating to the use of the Education Innovation Fund under the State Lottery Act; to harmonize provisions;

to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud	Byars	Hohenstein	Lynch	Schimek
Ashford	Coordsen	Horgan	McKenzie	Schmitt
Avery	Crosby	Hudkins	Pedersen	Warner
Baack	Cudaback	Janssen	Preister	Wehrbein
Bernard-Stevens	Day	Jones	Rasmussen	Wickersham
Beutler	Dierks	Kristensen	Robak	Will
Bohlke	Elmer	Landis	Robinson	Witek
Bromm	Hartnett	Lindsay	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers Vrtiska

Excused and not voting, 7:

Fisher	Hall	Moore	Pirsch	Wesely
Haberman	Hillman			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 732.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend sections 18-2701, 18-2705, 18-2709 to 18-2713, 18-2715, and 18-2718, Reissue Revised Statutes of Nebraska, 1943, and section 18-2717, Revised Statutes Supplement, 1992; to provide for the issuance of bonds; to provide powers for carrying out the act; to redefine terms; to change provisions relating to the preparation of a proposed plan for an economic development program; to provide for use of funds collected as prescribed; to change provisions relating to public hearings; to change election procedures; to change the qualifications of members of a citizen advisory review committee; to change provisions relating to appropriations as prescribed; to change economic development fund sources; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Chambers	Hohenstein	McKenzie	Schmitt
Ashford	Coordsen	Horgan	Pedersen	Vrtiska
Avery	Crosby	Hudkins	Preister	Warner
Baack	Cudaback	Janssen	Rasmussen	Wehrbein
Bernard-Stevens	Day	Jones	Robak	Wickersham
Bohlke	Dierks	Kristensen	Robinson	Will
Bromm	Elmer	Landis	Schellpeper	Witek
Byars	Fisher	Lindsay	Schimek	Withem
	Hartnett	Lynch		

Voting in the negative, 1:

Beutler

Excused and not voting, 6:

Haberman	Hillman	Moore	Pirsch	Wesely
Hall				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 292 to Select File

Mr. Horgan moved to return LB 292 to Select File for the Horgan et al. specific amendment, AM2030, found in the Journal on page 2130.

The Horgan motion to return prevailed with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 292. The Horgan et al. specific amendment, AM2030, found in the Journal on page 2130, was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendments to LB 292

Mr. Dierks withdrew his pending amendments, AM2185 and AM2233, found in the Journal on pages 2234 and 2297, to LB 292.

MOTION - Return LB 292 to Select File

Mr. Dierks moved to return LB 292 to Select File for the following specific amendment:
AM2288

(Amendments to Final Reading copy)

1. On page 2, line 21, after the comma insert "or"; strike beginning with "by" in line 21 through "(7)" in line 25; and in line 26 strike "eighty-hundredths" and insert "seventy-three-hundredths".

2. On page 4, strike beginning with "one" in line 10 through "using" in line 25; and in line 25 strike "eighty-hundredths" and insert "seventy-three-hundredths".

3. On page 10, line 3, after the underscored period insert "Any collective-bargaining agreement to which a school district is a party entered into before the effective date of this act for the 1993-94 fiscal year shall be renegotiated by the parties.".

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Dierks motion to return lost with 11 ayes, 20 nays, 12 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Members Excused

Messrs. Withem, Landis, Abboud, Coordsen, and Avery asked unanimous consent to be excused until they return. No objections. So ordered.

WITHDRAW - Amendment to LB 719

Mr. Warner withdrew his pending amendment, AM1815, found in the Journal on page 1942, to LB 719.

MOTION - Return LB 719 to Select File

Mr. Warner moved to return LB 719 to Select File for the following specific amendment:
AM2287

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 2. That section 84-712.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-712.05. The following records, unless publicly disclosed in an open court, open administrative proceeding, or open meeting, or disclosed by a public entity pursuant to its duties, may be withheld from the public by the lawful custodian of the records:

(1) Personal information in records regarding a student, prospective student, or former student of any tax-supported educational institution maintaining such records, other than routine directory information;

(2) Medical records, other than records of births and deaths, in any form concerning any person, and also records of elections filed under section 44-2821;

(3) Trade secrets, academic and scientific research work which is in progress and unpublished, and other proprietary or commercial information which if released would give advantage to business competitors and serve no public purpose;

(4) Records which represent the work product of an attorney and the public body involved which are related to preparation for litigation, labor negotiations, or claims made by or against the public body, or which are confidential communications as defined in section 27-503;

(5) Records developed or received by law enforcement agencies and other public bodies charged with duties of investigation or examination of persons, institutions, or businesses, when the records constitute a part of the examination, investigation, intelligence information, citizen complaints or inquiries, informant identification, or strategic or tactical information used in law enforcement training;

(6) Appraisals or appraisal information and negotiation records~~;~~ concerning the purchase or sale, by a public body, of any interest in real or personal property, prior to completion of the purchase or sale;

(7) Personal information in records regarding personnel of public bodies other than salaries and routine directory information;

(8) Information solely pertaining to protection of the physical security of public property such as guard schedules or lock combinations;

(9) With respect to public utilities, personally identified private citizen account payment information, credit

information on others supplied in confidence, and customer lists;

(10) Records or portions of records kept by a publicly funded library which, when examined with or without other records, reveal the identity of any library patron using the library's materials or services; ~~and~~

(11) Correspondence, memoranda, and records of telephone calls related to the performance of duties by a member of the Legislature;

(12) Records or portions of records kept by public bodies which would reveal the location, character, or ownership of any known archaeological, historical, or paleontological site in Nebraska when necessary to protect such site from a reasonably held fear of theft, vandalism, or trespass. This section shall not apply to the release of information for the purpose of scholarly research, examination by other public bodies for the protection of the resource, or recognized tribes, the Unmarked Human Burial Sites and Skeletal Remains Protection Act, or the federal Native American Graves Protection and Repatriation Act; and

(13) Records or portions of records kept by public bodies which maintain collections of archaeological, historical, or paleontological significance which reveal the names and addresses of donors of such articles of archaeological, historical, or paleontological significance unless the donor approves disclosure, except as the records or portions thereof may be needed to carry out the purposes of the Unmarked Human Burial Sites and Skeletal Remains Protection Act or the federal Native American Graves Protection and Repatriation Act.

Sec. 3. That original section 84-712.05, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 1, line 1, strike "children;" and insert "public records; to amend section 84-712.05, Reissue Revised Statutes of Nebraska, 1943;"; in line 3 strike "and"; and in line 4 before the period insert "; to provide confidentiality for certain records relating to donors and relating to possible sites of archaeological significance as prescribed; and to repeal the original section".

The Warner motion to return prevailed with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Fisher asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 719. The Warner specific amendment, AM2287, found in this day's Journal, was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for reengrossment.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution and bills: LR 174, LBs 523, 523A, 544A, 629, 510, 563, and 732.

UNANIMOUS CONSENT - Member Excused

Ms. Schimek asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 292A. Mrs. Crosby offered the following amendment:
AM2084

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. To aid in carrying out the provisions of Legislative Bill 292, Ninety-third Legislature, First Session, 1993, there is hereby appropriated:

(1)(a) $6,093 from the General Fund for FY1993-94 and (b) $6,093 from the General Fund for FY1994-95 to the State Department of Education, for Program 25;

(2)(a) $356 from the General Fund and $1,329 from federal funds for FY1993-94 and (b) $356 from the General Fund and $1,329 from federal funds for FY1994-95 to the State Department of Education, for Program 351;

(3)(a) $918 from federal funds for FY1993-94 and (b) $918 from federal funds for FY1994-95 to the State Department of Education, for Program 352;

(4)(a) $26,164 from the General Fund and $151 from federal funds for FY1993-94 and (b) $26,164 from the General Fund and $151 from federal funds for FY1994-95 to the State Department of Education, for Program 401;

(5)(a) $9,780 from the General Fund and $202 from federal funds for FY1993-94 and (b) $9,780 from the General Fund and $202 from federal funds for FY1994-95 to the State Department of Education, for Program 402;

(6)(a) $6,775 from the General Fund and $1,912 from federal funds for FY1993-94 and (b) $6,775 from the General Fund and $1,912 from federal funds for FY1994-95 to the State Department of Education, for Program 440; and

(7)(a) $600 from the Professional Practices Commission Fund for FY1993-94 and (b) $600 from the Professional Practices Commission Fund for FY1994-95 to the State Department of Education, for Program 614.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 2. To aid in carrying out the provisions of Legislative Bill 292, Ninety-third Legislature, First Session, 1993, there is hereby appropriated:

(1)(a) $2,793 from the Institutional Cash Fund for FY1993-94 and (b) $2,793 from the Institutional Cash Fund for FY1994-95 to the Department of Public Institutions, for Program 365; and

(2)(a) $631 from the General Fund and $1,891 from the Institutional Cash Fund for FY1993-94 and (b) $631 from the General Fund and $1,891 from the Institutional Cash Fund for FY1994-95 to the Department of Public Institutions, for Program 421.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 3. There is hereby appropriated (1) $9,306 from the General Fund and $2,685 from federal funds for FY1993-94 and (2) $9,306 from the General Fund and $2,685 from federal funds for FY1994-95 to the Department of Correctional Services, for Program 360, to aid in carrying out the provisions of Legislative Bill 292, Ninety-third Legislature, First Session, 1993.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 4. There is hereby appropriated (1) $19,400 from the Expense Fund for FY1992-93 and (2) $5,000 from the Expense Fund for FY1993-94 to the Public Employees Retirement Board, for Program 41, to aid in carrying out the provisions of Legislative Bill 292, Ninety-third Legislature, First Session, 1993.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The Crosby amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 734A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 420A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 117A. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 627A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 249. Introduced by Baack, 47.

WHEREAS, the Kimball High School golf team won the Class C championship for 1993; and

WHEREAS, the golf team members have demonstrated athletic excellence deserving statewide recognition; and

WHEREAS, the winning of a state high school championship in golf competition demonstrates the willingness of the members of the golf team and their coaches to work, concentrate, and cooperate as a team.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commend and extend their congratulations to Brock Wentz, Brian Webb, Brian Frederick, Jim Barrett, and Cris Brown, the members of the Kimball High School Golf Team and their coaches, Bill Wallace and Jerry Fitzpatrick.

2. That a copy of this resolution be forwarded to the team and their coaches.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Ms. Schimek asked unanimous consent to print the following amendment to LB 835 in the Journal. No objections. So ordered.

AM2271

1. On page 3, after line 4, insert:
"Claim No. 93-242, against the Department of Public Institutions, pay to Advanced Institutional Management Software, Inc., c/o Wexler and Burkhart, P.C., 600 Old County Road, Garden City, NY 11530, out of the General Fund 9,399.80".

UNANIMOUS CONSENT - Member Excused

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 717. Considered.

MRS. CROSBY PRESIDING

Mr. Lynch renewed his pending amendment, AM2016, found in the Journal on page 2196.

Messrs. Jones and Elmer asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Robinson offered the following amendment to the Lynch pending amendment:
FA252
Amend AM2016 on page 1, line 5 strike "fifty" and insert "twenty five"

SPEAKER BAACK PRESIDING

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

The Robinson amendment lost with 6 ayes, 13 nays, 16 present and not voting, and 14 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 397. Placed on Select File as amended.
E & R amendment to LB 397:
AM5531

1. On page 1, line 4, after the second "to" insert "distribution of certain taxes,"; in line 5 after "committee" insert a comma.

LEGISLATIVE BILL 397A. Placed on Select File.

LEGISLATIVE BILL 832. Placed on Select File as amended.
E & R amendment to LB 832:
AM5529

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. There is hereby created the Supreme Court Automation Cash Fund. The fund shall be administered by the State Court Administrator. The fund shall only be used to support automation expenses of the county courts, district courts, separate juvenile courts, Court of Appeals, Supreme Court, and Nebraska Probation System. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 2. A court automation fee of two dollars shall be taxed as costs in each case filed in each county court, separate juvenile court, and district court, including appeals to such courts. The fee shall also be taxed as costs for each appeal and original action filed in the Court of Appeals and the Supreme Court.

The fees shall be remitted to the State Treasurer on forms prescribed by the State Treasurer within ten days of the close of each month. The State Treasurer shall credit the fees to the Supreme Court Automation Cash Fund.

The automation fee shall be taxed as costs from July 1, 1993, to June 30, 1997.

Sec. 3. The Supreme Court shall assume as expenses the cost of word processing and data processing hardware and software involved in the operation of the district courts if those costs are for services provided on equipment owned by the State of Nebraska.

Sec. 4. This act shall become operative on July 1, 1993.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 832A. Placed on Select File.
LEGISLATIVE BILL 841. Placed on Select File.
LEGISLATIVE BILL 842. Placed on Select File.
LEGISLATIVE BILL 815A. Placed on Select File.
LEGISLATIVE BILL 816A. Placed on Select File.

(Signed) Kurt A. Hohenstein, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 541 in the Journal. No objections. So ordered.

AM2091

(Amendments to Standing Committee amendments, AM1691)

1. On page 27, line 7, strike "1,218,488

1,228,886" and insert "1,118,488 1,128,886"; in line 11 strike "1,895,619 1,911,407" and insert "1,795,619 1,811,407"; and in line 12 strike "884,490 884,490" and insert "825,378 825,378".

2. On page 28, line 12, strike "1,988,286 2,029,154" and insert "1,867,218 1,882,420"; and in line 15 strike "2,723,286 2,764,154" and insert "2,602,218 2,617,420".

3. On page 167, line 23, strike "6,000,831 6,068,701" and insert "5,779,763 5,821,967"; in line 27 strike "10,937,264 11,055,859" and insert "10,716,196 10,809,125".

4. On page 168, line 1, strike "5,694,347 5,694,347" and insert "5,635,235 5,635,235".

Mr. Beutler asked unanimous consent to print the following amendment to LB 480 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1889.)

Mr. Wesely asked unanimous consent to print the following amendment to LB 805 in the Journal. No objections. So ordered.

AM2282

(Amendments to E & R amendments, AM5508)

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. For purposes of sections 1 to 5 of this act, physician shall mean a person currently licensed to practice medicine and surgery pursuant to sections 71-1,102 to 71-1,104.

Sec. 2. On August 1, 1993, and on each August 1 thereafter a tax is hereby imposed on each physician in the amount of one hundred dollars per year. The Tax Commissioner shall notify physicians that the tax imposed is due and payable on September 1 of each year.

Sec. 3. Funds raised by the tax imposed by section 2 of this act shall be credited to the General Fund and used to increase fees paid to physicians for primary care services provided to recipients of the medical assistance program.

Sec. 4. The Tax Commissioner shall adopt and promulgate rules and regulations necessary to carry out this act.

Sec. 5. This act shall terminate on July 31, 1995.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The Appropriations Committee asked unanimous consent to print the following amendment to LB 331 in the Journal. No objections. So ordered.

AM1960

(Amendments to Standing Committee amendments, AM1690)

1. On page 11, line 25, strike "51,522,332" and insert "50,272,332".

2. On page 12, line 3, strike "58,744,300" and insert "57,494,300".

3. On page 32, lines 6 and 7, strike "250,000" and insert "-1,500,000".

The Appropriations Committee asked unanimous consent to print the following amendment to LB 331 in the Journal. No objections. So ordered.

AM2230

(Amendments to Standing Committee amendments, AM1690)

1. Insert the following new section:

"Sec. 35. That Laws 1991, LB 843, section 61, be amended to read as follows:

Sec. 61. AGENCY NO. 63 -- NEBRASKA STATE BOARD OF PUBLIC ACCOUNTANCY

Program No. 84 - Enforcement of Standards

	FY1991-92	FY1992-93
CASH FUND	326,223	310,755
PROGRAM TOTAL	326,223	310,755
~~SALARY LIMIT~~	~~97,095~~	~~97,095~~
SALARY LIMIT	97,095	98,495

There is included in the appropriation to this program for FY1991-92 $6,000 Cash Funds for per diems, which shall only be used for such purpose. There is included in the appropriation to this program for FY1992-93 ~~$6,000~~ $7,400 Cash Funds for per diems, which shall only be used for such purpose.".

2. On page 9, line 23, strike "500,000" and insert "200,000"; and in line 25 strike "750,000" and insert "450,000".

3. On page 32, after line 19 insert:

"(16) NEBRASKA STATE BOARD OF PUBLIC ACCOUNTANCY (Section 35).

SALARY LIMIT $1,400"; in line 20 strike "(16)" and insert "(17)"; in line 23 strike "(17)" and insert "(18)"; and in line 27 strike "(18)" and insert "(19)".

4. On page 33, line 3, strike "(19)" and insert "(20)"; in line 7 strike "(20)" and insert "(21)"; in line 12 strike "(21)" and insert "(22)"; in line 16 strike "(22)" and

insert "(23)"; in line 18 strike "505,331" and insert "205,331"; in line 20 strike "755,331" and insert "455,331"; and in line 22 after "original" insert "Laws 1991, LB 843, section 61,".

5. Renumber the remaining sections and correct internal references accordingly.

The Appropriations Committee asked unanimous consent to print the following amendment to LB 329 in the Journal. No objections. So ordered.

AM2226

(Amendments to AM1688)

1. On page 4, after line 1, insert the following:

"-- Chadron - construction of a stable and corral

-- Indian Cave - construction of a stable and corral".

The Appropriations Committee asked unanimous consent to print the following amendment to LB 325 in the Journal. No objections. So ordered.

AM2228

(Amendments to E & R amendments, AM5513)

1. On page 1, reinstate the stricken matter beginning with "The" in line 7 through "84-1615" in line 10; in line 10 after the reinstated "84-1615" insert an underscored period; and strike beginning with "The" in line 13 through the underscored period in line 17.

The Appropriations Committee asked unanimous consent to print the following amendment to LB 541 in the Journal. No objections. So ordered.

AM2227

(Amendments to AM1691)

1. In the Standing Committee amendments, AM1691:

a. Strike original section 243 and insert the following new section:

"Sec. 243. Limitation on Salaries, Wages, and Per Diems

(1) For purposes of this act, (a) SALARY LIMIT shall mean total expenditures for permanent and temporary salaries and per diems and (b) total expenditures for permanent and temporary salaries and per diems shall mean all remuneration paid to employees treated as taxable compensation by the Internal Revenue Service or subject to social security coverage, specifically including payments accounted for as

vacation, holidays, sick leave, military leave, funeral leave, maternity leave, administrative leave, compensatory time, deferred compensation, or any other similar form, and amounts withheld pursuant to law, but excluding state contributions for social security, retirement, and employee insurance plans.

(2) Total expenditures for permanent and temporary salaries and per diems shall be limited to the amount shown except when federal funds in excess of the amount shown are available and approved by the Governor. Expenditures for permanent and temporary salaries and per diems from such grants shall be in addition to the limitation on permanent and temporary salaries and per diems otherwise shown in this act. No agency shall request any state funds for continuation or replacement of any such personnel or activities in future budget requests. To the extent feasible, requests for increases in the limitation on permanent and temporary salaries and per diems shall be addressed to the Appropriations Committee when the Legislature is in session.

(3) Expenditures for permanent and temporary salaries resulting from awards made to employees under sections 81-1346 to 81-1354 shall be in addition to the limitations on permanent and temporary salaries and per diems otherwise shown in this act.

(4) The limitation on expenditures for permanent and temporary salaries and per diems for FY1994-95 as enumerated in this act shall be the basis for continuation funding for each fiscal year of the succeeding biennium.

(5) The limitation on expenditures for permanent and temporary salaries and per diems for FY1994-95 shall be increased by amounts encumbered from FY1993-94 for permanent and temporary salaries and per diems. Encumbered amounts shall be calculated in accordance with section 81-138.01.

(6) The limitation on expenditures for permanent and temporary salaries and per diems shall only apply to remuneration paid to state employees or per diem payments made to members of state boards or commissions.";

b. On page 3, line 5, after the period insert "The unexpended Cash Fund balance existing on June 30, 1993, is hereby reappropriated.";

c. On page 25, line 3, strike "$31,823,000" and insert "$33,262,000";

d. On page 32, line 24, strike both occurrences of "1,149,205" and insert "1,152,205";

e. On page 42, line 5, strike "$500,000" and insert "$550,000";

f. On page 47, strike line 12 and insert "SALARY LIMIT 16,877,632 16,877,632"

g. On page 48, line 23, after "$160,000" insert "General Funds";

h. On page 51, line 21, strike "1,650,158" and insert "1,650,058", and strike line 26 and insert "GENERAL FUND 23,925,493 26,616,368"

i. On page 52, strike line 2 and insert "TOTAL 24,390,401 27,081,276" and in line 11 strike "16,678,988" and insert "13,678,988";

j. On page 54, line 8, strike "$204,163,120" and insert "$203,323,942"; in line 9 strike "$370,835,876" and insert "$369,905,554"; in line 11 strike "$232,220,410" and insert "$231,194,180"; and in line 12 strike "$412,614,861" and insert "$411,657,240";

k. On page 83, line 6, strike "50-1" and insert "50-0", and in line 7 strike "50-2" and insert "50-1";

l. On page 104, line 23, strike "A" and insert "Such study shall be completed on or before December 15, 1994, and a"; and in line 24 after "Legislature" insert "on or before such date";

m. On page 108, line 13, strike "6,485,000" and insert "6,485,400"; and in line 15 after "unexpended" insert "General Fund";

n. On page 109, line 16, strike "actual State Accounting System";

o. On page 111, line 11, strike "2,577,542" and insert "2,557,542";

p. On page 125, line 22, strike "$77,488" and insert "$82,000"; and in line 25 strike "$77,488" and insert "$90,000";

q. On page 139, strike beginning with "Soybean" in line 12 through the last comma in line 13;

r. On page 145, lines 23 and 24, strike "Wastewater Loan Administration Cash Fund,";

s. On page 156, line 1; and page 159, line 4, strike "9" and insert "1"; and

t. On page 156, line 2; and page 159, line 5, strike "93" and insert "46".

2. In the E & R amendment, AM5521:

a. On page 1, strike lines 14 and 15; and

b. Renumber the remaining amendments accordingly.

Mr. Moore asked unanimous consent to print the following amendment to LB 543 in the Journal. No objections. So ordered.

AM2253

(Amendments to E & R amendments, AM5518)

1. Strike section 4 and insert the following new sections:

"Sec. 5. The director shall provide a status report to the Governor and the Clerk of the Legislature on or before December 30, 1993. The report shall include, but not be

limited to, (a) cost and revenue projections through FY1994-95, (b) current status and projected schedule for the implementation and use of all applications by state agencies, (c) use of state and local applications by counties, and (d) a plan for achieving financial self-sufficiency.

Sec. 14. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, strike beginning with "The" in line 5 through line 8; and in line 24 strike "Division director" and insert "Administrator" and strike "division".

3. On page 2, line 1, strike "director" and insert "administrator"; after line 2 insert the following new subdivision:

"(6) Intergovernmental Data Services System shall mean the installation and use of applications on a computer network that allows for the intergovernmental transfer of data, automation of multi-jurisdictional functions, and integration of governmental entities that involve multiple locations separated by large distances. The term shall include computers that serve as platforms for statewide applications, cabling, other equipment essential to operating the computers, and operating programs that allow the computers to function. The term shall not include any applications;"; in line 3, strike "(6)" and insert "(7)"; strike lines 8 through 19; in line 24 after the third comma insert "and"; in lines 24 and 25 strike ", modems, and facsimile machines" and insert "; and

(9) System shall mean the Intergovernmental Data Services System"; and strike beginning with "division" in line 26 through line 27 and insert "purpose of the system".

4. On page 2, lines 7, 21, and 22; page 3, lines 3 and 6; page 4, line 21; page 5, lines 3, 18, and 19; page 6, line 5; page 7, lines 1, 7, and 15; and page 9, line 6, strike "network" and insert "system".

5. On page 3, strike beginning with "(1)" in line 19 through line 27 and insert: "In establishing and maintaining the system, the division shall exercise the following duties and powers:

(1) The division shall obtain the computer network and services for the system from the division of communications and the data processing division of the Department of Administrative Services.

(2) The administrator shall approve and coordinate the design, development, installation, training, and maintenance of applications by state agencies for use on the system. Any agency proposing to add an application to the system shall submit an evaluation to the administrator that (a) examines the cost-effectiveness, technical feasibility,

and potential use of the proposed application, (b) identifies the total costs of the application, including design, development, testing, installation, operation, and any changes to the computer network that are necessary for its operation, and (c) provides a schedule that shows the estimated completion dates for design, development, testing, installation, training, and full operational status. The administrator shall not approve an application by a state agency for use on the system unless his or her review shows that the application is cost-effective and technically feasible, that funding is available, and that the proposed schedule is reasonable and feasible.

(3) The administrator shall approve changes in the design of applications by state agencies for use on the system. The administrator may require such information from the agency as necessary to determine that the proposed change in design is cost-effective and technically feasible, that funding is available, and that the proposed schedule for implementation is reasonable and feasible.

(4) The administrator, with the approval of the director, may contract with other governmental entities or private vendors in carrying out the duties of the division.

(5) The administrator, in cooperation with the division of communications and the data processing division of the Department of Administrative Services, shall establish a rate schedule that reflects the rates adopted by the division of communications and the data processing division, plus any additional costs of the division for the system. Such fees may reflect a base cost for access to the system, costs for actual usage of the system, costs for special equipment or services, or a combination of these factors. The administrator may charge for the costs of changes to the system that are requested by or are necessary to accommodate a request by a user. All fees shall be set to recover all costs of operation, including appropriate amortization of capital investment.".

6. On page 4, strike lines 1 through 7 and insert "(6) The"; in line 21 strike "(3)" and insert "(7)"; and in line 26 strike "(4)" and insert "(8)".

7. On page 4, lines 8, 25, and 26; on page 6, lines 6 and 26; and on page 7, line 3, strike "division director" and insert "administrator".

8. On page 5, line 14, strike "(5)" and insert "(9)"; and strike lines 25 through 27.

9. On page 6, strike lines 1 through 3; in line 4 strike "(7)" and insert "(10)"; strike lines 7 through 10; in line 11 strike "(9)" and insert "(11)"; and in line 26 strike "(10)" and insert "(12)".

10. On page 7, line 3, strike "(11)" and insert

"(13)"; in line 6 strike "(12)" and insert "(14)"; in line 10 strike "(13)" and insert "(15)"; and in line 17 strike "(14)" and insert "(16)".

11. On page 9, line 6, after "statewide" insert "intergovernmental".

12. Renumber the remaining sections accordingly.

Messrs. Moore and Wehrbein asked unanimous consent to print the following amendment to LB 541 in the Journal. No objections. So ordered.

AM2232

(Amendments to Standing Committee amendments, AM1691)

1. On page 4, after line 2 insert:

"No payment shall be made to the Interstate Agricultural Grain Marketing Commission until the commission certifies to the Executive Board of the Legislative Council that annual assessments have been paid or are authorized to be paid by at least four other states in addition to Nebraska.".

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 20, 1993, at 11:35 a.m., were the following bills: 523, 523A, 544A, 629, 510, 563, and 732.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

GENERAL FILE

LEGISLATIVE BILL 717. The Lynch pending amendment, AM2016, found in the Journal on page 2196, and considered in this day's Journal, was renewed.

The Lynch amendment lost with 4 ayes, 12 nays, 19 present and not voting, and 14 excused and not voting.

Mr. Ashford moved to indefinitely postpone LB 717.

Laid over.

UNANIMOUS CONSENT - Members Excused

Mmes. Hillman, Robak, and Mr. Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Return LB 500 to Select File

Mr. Lindsay moved to return LB 500 to Select File for his specific amendment, AM2025, found in the Journal on page 2104.

The Lindsay motion to return prevailed with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 500. The Lindsay specific amendment, AM2025, found in the Journal on page 2104, was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 310 to Select File

Messrs. Will and Warner moved to return LB 310 to Select File for their specific amendment, AM2250, printed separately from the Journal and referred to on page 2298.

The Will-Warner motion to return prevailed with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Robinson and Mrs. Witek asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 310. The Will-Warner specific amendment, AM2250, printed separately from the Journal and referred to on page 2298, was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 203A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 782. E & R amendment, AM5511, printed separately from the Journal and referred to on page 2082, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 139. E & R amendment, AM5476, found in the Journal on page 1698, was adopted.

Mr. Jones withdrew his pending amendment, AM1559, found in the Journal on page 1641.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 447. E & R amendment, AM5479, found in the Journal on page 1698, was adopted.

Advanced to E & R for engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 250. Introduced by Beutler, 28; Kristensen, 37; Cudaback, 36.

WHEREAS, Nebraska proudly claims a heritage rich in trails being the site of the Lewis and Clark Expedition, the Pony Express, the Sidney-Deadwood Trail, the Mormon Trail, and the Oregon Trail; and

WHEREAS, the Mormon and Oregon Trails made possible one of the most significant migrations in the history of the North American continent, and indeed, of the world; and

WHEREAS, the American Hiking Society has proposed to identify a coast-to-coast network of trails across the United States, from Cape Henlopen State Park in Delaware to Point Reyes National Seashore in California, measuring four thousand eight hundred thirty-five miles, traversing thirteen states, and called the American Discovery Trail; and

WHEREAS, the American Discovery Trail route uses existing hiking trails whenever possible and low-volume country roads, avoiding private land; and

WHEREAS, in October, 1992 Congress designated the American Discovery Trail as a study trail to determine the feasibility and desirability of its designation as a national trail which includes a route across Nebraska; and

WHEREAS, if the study so authorized by Congress finds that the American Discovery Trail should traverse Nebraska, its route would include Omaha, Lincoln, David City, Columbus, Central City, Kearney, Cozad, Gothenburg, North Platte, and Ogallala, as well as other communities, a route featuring numerous historical, cultural, and recreational sites unique to Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the American Discovery Trail should include Nebraska on its coast-to-coast route of trail networks.

2. That a copy of this resolution be sent to the National Park Service for inclusion in its study of the feasibility and desirability of designation of the American Discovery Trail as a national trail.

Laid over.

UNANIMOUS CONSENT - Print in Journal

The Appropriations Committee asked unanimous consent to print the following amendment to LB 541 in the Journal. No objections. So ordered.

AM2229

(Amendments to Standing Committee amendments, AM1691)

1. Strike original sections 103 and 105 and insert the following new sections:

"Sec. 43. (1) This section shall become operative if Legislative Bill 520, Ninety-third Legislature, First Session, 1993, does not become law.

(2) On or before October 1 of each year, the Department of Social Services and the State Department of Education shall jointly certify to the budget administrator of the budget division of the Department of Administrative Services the amount of federal medicaid funds paid to school districts pursuant to the Early Intervention Act for special education services for children age five and older. The General Fund appropriation to the State Department of Education, Program 440, for state special education aid shall be decreased by an amount equal to the amount that would have been reimbursed with state general funds to the school districts through the special education reimbursement process for special education services for children age five and older that was paid to school districts or approved cooperatives with federal medicaid funds. There is hereby appropriated from the General Fund an amount equal to the amount certified to the budget administrator for FY1993-94 to the Department of Social Services, to aid in carrying out the provisions of Laws 1991, LB 701. Of the amount appropriated, ten percent shall be appropriated to the department for Program 348, and ninety percent shall be appropriated to the department for Program 341.

Sec. 104. AGENCY NO. 27 -- DEPARTMENT OF ROADS
Program No. 569 - Construction

	FY1993-94	FY1994-95
CASH FUND	306,987,038	293,596,375
PROGRAM TOTAL	306,987,038	293,596,375

Cash Fund expenditures shall not be limited to the amount shown.

It is the intent of the Legislature that the Department of Roads shall apply for and make maximum use of available federal funding, including discretionary funding, on all highway construction projects which are eligible for such assistance.

It is the intent of the Legislature that the Department of Roads provide to the Legislative Fiscal Analyst a copy of the plans and specifications and a breakdown of the costs of all rest area renovation/upgrade projects when such

projects are undertaken.

Sec. 106. AGENCY NO. 27 -- DEPARTMENT OF ROADS

Program No. 572 - Service and Support

	FY1993-94	FY1994-95
CASH FUND	7,244,216	7,959,551
PROGRAM TOTAL	7,244,216	7,959,551

Cash Fund expenditures shall not be limited to the amount shown.

There is hereby appropriated for FY1993-94 $234,015,693 from the Highway Cash Fund to the Department of Roads Operation Cash Fund, which fund is hereby appropriated. There is included in the amount appropriated from the Highway Cash Fund to the Department of Roads Operation Cash Fund $1,000,000 for assistance to the local transit authorities program. There is hereby appropriated for FY1994-95 $225,225,137 from the Highway Cash Fund to the Department of Roads Operation Cash Fund, which fund is hereby appropriated. There is included in the amount appropriated from the Highway Cash Fund to the Department of Roads Operation Cash Fund $1,000,000 for assistance to the local transit authorities program.".

2. On page 3, after line 5, insert the following:

"Of the unexpended General Fund balance existing on June 30, 1993, $25,000 is hereby reappropriated to Agency No. 20 - Department of Health for Program No. 177.".

3. On page 10, after line 6, insert the following new paragraph:

"Of the unexpended General Fund balance existing on June 30, 1993, $10,000 is hereby reappropriated.".

4. On page 32, line 3, strike "5,444,624" and insert "5,544,624" and strike "5,476,324" and insert "5,576,324"; and in line 6, strike "24,104,314" and insert "24,204,314" and strike "24,168,022" and insert "24,268,022".

5. On page 54, line 15, strike "$336,678" and insert "$399,178"; in line 16 strike "$742,822" and insert "$930,322"; and in line 20 strike "$347,730 General Funds and $770,121" and insert "$410,230 General Funds and $957,621".

6. On page 56, line 3, strike "$64,574,177" and insert "$64,873,663"; and in line 5 strike "$64,670,509" and insert "$64,970,835".

7. On page 70, after line 25, insert the following new paragraph:

"If Legislative Bill 397, Ninety-third Legislature, First Session, 1993, becomes law, the appropriation in this section shall be repealed on the operative date of Legislative Bill 397, Ninety-third Legislature, First Session, 1993.".

8. On page 99, line 16, strike both occurrences of "59,085" and insert "65,585".

9. On page 100, line 3, strike both occurrences of

"1,112,524" and insert "1,127,524".

10. On page 105, line 19, strike both occurrences of "81,032" and insert "145,000".

11. On page 111, line 13, strike "10,156,741 10,755,434" and insert "10,379,291 10,977,984"; in line 14 strike "13,306,038 13,926,087" and insert "13,528,588 14,148,637"; and in line 15 strike "2,576,270 2,576,270" and insert "2,598,770 2,598,770".

12. On page 114, strike line 2 and insert:

"GENERAL FUND	1,077,846	1,083,436"

and strike line 4 and insert:

"PROGRAM TOTAL	1,569,144	1,574,734".

13. On page 116, strike line 14 and insert:

"CASH FUND	3,000	3,000
PROGRAM TOTAL	667,154	669,210".

14. On page 168, strike line 11 and all amendments thereto and insert:

"GENERAL FUND	6,949,422	6,981,450"

and strike line 14 and all amendments thereto and insert:

"AGENCY TOTAL	51,979,001	52,063,069".

15. On page 170, strike lines 12 through 15 and insert:

"CASH FUND	384,100,141	372,964,070
FEDERAL FUND est.	36,000	36,000
AGENCY TOTAL	384,611,141	373,475,070
SALARY LIMIT	64,873,663	64,970,835".

16. On page 176, line 26, strike both occurrences of "1,370,348" and insert "1,391,848".

17. On page 179, line 1, strike "83,592,956 87,095,392" and insert "83,815,506 87,317,942"; in line 2 strike "94,260,451 97,736,580" and all amendments thereto and insert "94,483,001 97,961,279"; in line 3 strike "18,266,732 18,266,732" and insert "18,353,200 18,353,200"; strike line 13 and insert :

"GENERAL FUND	1,077,846	1,083,436"

and strike line 15 and insert:

"AGENCY TOTAL	1,569,144	1,574,734".

18. On page 180, strike line 8 and all amendments thereto and insert:

"CASH FUND	3,000	3,000
AGENCY TOTAL	667,154	669,210".

19. Renumber the remaining sections and correct internal references accordingly.

VISITORS

Visitors to the Chamber were 56 fourth grade students and sponsor from Hickory Hill Elementary, Papillion; 79 fourth grade students and sponsor from Grace Abbott School, Omaha; 32 fourth grade students

and sponsor from Raymond Central, Ceresco; 45 fourth grade students and sponsor from Golden Hill School, Omaha; Senator Witek's mother-in-law, Mrs. Anne Witek, from Florida; 19 fourth, fifth, and sixth grade students and sponsor from Clarkson Elementary; 19 fourth grade students and teacher from Weeping Water; and 30 fourth grade students and sponsor from Oakdale Elementary, Omaha.

The Doctor of the Day was Bruce Gfeller from Lincoln.

ADJOURNMENT

At 12:34 p.m., on a motion by Ms. Day, the Legislature adjourned until 9:00 a.m., Monday, May 24, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTY-SECOND DAY - MAY 24, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

EIGHTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 24, 1993

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Kathryn Campbell, First Plymouth Congregational Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Horgan and Mrs. Hudkins who were excused; and Messrs. Abboud, Ashford, Avery, Beutler, Chambers, Coordsen, Hartnett, Kristensen, Landis, Lindsay, Lynch, Mmes. McKenzie, and Rasmussen who were excused until they arrive.

MR. HALL PRESIDING

CORRECTIONS FOR THE JOURNAL

Page 2362, line 5, strike "engrossment" and insert "reengrossment".
The Journal for the eighty-first day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 220 and 420.

Enrollment and Review Change to LB 220

The following changes, required to be reported for publication in the Journal, have been made:
ER7281

1. In the Landis amendment, AM1806, on page 7, line 5, the matter beginning with "subsection" through "of" has been struck and the old matter shown as stricken.

Enrollment and Review Change to LB 420

The following changes, required to be reported for publication in the Journal, have been made:
ER7282

1. In the E & R amendments, AM5489:

a. On page 5, line 12, "license" has been struck and "licenses" inserted;

b. On page 11, line 9, "and" has been struck and an underscored comma inserted; and in line 11 an underscored comma has been inserted after "application";

c. On page 12, line 10, "subdivision" has been struck and "subsection" inserted; and

d. On page 15, line 3, "and a penalty" has been inserted after "fees".

(Signed) Kurt Hohenstein, Chairperson

REPORTS

Received report from the Nebraska Commission on Law Enforcement and Criminal Justice of the Nebraska Crime Victim's Reparations (CVR) Program.

Received annual report from the Nebraska Business Development Center.

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 330 in the Journal. No objections. So ordered.

AM2300

(Amendments to Standing Committee amendments, AM1705)

1. Insert the following new section:

"Sec. 60. AGENCY NO. 64 -- NEBRASKA STATE PATROL

There is hereby appropriated (1) $415,000 from the General Fund for FY1993-94 and (2) $885,000 from the General Fund for FY1994-95 to the Nebraska State Patrol, for Program 325, for the improvement of the agency's criminal history information technology system and the replacement of its

communications message switcher.

It is the intent of the Legislature that $478,000 of the FY1994-95 appropriation to the Public Safety Cash Fund included in Legislative Bill 541, Ninety-third Legislature, First Session, 1993, be expended for the improvement of the agency's criminal history information technology system and the replacement of its communications message switcher. All expenditures for projects authorized in this section shall be made from a separate budget subprogram.

The Legislature acknowledges that an estimated $207,000 will be required in FY1995-96 to complete the projects authorized in this section.".

2. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 185. Read. Considered.

LR 185 was adopted with 20 ayes, 0 nays, and 29 not voting.

LEGISLATIVE RESOLUTION 249. Read. Considered.

LR 249 was adopted with 23 ayes, 0 nays, and 26 not voting.

SPEAKER BAACK PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 583. With Emergency.

A BILL FOR AN ACT relating to insurance; to amend sections 44-319.03, 44-4009, and 44-4040, Reissue Revised Statutes of Nebraska, 1943, and sections 44-116, 44-119, 44-214, 44-219, 44-231, 44-1525, 44-1527, 44-1640, 44-1936, 44-1951, 44-1959, 44-1960, 44-1969, 44-2008, 44-2123, 44-2131, 44-2137, 44-2621, 44-2627, 44-32,115, 44-32,118, 44-32,152, 44-3904, 44-3905, 44-4001, 44-4005, 44-4015, 44-4019, 44-4028, 44-4035, 44-4812, 44-4842, 44-4902, 44-4905, 44-4908, 44-5111, 44-5602, 44-5611, and 44-5812, Revised Statutes Supplement, 1992; to adopt the Insurers Examination Act; to eliminate provisions relating to examinations; to adopt the Life and Health Insurers Risk-Based Capital Act; to change provisions relating to stock and mutual companies; to adopt the Insurers Demutualization Act; to adopt the Assumption Reinsurance Act; to change provisions relating to insurance companies, assessment associations, title insurance, act citations, investments, fees, health maintenance organizations, agents, brokers, continuing education, prelicensing requirements, managing general agents, and reinsurance; to eliminate education

requirements; to harmonize provisions; to provide severability; to repeal the original sections, and also sections 44-107.01, 44-107.02, 44-108.02 to 44-111.01, and 44-118, Reissue Revised Statutes of Nebraska, 1943, and sections 44-107, 44-107.03 to 44-108.01, 44-232, and 44-3909 to 44-3916, Revised Statutes Supplement, 1992; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Coordsen	Hartnett	Moore	Schmitt
Ashford	Crosby	Hillman	Pedersen	Vrtiska
Avery	Cudaback	Hohenstein	Pirsch	Warner
Baack	Day	Janssen	Preister	Wehrbein
Bernard-Stevens	Dierks	Jones	Rasmussen	Wickersham
Bohlke	Elmer	Kristensen	Robak	Will
Bromm	Fisher	Landis	Robinson	Witek
Chambers	Haberman	Lindsay	Schellpeper	Withem
	Hall	McKenzie	Schimek	

Voting in the negative, 0.

Present and not voting, 2:

Byars Wesely

Excused and not voting, 4:

Beutler Horgan Hudkins Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 583A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 583, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Coordsen	Hartnett	Moore	Schmitt
Ashford	Crosby	Hillman	Pedersen	Vrtiska
Avery	Cudaback	Hohenstein	Pirsch	Warner
Baack	Day	Janssen	Preister	Wehrbein
Bernard-Stevens	Dierks	Jones	Rasmussen	Wesely
	Elmer	Kristensen	Robak	Wickersham
Bohlke	Fisher	Landis	Robinson	Will
Bromm	Haberman	Lindsay	Schellpeper	Witek
Chambers	Hall	McKenzie	Schimek	

Voting in the negative, 0.

Present and not voting, 2:

Byars Withem

Excused and not voting, 4:

Beutler Horgan Hudkins Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 507 to Select File

Mrs. Witek moved to return LB 507 to Select File for the following specific amendment:
FA253
Strike the enacting clause.

Mrs. Witek withdrew her motion to return.

Mr. Moore moved to return LB 507 to Select File for the following specific amendment:
FA254
If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Mr. Moore withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 507. With Emergency.

A BILL FOR AN ACT relating to legislation; to require estimates and appropriations for legislation which is projected to increase inmate populations; to provide for the use of such appropriations; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Ashford	Coordsen	Hartnett	McKenzie	Schimek
Avery	Crosby	Hillman	Moore	Warner
Baack	Cudaback	Hohenstein	Preister	Wehrbein
Bernard-Stevens	Day	Janssen	Rasmussen	Wesely
Bohlke	Dierks	Kristensen	Robak	Wickersham
Byars	Elmer	Landis	Robinson	Will
Chambers	Hall	Lindsay	Schellpeper	Withem

Voting in the negative, 8:

Abboud	Fisher	Jones	Pirsch	Witek
Bromm	Haberman	Pedersen		

Present and not voting, 2:

Schmitt Vrtiska

Excused and not voting, 4:

Beutler Horgan Hudkins Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 98A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 583, 583A, and 507.

GENERAL FILE

LEGISLATIVE BILL 345A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 536A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 595A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 841A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 840A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 251. Introduced by Witek, 31.

WHEREAS, more than seven hundred fifty thousand children are reported missing in the United States each year and between twenty thousand and fifty thousand of those remain missing for more than one year; and

WHEREAS, each year hundreds of Nebraska families suffer the tragedy of having a missing child; and

WHEREAS, the injury of abduction has been proven to cause permanent emotional trauma to not only the child but to relatives and others who are close to the child; and

WHEREAS, missing children, including those abducted by family members or strangers, and those who run away often suffer from emotional, physical, and sexual abuse; and

WHEREAS, it is important to remember all children who are missing; and

WHEREAS, missing children's organizations in Nebraska are joining forces with criminal justice officials and concerned citizens throughout America to observe the 1993 National Missing Children's Day.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature designates May 25, 1993, as Missing Children's Day in Nebraska.

2. That the Legislature reaffirms its commitment to address the issues of missing and exploited children during the 1993 National Missing Children's Day and throughout the year.

3. That May 25, 1993, is recognized as National Missing Children's Day in Nebraska.

4. That on this day parents throughout Nebraska are urged to be aware of the potential threat of child abduction and to emphasize to their children the importance of knowing their full names, addresses, and telephone numbers and of avoiding situations that can lead to abduction.

Laid over.

LEGISLATIVE RESOLUTION 252. Introduced by Kristensen, 37.

WHEREAS, the Harold Warp Pioneer Village in Minden, Nebraska first opened to the public on June 6, 1953;

WHEREAS, the construction of the Harold Warp Pioneer Village was instigated by the sale in 1948 of the country school that Mr. Warp attended as a child and was founded to preserve "the story of America and how it grew";

WHEREAS, the Harold Warp Pioneer Village now houses and preserves over fifty thousand items of Americana chronicling the development of the United States from 1830 to the present;

WHEREAS, the Harold Warp Pioneer Village is Nebraska's number one tourist attraction, visited by over five million tourists from every state in the nation and many foreign countries;

WHEREAS, the Harold Warp Pioneer Village is a unique educational resource for Nebraska and the nation in that any displayed mechanical items are restored and maintained in their operating condition, some of which can be viewed in operation by the push of a button; and

WHEREAS, on June 6, 1993, the Harold Warp Pioneer Village will be celebrating forty years of demonstrating to the public how America grew.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the pioneering effort of Harold Warp in instituting the Harold Warp Pioneer Village in 1953.

2. That the Legislature recognizes the historical and educational importance, as well as the contribution to Nebraska's economic development, of the Harold Warp Pioneer Village.

3. That the Legislature congratulates the Harold Warp Pioneer Village for forty years of operation and enjoyment by the public.

4. That a copy of this resolution be forwarded to the Harold Warp Pioneer Village in Minden.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Byars asked unanimous consent to print the following amendment to LB 815 in the Journal. No objections. So ordered.

AM2293

(Amendments to E & R amendments, AM5523)

1. On page 23, strike beginning with "When" in line 6 through "there" in line 11 and insert "There"; in line 14 after the period insert "This subsection shall become ineffective on the first day of the month following notification that the amount of federal matching funds has been or will be reduced because of the tax provided in the Health Care Provider Income Tax Act."; strike beginning with "When" in line 15 through "there" in line 20 and insert "There"; and in line 27 after the period insert "This section shall become ineffective on the first day of the month following notification that the amount of federal matching funds has been or will be reduced because of the tax provided in the Health Care Provider Income Tax Act.".

2. On page 24, strike beginning with "When" in line 20 through "there" in line 25 and insert "There".

3. On page 25, line 1, after the period insert "This subsection shall become ineffective on the first day of the month following notification that the amount of federal matching funds has been or will be reduced because of the tax provided in the Health Care Provider Income Tax Act.".

Mr. Ashford asked unanimous consent to print the following amendment to LB 595 in the Journal. No objections. So ordered.

AM2213

(Amendments to Standing Committee amendments, AM1672)

1. Insert the following new sections:

"Sec. 4. Sections 4 to 9 of this act shall be known and may be cited as the Municipal Law Enforcement Assistance Act.

Sec. 5. The Legislature finds that the municipalities of the state face personnel and capital equipment needs to support municipal law enforcement and are in need of assistance in meeting related costs. The Legislature determines that it is in the public interest to

establish a Municipal Law Enforcement Assistance Fund to provide funds to municipalities in the state to use to support employment of law enforcement personnel and acquisition of capital equipment.

Sec. 6. For purposes of the Municipal Law Enforcement Assistance Act:

(1) Eligible municipal law enforcement costs shall mean any compensation costs incurred by a municipality in employing law enforcement personnel and any costs incurred by a municipality in acquiring capital equipment to support municipal law enforcement;

(2) Fund shall mean the Municipal Law Enforcement Assistance Fund;

(3) Municipal allocation amount shall mean, for each municipality, the amount derived by multiplying the amount to be allocated by the fraction determined by dividing the total population of the municipality by the total population of the state living in municipalities, each as determined by the most recent federal census; and

(4) Municipality shall mean a city of any class or a village in the state.

Sec. 7. There is hereby created the Municipal Law Enforcement Assistance Fund. A separate accounting of fund transactions relevant to each municipality of the state shall be maintained. Money shall be credited to the fund pursuant to section 77-2602. Fund balances available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 8. Five business days prior to each January 1 and July 1, the State Treasurer shall allocate the balance of the fund by disbursing the municipal allocation amounts to each municipality or, upon notice to the State Treasurer from a municipality, its assignee.

Sec. 9. Money received by a municipality from the fund shall be used only to pay eligible municipal law enforcement costs or portions thereof.".

2. On page 2, line 12; and page 3, line 3, strike "twenty-nine" and insert "thirty".

3. On page 5, after line 24, insert the following new paragraph:

"(f) Sixth, beginning July 1, 1993, the State Treasurer shall place the equivalent of one cent of such tax in the Municipal Law Enforcement Assistance Fund to carry out sections 4 to 9 of this act;"; and in line 25 strike "(f) Sixth", show as stricken, and insert "(g) Seventh".

4. On page 6, line 1, strike "(e)", show as stricken, and insert "(f)"; in line 5 strike "(g) Seventh", show as stricken, and insert "(h) Eighth"; and in line 26 before "and" insert "the Municipal Law Enforcement Assistance

Fund,".

5. On page 7, line 23, strike "and (g)", show as stricken, and insert "(g) the Municipal Law Enforcement Assistance Fund, and (h)"; and in line 26 strike "(g)", show as stricken, and insert "(h)".

6. Renumber the remaining sections accordingly.

PROPOSED RULE CHANGE

Mr. Bromm asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Amend Rule 7, Section 10 to read as follows:
Sec. 10 Cloture. At any stage of consideration the principal introducer of the bill under consideration, a co-introducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for a cloture to the presiding officer after eight hours of debate at that stage of consideration except that the appropriation bills introduced by the Appropriations Committee shall be subject to a cloture motion after twelve hours of debate at that stage of consideration. The presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on the pending amendment or motion shall be taken immediately. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall then be taken on the original amendment. Following the vote on such pending matters, a vote on the cloture motion shall be taken. A two-thirds majority of the elected members shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the motion for cloture is successful, a vote on the advancement of the bill shall be taken, without debate, immediately following the vote on cloture.

Referred to the Rules Committee.

SELECT FILE

LEGISLATIVE BILL 325. E & R amendment, AM5513, found in the Journal on page 2109, was adopted.

The Appropriations Committee renewed its pending amendment, AM2228, found in the Journal on page 2369.

The Appropriations Committee amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 325A. E & R amendment, AM5514, found in the Journal on page 2111, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 326. E & R amendment, AM5512, found in the Journal on page 2111, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 327. Advanced to E & R for engrossment.
LEGISLATIVE BILL 328. Advanced to E & R for engrossment.

LEGISLATIVE BILL 329. E & R amendment, AM5519, found in the Journal on page 2171, was adopted.

The Appropriations Committee renewed its pending amendment, AM2226, found in the Journal on page 2369.

The Appropriations Committee amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 331. E & R amendment, AM5515, found in the Journal on page 2171, was adopted.

The Appropriations Committee renewed its pending amendment, AM1960, found in the Journal on page 2368.

The Appropriations Committee amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

The Appropriations Committee renewed its pending amendment, AM2230, found in the Journal on page 2368.

The Appropriations Committee amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

PRESIDENT MOUL PRESIDING

Advanced to E & R for engrossment.

LEGISLATIVE BILL 541. E & R amendment, AM5521, found in the Journal on page 2197, was adopted.

Mr. Haberman offered the following amendment:
AM1879
(Amendments to Standing Committee amendments, AM1691)
1. On page 4, lines 1 and 2, strike "75,000" and insert "-0-".

2. On page 164, line 13, strike "10,886,773" and insert "10,811,773"; and in line 15 strike "10,916,773" and insert "10,841,773".

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Haberman requested a record vote on his amendment.

Voting in the affirmative, 8:

Avery	Fisher	Hohenstein	Pirsch	Witek
Byars	Haberman	Lynch		

Voting in the negative, 21:

Bohlke	Day	Hillman	Moore	Warner
Bromm	Dierks	Janssen	Pedersen	Wehrbein
Coordsen	Hall	Kristensen	Schellpeper	Wesely
Crosby	Hartnett	Landis	Schimek	Withem
Cudaback				

Present and not voting, 17:

Abboud	Bernard-	Jones	Rasmussen	Vrtiska
Ashford	Stevens	Lindsay	Robak	Wickersham
Baack	Chambers	McKenzie	Robinson	Will
	Elmer	Preister	Schmitt	

Excused and not voting, 3:

Beutler	Horgan	Hudkins

The Haberman amendment lost with 8 ayes, 21 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Haberman offered the following amendment:
AM1878
(Amendments to Standing Committee amendments, AM1691)

1. On page 4, lines 1 and 2, strike "75,000" and insert "60,000".

2. On page 164, line 13, strike "10,886,773" and insert "10,871,773"; and in line 15 strike "10,916,773" and insert "10,901,773".

Ms. Day and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Bohlke moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Haberman requested a record vote on his amendment.

Voting in the affirmative, 15:

Avery	Dierks	Janssen	Lynch	Schellpeper
Coordsen	Fisher	Jones	Pirsch	Vrtiska
Cudaback	Haberman	Lindsay	Robinson	Witek

Voting in the negative, 22:

Abboud	Byars	Hillman	Moore	Wehrbein
Ashford	Crosby	Hohenstein	Rasmussen	Wesely
Baack	Elmer	Kristensen	Schimek	Wickersham
Bohlke	Hall	Landis	Warner	Will
Bromm	Hartnett			

Present and not voting, 7:

Bernard-Stevens	Chambers	Preister	Schmitt	Withem
	Pedersen	Robak		

Excused and not voting, 5:

Beutler	Day	Horgan	Hudkins	McKenzie

The Haberman amendment lost with 15 ayes, 22 nays, 7 present and not voting, and 5 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 237, 413, and 724.

Enrollment and Review Change to LB 413

The following changes, required to be reported for publication in the Journal, have been made:
ER7275
1. The following new section has been inserted:

"Sec. 11. That original section 39-6,177, Revised Statutes Supplement, 1992, as amended by section 35, Legislative Bill 575, Ninety-third Legislature, First Session, 1993, is repealed.".

2. In the Kristensen amendment, AM2027, amendment 2 has been struck.

3. In the Kristensen amendment, AM1912:

a. On page 2, lines 16 and 17, the stricken matter has been reinstated; and in line 17 the new matter has been struck; and

b. On page 3, line 20, an underscored comma has been inserted after "Code", "of" has been struck and shown as stricken, the new matter has been struck, and the last comma has been struck and shown as stricken.

4. On page 1, the matter beginning with "interstate" in line 1 through line 9 and all amendments thereto have been struck and "vehicles; to amend sections 75-110, 75-303, 75-349, and 75-353, Reissue Revised Statutes of Nebraska, 1943, section 75-352, Revised Statutes Supplement, 1992, and section 39-6,177, Revised Statutes Supplement, 1992, as amended by section 35, Legislative Bill 575, Ninety-third Legislature, First Session, 1993; to change exceptions from vehicle width restrictions for farm equipment dealers; to require rules and regulations for the single state insurance registration system for motor carriers provided for in federal law; to change provisions relating to regulation of carriers; to eliminate the Interstate Operating Authority Agreement Act; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections, and also sections 75-372 to 75-380, Revised Statutes Supplement, 1992; and to declare an emergency." inserted.

5. On page 5, line 5, "7" and all amendments thereto have been struck and "9" inserted; and in line 6 "Sections 1 and 11 of this act shall become operative three calendar months after the adjournment of this legislative session." has been inserted after the period.

6. The remaining section has been renumbered accordingly.

(Signed) Kurt Hohenstein, Chairperson

STANDING COMMITTEE REPORT
Transportation

LEGISLATIVE BILL 371. Placed on General File as amended.
Standing Committee amendment to LB 371:
AM2049

1. On page 2, strike beginning with "(1)" in line 5 through "(2)" in line 9; in line 9 strike "such" and after "section" insert "39-6,211".

(Signed) Doug Kristensen, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 24, 1993, at 10:45 a.m., were the following bills: 583, 583A, and 507.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Print in Journal

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 345 in the Journal. No objections. So ordered.

AM2306

(Amendments to E & R amendments, AM5490)

1. Insert the following new section:

"Section 1. That section 9-629, Reissue Revised Statutes of Nebraska, 1943, as amended by section 16, Legislative Bill 138, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

9-629. (1) Except as provided in section 9-629.02, the gross proceeds of any lottery conducted by a county, city, or village shall be used solely for community betterment purposes, awarding of prizes, taxes, and expenses.

(2) Not less than sixty-five percent of the gross proceeds shall be used for the awarding of prizes, except that for purposes of conducting a lottery authorized by subdivision (1)(c)(ii) of section 9-607, not less than sixty-five percent of the gross proceeds during an annual period from July 1 to June 30 of each year shall be used for the awarding of prizes.

(3) Not more than fourteen percent of the gross proceeds shall be used to pay the expenses of operating the lottery, except that license fees paid to the department and audit or legal expenses incurred by the county, city, or village which relate directly to the conduct of operating such lottery ~~shall~~ need not be included in determining the fourteen-percent limitation on expenses.

(4) For purposes of this section, audit and legal expenses shall include all expenses relating to: (a) The governmental organization of the lottery; (b) government maintenance, monitoring, and examination of lottery records; and (c) enforcement, regulatory, administrative, investigative, and litigation functions undertaken by government but shall not include the expenses of the actual conduct of the game. Audit and legal expenses during an annual period from July 1 to June 30 of each year in excess of one percent of gross proceeds or five thousand dollars, whichever is greater, shall be subject to the fourteen percent limitation on expenses under subsection (3) of this section. In the case of a joint lottery conducted pursuant to an interlocal agreement as provided for in section 9-625, the

combined gross proceeds of the joint lottery shall be used to determine that portion of audit and legal expenses that are not subject to the fourteen percent limitation on expenses.".

2. Renumber the remaining sections and correct internal references accordingly.

3. Correct the operative date provision and repealer so that the section added by this amendment becomes operative on its effective date.

VISITORS

Visitors to the Chamber were Mr. Ryuichi Uemura from Osaka, Japan, Mr. Todashi Imai from Tokyo, Japan, Mr. Kaz Hosoi from Los Angeles, California, and Dan Morgan; 30 fourth grade students, Senator Abboud's nephew, J. T. Foley, and sponsor from Christ the King Catholic School, Omaha; Bob, Chelsey, and Jake Stitt from Minatare; Keith, Judy, and Melissa Lutz from West Point; Senator Pedersen's wife, Priscilla, daughter, Megan, and son, Andrew; Anne Doering from Franklin; and 34 fourth grade students and sponsor from Oak Valley Elementary, Omaha.

RECESS

At 12:09 p.m., on a motion by Speaker Baack, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Moul presiding.

ROLL CALL

The roll was called and all members were present except Mr. Horgan and Mrs. Hudkins who were excused; and Mr. Beutler who was excused until he arrives.

SELECT FILE

LEGISLATIVE BILL 541. Mr. Dierks renewed his pending amendment, AM1976, found in the Journal on page 2066.

Mr. Dierks moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Moore requested a roll call vote on the Dierks amendment.

Mr. Dierks requested the roll call vote be taken in reverse order.

Voting in the affirmative, 20:

Byars	Dierks	Landis	Pedersen	Schimek
Chambers	Hall	Lindsay	Preister	Schmitt
Crosby	Janssen	Lynch	Rasmussen	Wesely
Day	Jones	McKenzie	Robak	Will

Voting in the negative, 24:

Abboud	Bohlke	Haberman	Moore	Wehrbein
Ashford	Bromm	Hartnett	Pirsch	Wickersham
Avery	Coordsen	Hillman	Schellpeper	Witek
Baack	Cudaback	Hohenstein	Vrtiska	Withem
Bernard-Stevens	Fisher	Kristensen	Warner	

Present and not voting, 1:

Elmer

Absent and not voting, 1:

Robinson

Excused and not voting, 3:

Beutler Horgan Hudkins

The Dierks amendment lost with 20 ayes, 24 nays, 1 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Lynch asked unanimous consent to replace his pending amendment, AM2042, found in the Journal on page 2140, with a substitute amendment. No objections. So ordered.

Mr. Lynch withdrew his pending amendment, AM2042, found in the Journal on page 2140.

Mr. Lynch offered the following substitute amendment:
AM2209

(Amendments to Standing Committee amendments, AM1691)

PURPOSE: To increase state aid for teachers' salaries (HELP) by $5,128,800 in FY1993-94 and $8,000,000 in FY1994-95. Includes safety net language to delete the additional funding if Legislative Bill 98, Ninety-third Legislature, First Session, 1993, is not enacted.

1. On page 15, strike line 17 and insert:

"GENERAL FUND 397,901,896 416,231,940"

strike line 21 and insert
"PROGRAM TOTAL 399,135,548 417,476,012"
in line 24 strike "$390,162,548" and insert "$395,291,348"; and in line 27 strike "$405,610,202" and insert "$413,610,202".

2. On page 17, line 9, strike "$6,895,000" and insert "$12,023,800"; and in line 12 strike "$6,895,000" and insert "$14,895,000".

3. On page 18, after line 3 insert:

"The General Fund appropriation and state aid earmarks for this program for FY1993-94 are hereby reduced by $5,128,800 if Legislative Bill 98, Ninety-third Legislature, First Session, 1993, is not enacted into law. The General Fund appropriation and state aid earmarks for this program for FY1994-95 are hereby reduced by $8,000,000 if Legislative Bill 98, Ninety-third Legislature, First Session, 1993, is not enacted into law.".

4. On page 166, strike line 15 and insert:
"GENERAL FUND 513,281,331 542,694,204"
and strike line 19 and insert
"AGENCY TOTAL 643,069,751 677,424,028".

Mr. Lynch moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Lynch requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Abboud	Day	Lindsay	Rasmussen	Vrtiska
Ashford	Haberman	Lynch	Robak	Wesely
Bohlke	Hartnett	McKenzie	Schellpeper	Will
Crosby	Kristensen	Pirsch	Schimek	Withem
Cudaback				

Voting in the negative, 20:

Avery	Coordsen	Hall	Jones	Schmitt
Baack	Dierks	Hillman	Landis	Wehrbein
Bernard-Stevens	Elmer	Hohenstein	Moore	Wickersham
Bromm	Fisher	Janssen	Robinson	Witek

Present and not voting, 5:

Byars	Chambers	Pedersen	Preister	Warner

Excused and not voting, 3:

Beutler Horgan Hudkins

The Lynch amendment lost with 21 ayes, 20 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Wesely renewed his pending amendment, AM2086, found in the Journal on page 2170.

SPEAKER BAACK PRESIDING

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Wesely requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Byars	Dierks	Lindsay	Preister	Vrtiska
Chambers	Hall	Lynch	Rasmussen	Wesely
Coordsen	Hartnett	McKenzie	Robak	Wickersham
Crosby	Janssen	Pedersen	Schimek	Will
Day	Landis			

Voting in the negative, 23:

Abboud	Bernard-Stevens	Elmer	Jones	Schellpeper
Ashford	Bohlke	Fisher	Kristensen	Schmitt
Avery	Bromm	Haberman	Moore	Warner
Baack	Cudaback	Hillman	Pirsch	Witek
		Hohenstein	Robinson	Withem

Excused and not voting, 4:

Beutler	Horgan	Hudkins	Wehrbein

The Wesely amendment lost with 22 ayes, 23 nays, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Wesely withdrew his pending amendment, AM2044, found in the Journal on page 2189.

Mr. Wesely renewed his pending amendment, AM2091, found in the Journal on page 2366.

Mr. Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wesely amendment lost with 4 ayes, 19 nays, 22 present and not voting, and 4 excused and not voting.

Messrs. Byars, Wesely, and Mrs. Rasmussen asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

PRESIDENT MOUL PRESIDING

PROPOSED RULE CHANGE

Mr. Withem asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Amend rule 7, Section 5 to add: When a member is recognized to close on a motion and asks for a call of the house, the time spent waiting for the members to check in shall be counted against the speakers closing time.

Referred to the Rules Committee.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 322 in the Journal. No objections. So ordered.

AM2310

(Amendments to Standing Committee amendments, AM1682)

1. On page 3, strike lines 3 through 9; in line 10 strike "(e)" and insert "(d)"; and in line 14 strike "(f)" and insert "(e)".

Mr. Hall asked unanimous consent to print the following amendment to LB 345 in the Journal. No objections. So ordered.

AM2276

(Amendments to E & R amendments, AM5490)

1. Insert the following new sections:

"Section 1. That section 9-629.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

9-629.02. (1) If a racetrack licensed pursuant to Chapter 2, article 12, is located in a county and such county

or a city or village within such county conducts a lottery pursuant to the Nebraska County and City Lottery Act, two percent of the gross proceeds from such lottery shall be credited to the Thoroughbred Racing Assistance Fund. If the two percent of the gross proceeds credited to the fund is declared invalid by a court of competent jurisdiction in a final order from which no appeal is taken, the Department of Revenue shall remit the proceeds to the State Treasurer for a credit as follows:

(a) One percent shall be credited to the General Fund;

(b) One-half of one percent shall be credited to the Campaign Finance Limitation Cash Fund; and

(c) One-half of one percent shall be credited to the Drinking Water Source Quality Fund.

(2) The Thoroughbred Racing Assistance Fund is hereby created. The fund shall be used to supplement purses for live thoroughbred racing in Nebraska. Twenty-five percent of the fund shall be distributed as purse supplements and breeder and stallion awards for Nebraska-bred horses as defined and registered pursuant to section 2-1213 at the racetrack where the funds were generated. The State Racing Commission shall distribute money in the fund to the licensed racetracks based proportionately on the percentage of the live race handle of the immediately preceding year. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 4. Sections 4 to 8 of this act shall be known and may be cited as the Drinking Water Source Quality Act.

Sec. 5. The Legislature finds that:

(1) Safe drinking water sources are precious resources, the maintenance, protection, and conservation of which are essential to the well-being of the State of Nebraska and its citizens both now and in the future;

(2) The quality of water delivered by Nebraska public water suppliers is highly regulated with mandatory expensive testing on regular schedules for dangerous contaminants; and

(3) The high expense of adequate and meaningful water testing places a heavy burden on the water consumer.

Sec. 6. For purposes of the Drinking Water Source Quality Act:

(1) Approved principal laboratory shall mean the drinking water testing facility certified as meeting the standards and capabilities required by the United States Environmental Protection Agency's Safe Drinking Water Program;

(2) Drinking water source shall mean ground water which occurs in or moves, filters, or percolates through

ground under the surface of the land and surface water which occurs in rivers, streams, and lakes from which it can be taken and treated for consumption;

(3) Drinking water test shall mean prescribed controlled scientific procedures performed by the approved principal laboratory to determine the presence and relative concentration of specified contaminants in water samples submitted by public water suppliers; and

(4) Safe drinking water shall mean water for human consumption which meets the standards set forth by the Nebraska Safe Drinking Water Act and rules and regulations promulgated thereunder.

Sec. 7. There is hereby created the Drinking Water Source Quality Fund. The fund shall consist of all fees credited to the fund pursuant to the Drinking Water Source Quality Act, any additional money appropriated to the fund by the Legislature, and any gifts, bequests, or other contributions received for credit to the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 8. (1) Subject to subsection (2) of this section, the Drinking Water Source Quality Fund shall be made available to the Department of Health for the administration of the Nebraska Safe Drinking Water Act. The money shall be used to subsidize the cost of drinking water tests which are required by the act and the rules and regulations promulgated thereunder which are performed by the approved principal laboratory. The purpose of such subsidizing is to provide such tests for modest fees to public water suppliers. If the funds available are not sufficient to so subsidize all drinking water testing, then the subsidy shall apply first to the most costly tests, especially the tests for synthetic organic compounds followed in descending order of cost by the other tests. The results of all drinking water testing shall be tabulated by the testing agency as a water source quality data base indexed by geographical location, contaminants found, and such other attributes as may be expedient and desirable, with such information to be available to other agencies, organizations, and individuals to whom the information may be helpful for information, education, research, and planning.

(2) Commencing two years after January 1, 1994, money from the fund shall not be made available for use under this section unless the department has prepared and submitted to the Natural Resources Committee of the Legislature written annual reports which outline the actual and planned uses or obligations of money from the fund during both the immediately preceding fiscal year and the forthcoming fiscal year and

evaluate the success of efforts undertaken by use of the money.".

2. Correct the operative date and repealer provisions so that sections 1 and 4 to 8 added by this amendment become operative on their effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

STANDING COMMITTEE REPORT
Education

The Committee on Education desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Allen J. Johnson - Coordinating Commission on Postsecondary Education

VOTE: Aye: Senators Withem, Bohlke, Janssen, Wickersham, and Rasmussen. Nay: None. Absent: Senators Beutler, McKenzie, and Warner.

(Signed) Ron Withem, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 98. Placed on Select File as amended.
E & R amendment to LB 98:
AM5532

1. On page 1, strike beginning with the first semicolon in line 3 through the semicolon in line 5 and insert ", section 77-2702.03, Revised Statutes Supplement, 1992, as amended by section 23, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, and section 77-2701, Revised Statutes Supplement, 1992, as amended by section 22, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, and section 69, Legislative Bill 138, Ninety-third Legislature, First Session, 1993; to define a term; to impose sales and use taxes on beverages; to provide exceptions; to harmonize provisions;".

LEGISLATIVE BILL 658. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5534.)

LEGISLATIVE BILL 330. Placed on Select File as amended.
E & R amendment to LB 330:

AM5533

1. In the Standing Committee amendments, AM1705:

a. On page 4, line 25, after "Funds" insert "for FY1994-95";

b. On page 5, line 9, after "Fund" insert "for FY1994-95";

c. On page 10, line 24, strike "LB 831" and insert "LB 843";

d. On page 11, line 26, after "Education" insert a comma;

e. On page 12, line 23, strike "Resource" and insert "Resources";

f. On page 20, line 15, strike "570" and insert "578"; and

g. On page 22, lines 18 and 23, strike "is directed to" and insert "shall".

2. On page 1, strike beginning with the second "to" in line 4 through the semicolon in line 5.

LEGISLATIVE BILL 627A. Placed on Select File.

(Signed) Kurt A. Hohenstein, Chairperson

SELECT FILE

LEGISLATIVE BILL 541. The Appropriations Committee renewed its pending amendment, AM2227, found in the Journal on page 2369.

The Appropriations Committee amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Messrs. Moore and Wehrbein renewed their pending amendment, AM2232, found in the Journal on page 2374.

The Moore-Wehrbein amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

The Appropriation Committee renewed its pending amendment, AM2229, found in the Journal on page 2377.

Mr. Moore moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Appropriations Committee amendment was adopted with 25 ayes, 2 nays, 15 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Withem offered the following amendment:

(Amendment on file in the Clerk's Office - Room 2018 - AM2254.)

Mr. Withem passed over AM2254.

Messrs. Bromm and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Moore offered the following amendment:
AM2303

(Amendments to Standing Committee amendments, AM1691)

1. On page 8, after line 4 insert:

"It is the intent of the Legislature that personnel furnished to the Governor's Policy Research Office under the provisions of subsection (3) of section 84-133 shall lose no rights or obligations accrued as an employee of an agency covered by the State Personnel System prior to reassignment to the Governor's Policy Research Office, unless agreed to in writing.".

The Moore amendment was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Mr. Warner offered the following amendment:
AM2321

(Amendments to Standing Committee amendments, AM1691)

1. On page 25, strike line 9 and insert
"CASH FUND 2,229,429 2,021,214"
and strike line 10 and insert
"PROGRAM TOTAL 2,229,429 2,021,214".

2. On page 27, after line 17 insert the following:
"REVOLVING FUND 30,000 30,000"
in line 18 strike "1,137,044 1,142,446" and insert "1,167,044 1,172,446"; and in line 19 strike both occurrences of "655,911" and insert "677,298".

3. On page 156, line 6, strike "1,428,729" and insert "1,646,262"; and in line 24, strike "and".

4. On page 157, line 1, after "amounts" insert "; and

(v) Upon verification by the State Treasurer that a contract has been signed between the Department of Agriculture and the Department of Revenue to seal fuel dispensing devices and report totalizer readings, the State Treasurer shall transfer $30,000 from the Highway Trust Fund (6124) to the Motor Fuel Tax Enforcement and Collection Cash Fund (2170)".

5. On page 160, line 3, strike "and"; and in line 7 after "amounts" insert "; and

(w) Upon verification by the State Treasurer that a contract has been signed between the Department of Agriculture and the Department of Revenue to seal fuel dispensing devices

and report totalizer readings, the State Treasurer shall transfer $30,000 from the Highway Trust Fund (6124) to the Motor Fuel Tax Enforcement and Collection Cash Fund (2170)".

6. On page 167, strike line 9 and insert

"CASH FUND 4,242,834 4,039,553"

strike line 11 and insert

"AGENCY TOTAL 53,685,054 55,011,297"

strike line 26 and insert

"REVOLVING FUND 447,068 452,460"

and strike line 27 and insert

"AGENCY TOTAL 10,967,264 11,085,859".

7. On page 168, strike line 1 and insert

"SALARY LIMIT 5,715,734 5,715,734".

The Warner amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Chambers offered the following amendment:

AM2327

(Amendments to Standing Committee amendments, AM1691)

PURPOSE: Add $38,000 General Funds for the multicultural education program in the State Department of Education.

1. On page 21, strike line 15 and insert:

"GENERAL FUND 108,836,342 120,445,876"

and strike line 18 and insert:

"PROGRAM TOTAL 220,625,610 237,592,918".

2. On page 166, strike line 15 and insert:

"GENERAL FUND 508,190,531 534,732,204"

and strike line 19 and insert:

"AGENCY TOTAL 637,978,951 669,462,028".

Messrs. Cudaback and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mrs. Witek requested a roll call vote on the Chambers amendment.

Voting in the affirmative, 21:

Abboud	Crosby	Landis	Preister	Warner
Ashford	Day	Lindsay	Rasmussen	Wesely
Baack	Hall	Lynch	Robak	Will
Byars	Hartnett	McKenzie	Schimek	Withem
Chambers				

Voting in the negative, 10:

Avery	Hillman	Moore	Robinson	Schmitt
Fisher	Jones	Pirsch	Schellpeper	Witek

Present and not voting, 10:

Bernard-Stevens	Coordsen	Haberman	Janssen	Wehrbein
Bohlke	Elmer	Hohenstein	Pedersen	Wickersham

Excused and not voting, 8:

Beutler	Cudaback	Horgan	Kristensen	Vrtiska
Bromm	Dierks	Hudkins		

The Chambers amendment lost with 21 ayes, 10 nays, 10 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Hall asked unanimous consent to be excused. No objections. So ordered.

Mr. Pedersen and Mrs. Pirsch withdrew their pending amendment, AM2191, found in the Journal on page 2340.

Mr. Moore withdrew the Moore et al. pending amendment, AM2136, found in the Journal on page 2229.

Mr. Wesely offered the following amendment:
AM2359

(Amendments to Standing Committee amendments, AM1691)

PURPOSE: The purpose of this amendment is to increase the cash fund authorization of the Nebraska State Board of Public Accountancy to pay for costs of legal counsel required by the agency. The Attorney General has authorized the agency to use outside counsel because services are no longer readily available by the Attorney General. This amendment increases the cash appropriation by $15,385 each year.

1. On page 102, lines 16 and 17, strike "337,629 341,189" and insert "353,014 356,574"; and after line 23 insert the following new paragraph:

"It is the intent of the Legislature that no more than $15,385 shall be spent in FY1993-94 and FY1994-95 to contract with private attorneys for the provision of legal services. It is the further intent of the Legislature that the agency shall not pay more than one hundred dollars per hour for such contracted legal services.".

2. On page 178, lines 12 and 13, strike "337,629 341,189" and insert "353,014 356,574".

The Wesely amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 430, 516, 587, 598, 627, 697, and 739.

Enrollment and Review Change to LB 516

The following changes, required to be reported for publication in the Journal, have been made:
ER7291

1. In the E & R amendment, AM5499:

a. On page 1, line 21, "five" has been struck and "fire" inserted; and in line 24 "fire" has been inserted after "suburban"; and

b. On page 6, line 18, "to change duties of the Auditor of Public Accounts;" has been inserted after the semicolon.

Enrollment and Review Change to LB 587

The following changes, required to be reported for publication in the Journal, have been made:
ER7278

1. The following new section has been inserted:

"Sec. 20. That section 77-2701, Revised Statutes Supplement, 1992, as amended by section 22, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, and section 69, Legislative Bill 138, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

77-2701. Sections 77-2701 to 77-27,135 and sections 24, 25, and 34 of this act and section 70 of this act and section 21 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967.".

2. In the Beutler amendment, AM2125:

a. Sections 11 and 12 have been renumbered as sections 21 and 10, respectively; and

b. On page 1, line 18, "11" has been struck and "21" inserted.

3. In the Will amendment, AM1934:

a. Section 15 has been renumbered as section 17; and

b. On page 1, line 19, "the" has been inserted after the first comma and "and" has been inserted after the second comma.

4. In the Baack amendment, AM1715:

a. Section 15 has been renumbered as section 16; and

b. On page 1, line 9, "(a)" has been struck and shown as stricken; and in line 10 "(a)" has been inserted after "opposing".

5. On page 1, the matter beginning with "elections" in line 1 through line 15 has been struck and "campaign finance; to amend sections 49-1446, 49-1455, 49-1459, 49-1462, 49-1464, 49-1469, 49-14,122, and 49-14,129, Reissue Revised Statutes of Nebraska, 1943, sections 32-1601, 32-1603, 32-1604, 32-1606, 32-1608, and 32-1610, Revised Statutes Supplement, 1992, section 32-1607, Revised Statutes Supplement, 1992, as amended by section 3, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, and section 77-2701, Revised Statutes Supplement, 1992, as amended by section 22, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, and section 69, Legislative Bill 138, Ninety-third Legislature, First Session, 1993; to define a term; to provide additional spending limitations and filing requirements for affidavits as to expenditures under the Campaign Finance Limitation Act; to change provisions relating to keeping public funds in separate accounts; to require reporting of expenditures of public funds as prescribed; to change and provide penalties relating to exceeding the spending limitation under the act; to change provisions relating to prohibited political contributions; to require a candidate to keep records as prescribed; to" inserted.

6. On page 2, line 3, "to authorize contributions from income tax refunds to the Campaign Finance Limitation Cash Fund;" has been inserted after the first semicolon.

7. On page 3, line 3, "9" and all amendments thereto have been struck and "9 and 11" inserted.

8. On page 6, lines 23 and 24; and page 9, lines 1 and 2, "Nebraska Accountability and Disclosure Commission" has been struck and "commission" inserted.

9. On page 15, line 17, "work" has been struck and "works" inserted; in line 26 "49-1469," has been inserted before "49-14,122"; and in line 28 "and" has been struck.

10. On page 16, line 3, ", and section 77-2701, Revised Statutes Supplement, 1992, as amended by section 22, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, and section 69, Legislative Bill 138, Ninety-third Legislature, First Session, 1993" has been inserted after "1992".

11. The remaining sections have been renumbered accordingly.

Enrollment and Review Change to LB 627

The following changes, required to be reported for publication in the Journal, have been made:

ER7280

1. In the Ashford amendment, AM1796:

a. On page 1, line 2, an underscored comma has been inserted after "violence"; and in line 10 "line 9" has been struck and "lines 6 and 9" inserted; and

b. On page 2, line 21, "the second" has been inserted after "through".

2. In lieu of the Lindsay et al. amendment, AM1896, the Witek amendment, FA132, has been struck and in the E & R amendment, AM5453:

a. Section 1 has been struck and the following sections inserted:

"Section 1. That section 29-2204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2204. (1) Except as provided in subsection ~~(2)~~ (3) of this section, in all cases when any person is convicted of any offense by this code declared criminal and made punishable by imprisonment in the Department of Correctional Services adult correctional facility, the court shall declare in its sentence for what period of time, within the respective periods prescribed by law, such convict shall be imprisoned at hard labor in the Department of Correctional Services adult correctional facility and shall determine and declare in its sentence whether any such convict shall be kept in solitary confinement in the cells of the Department of Correctional Services adult correctional facility, without labor, and, if so, for what period of time.

(2)(a) Commencing July 1, 1996, when the court is of the opinion that imprisonment may be appropriate, but that a brief and intensive period of incarceration may serve the interests of society by promoting the rehabilitation of the offender and by deterring the offender from engaging in further criminal activity, the court may commit an offender to the Department of Correctional Services for a period not exceeding one hundred eighty days for placement in a regimented inmate discipline unit followed by one year of intense parole supervision. The court may consider such commitment if the offender (i) has been found guilty of a nonviolent crime, (ii) is seventeen years of age or older but younger than twenty-five years and has no physical or mental handicap that precludes strenuous physical activity, and (iii) has never before been sentenced to a period of incarceration for a felony offense in this or any other state or federal jurisdiction.

(b) Upon successful completion of the term of commitment, the offender shall be placed under the jurisdiction of the Board of Parole for a period of one year. All provisions of Chapter 83, article 1, relating to parole, except eligibility for parole, shall apply to the offender. If the parole of the offender is revoked, the offender shall be returned to the sentencing court for resentencing on the original conviction.

(c) If the offender for any reason fails to complete the program of regimented inmate discipline, the offender shall immediately be returned to the sentencing court for resentencing on the original conviction. Credit shall be given for time actually served in the program.

(d) All costs incurred during the period the offender is held in a regimented inmate discipline unit shall be the responsibility of the state, and the county shall be liable only for the cost of returning him

or her to the appropriate court for resentencing or such other disposition as the court may then deem appropriate.

(3) Whenever the defendant was under eighteen years of age at the time he or she committed the crime for which he or she was convicted, the court may in its discretion, instead of imposing the penalty provided for the crime, make such disposition of the defendant as the court deems proper under the Nebraska Juvenile Code.

Sec. 23. (1) There is hereby established a task force consisting of the following members:

(a) The chairpersons of the Appropriations Committee and the Judiciary Committee of the Legislature;

(b) Two members of the Legislature appointed by the chairperson of the Executive Board of the Legislative Council in addition to the chairpersons listed in subdivision (a) of this subsection;

(c) The Director of Correctional Services or his or her designee;

(d) The Attorney General or his or her designee;

(e) The chairperson of the Board of Parole; and

(f) The members appointed by the Governor under subsection (2) of this section.

(2) The task force shall include the following members appointed by the Governor:

(a) One member of the Crime Victim's Reparations Committee;

(b) One judge of the district court;

(c) One county attorney or former county attorney;

(d) One public defender or one former public defender; and

(e) One probation officer.

(3) The chairperson of the Judiciary Committee of the Legislature shall be the chairperson of the task force. Members of the task force shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as provided in sections 81-1174 to 81-1177. Members described in subsection (2) of this section shall be appointed by the Governor within thirty days after the operative date of this section. The task force shall cease to exist on December 31, 1994.

(4) The task force shall investigate the impact on crime rates and prison populations and the fiscal requirements to carry out the policies proposed in Legislative Bill 627 as introduced in the Ninety-third Legislature, First Session, 1993, and the report of the Governor's Task Force on Prison Alternatives and the recommendations contained in the report. The investigation shall include, but not be limited to, an assessment of mandatory minimum sentencing, drug-free zones, boot camps, elimination of probation and parole, and the increase of penalties for certain crimes. The task force shall also review the recommendations of the Governor's Task Force on Prison Alternatives, including the role of community corrections, intensive probation, and parole and increased availability of education and treatment.

Sec. 24. Sections 1 to 22 and 26 of this act shall become operative three calendar months after the adjournment of this legislative session. The other sections of this act shall become operative on their effective date.

Sec. 27. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.";

b. On page 8, line 1, "(3)" has been struck and "(2)" inserted;

c. On page 21, lines 16 and 17; and page 22, lines 3 and 4, ", 28-436, and 83-1,105" has been struck and "and 28-436" inserted; and

d. The remaining sections have been renumbered accordingly.

3. In the Abboud amendment, AM1375, on page 1, lines 8 and 9 "the" has been inserted after the comma; and in line 19 the second "line 9" has been struck and "lines 9 and 24" inserted.

4. In the E & R amendment, AM5453:

a. On page 10, line 22, "or" has been struck and an underscored comma inserted;

b. On page 16, line 1, "of the affected probation district" has been inserted before "and";

c. On page 21, line 23 has been struck; in line 24 "sentencing;" has been struck; in line 25 "to provide for review of the operation of the units as prescribed;" has been inserted after the semicolon; and in line 26 "to create a task force; to provide for an investigation;" has been inserted after the semicolon; and

d. On page 22, line 2, "to provide operative dates;" has been inserted after the first semicolon and "and" has been struck; and in line 4 "; and to declare an emergency" has been inserted after "1943".

Enrollment and Review Change to LB 697

The following changes, required to be reported for publication in the Journal, have been made:

ER7277

1. In the Lynch amendment, AM2145, amendment 2 has been struck.

2. In the Schimek amendment, AM1794, section 8 has been renumbered as section 7.

3. In the Schimek amendment, AM1795, on page 1, line 4, the stricken matter has been reinstated and the new matter has been struck.

4. In the E & R amendment, AM5481:

a. Section 8 and all amendments thereto have been struck and the following new sections inserted:

"Sec. 8. Sections 2 and 9 of this act shall become operative on July 1, 1993. The other sections of this act shall become operative on their effective date.

Sec. 9. That original section 81-1176, Revised Statutes Supplement, 1992, is repealed.

Sec. 10. That original sections 23-1112, 81-1323, and 81-1328, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1317 and 81-1317.01, Revised Statutes Supplement, 1992, are repealed."; and

b. The remaining section has been renumbered accordingly.

5. On page 1, the matter beginning with "state" in line 1 through line 15 and all amendments thereto have been struck and "public

officers and employees; to amend sections 23-1112, 81-1323, and 81-1328, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1176, 81-1317, and 81-1317.01, Revised Statutes Supplement, 1992; to change reimbursement provisions for mileage traveled by county and state officers and employees; to authorize adjustments to terms and conditions of employment; to clarify the balancing date for certain accounts; to provide for leave for certain state employees for participation in specialized disaster relief services in Nebraska; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

Enrollment and Review Change to LB 739

The following changes, required to be reported for publication in the Journal, have been made:
ER7276

1. In lieu of the Wickersham amendment, FA181, in the Beutler amendment, AM1971, on page 3, the matter beginning with "Nebraska's" in line 9 through "for" in line 10 has been struck and "Nebraska is indemnified in a manner satisfactory to the Game and Parks Commission against" inserted.

2. In the Beutler amendment, AM1971:

a. On page 1, line 23, "the" has been inserted after "for";

b. On page 2, line 27, "communication" has been struck and "communications" inserted; and

c. On page 3, line 12, the comma has been struck; and in line 14 "line 17" has been struck and "lines 17 and 28" inserted.

3. On page 1, the matter beginning with the second "to" in line 1 through line 7 has been struck and "to state intent; to provide powers and duties for the commission relating to recreational trails; and to create a fund." inserted.

4. On page 2, line 26, "as provided in" has been struck and "pursuant to" inserted.

(Signed) Kurt Hohenstein, Chairperson

SELECT FILE

LEGISLATIVE BILL 50. E & R amendment, AM5516, found in the Journal on page 2199, was adopted.

Ms. Schimek renewed her pending amendment, AM2167, found in the Journal on page 2297.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

The Schimek amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 321. E & R amendment, AM5517, found in the Journal on page 2199, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 323. Advanced to E & R for engrossment.

LEGISLATIVE BILL 543. E & R amendment, AM5518, printed separately from the Journal and referred to on page 2200, was adopted.

Mr. Moore renewed his pending amendment, AM2253, found in the Journal on page 2371.

Mr. Kristensen offered the following amendment to the Moore pending amendment:
FA255
Amend LB 543 AM2253 on page 4 strike on line 11 the sentence that begins "All fees shall . . ."

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BAACK PRESIDING

Mr. Kristensen withdrew his amendment.

Mr. Kristensen offered the following amendment to the Moore pending amendment:
FA256
Amend the Moore Amendment, AM2253 as follows:
On pg 4, line 12 strike "including" through the word "investment" on line 13.

The Kristensen amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

The Moore amendment, as amended, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 670. E & R amendment, AM5520, found in the Journal on page 2200, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 657. E & R amendment, AM5222, found in the Journal on page 2244, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 838. Advanced to E & R for engrossment.
LEGISLATIVE BILL 839. Advanced to E & R for engrossment.

LEGISLATIVE BILL 840. E & R amendment, AM5526, found in the Journal on page 2245, was adopted.

Mr. Wesely offered the following amendment:
AM2134

1. On page 2, strike beginning with "Department" in line 22 through line 25, show as stricken, and insert "General Fund.".

2. In AM2020, on page 1, line 7, after the semicolon insert "and"; and strike beginning with the semicolon in line 8 through the last quotation mark in line 9.

The Wesely amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 842. Advanced to E & R for engrossment.
LEGISLATIVE BILL 843. Advanced to E & R for engrossment.

LEGISLATIVE BILL 491. E & R amendment, AM5524, printed separately from the Journal and referred to on page 2321, was adopted.

Messrs. Chambers, Horgan, and Ms. Schimek renewed their pending amendment, FA213, found in the Journal on page 2130.

Mr. Chambers withdrew the Chambers et al. amendment.

Mrs. Hillman, Messrs. Chambers, and Moore offered the following amendment:
AM2363

(Amendments to E & R amendment, AM5524)

1. On page 10, line 6, strike "thirty-three" and insert "thirty"; in line 7 strike "seventy-five" and insert "fifty"; and in line 11 strike "thirty-three" and insert "thirty".

The Hillman et al. amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Chambers offered the following amendment:
FA257
Strike sections 1, 10, 13, 15

Mr. Chambers withdrew his amendment.

Messrs. Moore and Chambers offered the following amendment:
FA258
Amendment to AM0788
On page 2, line 16 strike 50 and insert 45.
On page 13, line 11 strike the first "50" and insert "45"
On page 16, line 23, strike "50" and insert "45"
On page 20, line 14, strike "50" and insert "45".

The Moore-Chambers amendment was adopted with 25 ayes, 6 nays, 12 present and not voting, and 6 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 840A in the Journal. No objections. So ordered.

AM2323

1. On page 2, lines 2 and 3, strike "Department of Health Cash" and insert "General".

Mr. Wesely asked unanimous consent to print the following amendment to LB 808 in the Journal. No objections. So ordered.

AM2319

(Amendments to E & R amendment, AM5506)

1. On page 2, lines 16 and 17, strike "health care provider" and insert "vendor"; and after line 18 insert:

"(5) No vendor shall advertise or promote through newspapers, magazines, circulars, direct mail, directories, radio, television, or otherwise that such vendor will waive the collection of all or any portion of any copayment or deductible established pursuant to subsection (4) of this section.".

Mr. Warner asked unanimous consent to print the following amendment to LB 440 in the Journal. No objections. So ordered.

AM2346

1. Insert the following new sections:

"Sec. 15. That section 66-731, Revised Statutes Supplement, 1992, be amended to read as follows:

66-731. (1) The department shall develop, implement, and maintain a computer system for the automated recording and analysis of the motor vehicle fuel tax, the special fuel tax, and related information. The system shall be capable of directly accepting and recording data filed by magnetic media.

(2) The department shall develop, implement, and maintain a shared data base for motor fuel use, tax collection, and related information with the Department of Agriculture, the State Fire Marshal, and the Nebraska State Patrol. The information shall be made available to these agencies and to any other state, federal, or local agency with a valid need for the information as determined by the Department of Revenue.

(3) The department shall compile for each month a summary report on the motor fuel tax receipts from taxable gallons of motor fuel. The report shall separately total the amounts for the different types of motor fuel, which different types shall be at least motor vehicle fuel, special fuel, gasohol, and, in the aggregate, other types of motor fuel not separately totaled. The report for each month shall be prepared by the end of the following month and distributed to the Legislative Fiscal Analyst, budget division of the Department of Administrative Services, Department of Roads, and any other person or entity upon request. The Department of Revenue shall provide to the Department of Roads such other motor fuel reports or information and in such format as may be agreed upon by the departments.

Sec. 16. That section 66-738, Revised Statutes Supplement, 1992, be amended to read as follows:

66-738. The Motor Fuel Tax Enforcement and Collection Division is hereby created within the Department of Revenue. The division shall be funded by a separate appropriation program within the department. All provisions of Chapter 66, articles 4, 5, 6, 12, and 14, and sections 66-712 to 66-737 and the provisions of Chapter 3, article 1, and Chapter 66, article 15, pertaining to the Department of Revenue, the Tax Commissioner, or the division shall be entirely and separately undertaken and enforced by the division, except that the division may utilize services provided by other programs of the Department of Revenue in functional areas known on July 1, 1991, as the budget subprograms designated revenue operations and administration. Appropriations for the division that are used to fund costs allocated for such functional operations shall be expended by the division in an appropriate pro rata share and shall be

subject to biennial audit by the State Auditor, which audit shall be provided to the budget division of the Department of Administrative Services and the Legislative Fiscal Analyst by October 1 of each even-numbered year. Audit information useful to other divisions of the Department of Revenue may be shared by the Motor Fuel Tax Enforcement and Collection Division with the other divisions, but audits shall not be considered as a functional operation for purposes of this section. Except for staff performing in functional areas, staff funded from the separate appropriation program shall only be utilized to carry out the provisions of such articles and sections. The auditors and field investigators in the division shall be adequately trained for the purposes of motor fuel tax enforcement and collection. The Tax Commissioner shall hire for or assign to the division sufficient staff to carry out the responsibility of the division for the enforcement of the motor fuel laws.

Funds appropriated to the division may also be used to contract with the Department of Agriculture to aid in enforcing section 66-715, and such contracted funds shall only be used for such purpose. The amount of any contracts entered into pursuant to this section shall be appropriated and accounted for in a separate budget subprogram of the division.

Funds appropriated to the division may also be used to contract with the Nebraska State Patrol to aid in the issuance of motor fuel delivery permit numbers as provided in subsection (2) of section 66-503, and such contracted funds shall only be used for such purpose. The amount of any contracts entered into pursuant to this section shall be appropriated and accounted for in a separate budget subprogram of the division.

Sec. 19. Sections 16, 17, and 20 of this act shall become operative on July 1, 1993. This section and section 15, 22, and 23 of this act shall become operative on their effective date. The other sections of this act shall become operative on January 1, 1994.

Sec. 22. That original section 66-731, Revised Statutes Supplement, 1992, is repealed.".

2. In AM0194:

a. Strike section 17 and all amendments thereto; and

b. On page 1, line 8, strike "section" and insert "sections 66-738 and"; and in line 9 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Ms. Day and Mr. Vrtiska asked unanimous consent to print the following amendment to LB 804 in the Journal. No objections. So ordered.

AM2325

(Amendments to E & R amendment, AM5510)

1. Insert the following new section:

"Sec. 6. (1) The Department of Social Services shall establish a statewide toll-free number to be used by any person to make reports of suspected fraudulent use of the medical assistance program.

(2) The department shall publish the toll-free number and take necessary action to oversee its utilization.

(3) The Director of Social Services shall report to the Legislature no later than December 1 of each year. The report shall include the number of calls to the toll-free number, the types of allegations made, the number of complaints investigated by the department, the number of referrals made by the department to law enforcement agencies, the number of prosecutions by county attorneys and the Attorney General, the ultimate disposition of investigated complaints, and an estimate of the fiscal impact of the savings and costs involved.".

2. Renumber the remaining sections accordingly.

Mr. Abboud asked unanimous consent to print the following amendment to LB 757 in the Journal. No objections. So ordered.

AM2275

1. Insert the following new section:

"Sec. 23. That section 48-163, Revised Statutes Supplement, 1992, be amended to read as follows:

48-163. (1) The Nebraska Workers' Compensation Court, by a majority vote of the judges thereof, may adopt and promulgate all reasonable rules and regulations necessary for carrying out the intent and purpose of the Nebraska Workers' Compensation Act and shall administer and enforce all of the provisions of such act, except such as are committed to the Supreme Court.

(2) No rule or regulation to carry out the act shall be adopted and promulgated except after public hearing conducted by a quorum of the compensation court on the question of adopting and promulgating such rule or regulation. Notice of such hearing shall be given at least thirty days prior thereto by publication in a newspaper having general circulation in the state. Draft copies of all such rules and regulations shall be available to the public at the compensation court at the time of giving notice. The compensation court shall establish and maintain a list of subscribers who wish to receive notice of public hearing on the question of adopting and promulgating any rule or regulation and shall provide notice to subscribers at a cost

to be assessed against each subscriber.

(3) The compensation court or any judge thereof may, upon the motion of either party or upon its or his or her own motion, require the production of any books, papers, payrolls, medical reports, X-rays, photographs or plates, or any facts or matters which may be necessary to assist in a determination of the rights of either party in any matter pending before such compensation court or any judge thereof.

(4) The court may expedite the hearing of a disputed case when there is an emergency.".

2. On page 6, line 1, after "(2)" insert "(a)"; in line 12 strike the last "the" and insert "such"; in line 16 strike beginning with "from" through "state"; and in line 20 after the period insert "The employee or employer may not change the initial selection of physician made pursuant to this subsection unless such change is agreed to by the employee and employer or is ordered by the compensation court pursuant to subsection (6) of this section. If at any time compensability is denied, the employee shall have the right to select a physician and the employer shall be liable for medical, surgical, and hospital services subsequently found to be compensable.".

3. On page 7, line 1, before "In" insert paragraphing and "(b)"; in line 4 before "If" insert paragraphing and "(c)"; in line 11 before "If" insert "(d)"; in line 16 before "The" insert paragraphing and "(e)"; and in line 19 before "The" insert "(f)".

4. On page 35, line 9, after "perform" insert "suitable".

5. Renumber the remaining sections, correct internal references accordingly, and amend the operative date and repealer sections so that section 23 added by this amendment becomes operative on January 1, 1994.

6. In AM1188, on page 3, strike beginning with "If" in line 4 through line 7.

SELECT FILE

LEGISLATIVE BILL 491. Messrs. Moore and Chambers offered the following amendment:
FA259

On page 2, line 13 strike "100" and insert "95"
On page 13, lines 8 and 9 strike 100 and insert "95"
On page 16, line 20 strike "100" and insert "95"
On page 20, line 10 strike 100 and insert "95"

The Moore-Chambers amendment was adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

PRESIDENT MOUL PRESIDING

Mr. Hohenstein offered the following amendment:
FA260
Strike language in §60-412 "one dollar and seventy-five cents", and insert "two dollars";

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mr. Chambers requested a record vote on the Hohenstein amendment.

Voting in the affirmative, 15:

Ashford	Byars	Hartnett	Preister	Schellpeper
Avery	Chambers	Hohenstein	Rasmussen	Schmitt
Baack	Elmer	Lindsay	Robak	Wesely

Voting in the negative, 21:

Abboud	Cudaback	Kristensen	Moore	Warner
Bernard-Stevens	Day	Landis	Pirsch	Wehrbein
Bohlke	Haberman	Lynch	Robinson	Wickersham
Coordsen	Hillman	McKenzie	Schimek	Witek
	Janssen			

Present and not voting, 7:

Crosby	Fisher	Pedersen	Vrtiska	Withem
Dierks	Jones			

Excused and not voting, 6:

Beutler	Hall	Horgan	Hudkins	Will
Bromm				

The Hohenstein amendment lost with 15 ayes, 21 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 491A. Mr. Moore and Mrs. Hillman offered the following amendment:
AM2354
1. Insert the following new sections:
"Sec. 5. There is hereby appropriated $6,750 from the Department of Motor Vehicles Computerization and Operations Fund for FY1993-94 to the Department of Motor Vehicles, for Program 70, to aid in carrying out the

provisions of Legislative Bill 491, Ninety-third Legislature, First Session, 1993.

Sec. 6. (1) The total General Fund appropriation to the Department of Motor Vehicles for FY1993-94 in Legislative Bills 325A, 326, and 541, Ninety-third Legislature, First Session, 1993, for Program 32, is hereby reduced to $34,000 if Legislative Bill 491, Ninety-third Legislature, First Session, 1993, becomes law. The total General Fund appropriation to the Department of Motor Vehicles for FY1994-95 in Legislative Bills 325A, 326, and 541, Ninety-third Legislature, First Session, 1993, for Program 32, is hereby reduced to -0- if Legislative Bill 491, Ninety-third Legislature, First Session, 1993, becomes law.

(2) The total General Fund appropriation to the Department of Motor Vehicles for FY1993-94 in Legislative Bills 325A, 326, and 541, Ninety-third Legislature, First Session, 1993, for Program 70, is hereby reduced to $460,000 if Legislative Bill 491, Ninety-third Legislature, First Session, 1993, becomes law. The total General Fund appropriation to the Department of Motor Vehicles for FY1994-95 in Legislative Bills 325A, 326, and 541, Ninety-third Legislature, First Session, 1993, for Program 70, is hereby reduced to -0- if Legislative Bill 491, Ninety-third Legislature, First Session, 1993, becomes law.

(3) The total General Fund appropriation to the Department of Motor Vehicles for FY1993-94 in Legislative Bills 325A, 326, and 541, Ninety-third Legislature, First Session, 1993, for Program 644, is hereby reduced to $6,000 if Legislative Bill 491, Ninety-third Legislature, First Session, 1993, becomes law. The total General Fund appropriation to the Department of Motor Vehicles for FY1994-95 in Legislative Bills 325A, 326, and 541, Ninety-third Legislature, First Session, 1993, for Program 644, is hereby reduced to -0- if Legislative Bill 491, Ninety-third Legislature, First Session, 1993, becomes law.".

2. On page 3, line 22, strike "$250,000" and insert "$200,000".

3. Renumber the remaining section accordingly.

The Moore-Hillman amendment was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 832. E & R amendment, AM5529, found in the Journal on page 2365, was adopted.

Mr. Chambers withdrew his pending amendment, AM2032, found in the Journal on page 2143.

Messrs. Chambers and Avery offered the following amendment: (Amendment on file in the Clerk's Office - Room 2018 - AM2345.)

Mr. Avery offered the following amendment to the Chambers-Avery pending amendment:
AM2373

(Amendments to AM2345)

1. On page 2, line 27, strike "the total member" and insert "five percent of the monthly payroll of each future member who is a judge of the Supreme Court, a judge of the Court of Appeals, a judge of the district court, a judge of the separate juvenile court, a judge of the county court, a clerk magistrate of the county court who was an associate county judge and a member of the fund at the time of his or her appointment as a clerk magistrate, or a judge of the Nebraska Workers' Compensation Court".

2. On page 3, line 1, strike beginning with "contributions" through "month".

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?"

Mrs. Crosby moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

The Avery amendment lost with 8 ayes, 26 nays, 9 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Wesely and Mrs. McKenzie asked unanimous consent to be excused. No objections. So ordered.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the Chambers-Avery pending amendment:
FA262

Amend Chambers-Avery amendment (AM2345)

Page 1, sec. 1, reinstate stricken matter on lines 6 & 7; and on page 2, lines 2-9 reinstate the stricken matter. Strike sections 5 through 10 of AM2345.

On page 11, strike lines 2-8.

Mr. Withem asked unanimous consent to be excused. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Expedite LB 292 and LB 292A

Mrs. Crosby asked unanimous consent to expedite LB 292 and LB 292A. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 801 in the Journal. No objections. So ordered.

AM2171

1. Insert the following new sections:

"Sec. 5. The Department on Aging, through its care management units, shall coordinate with the Department of Social Services, the Department of Public Institutions, and other appropriate state agencies to establish a statewide project to prevent premature institutionalization of nursing facility applicants sixty-five years of age and older through preadmission screening. Such screenings shall be required for all applicants who will be eligible for medicaid within two years of application. The Department of Social Services shall use the preadmission screening services of the project.

Sec. 8. Section 5 of this act shall become operative July 1, 1995. The other sections of this act shall become operative on their effective date.".

2. In AM1367:

a. On page 1, line 14, after "facility" insert "medicaid-eligible"; and after line 23 insert the following new paragraph:

"This section shall terminate on June 30, 1995."; and

b. On page 2, lines 17 and 27, strike "6" and insert "7".

3. Renumber the remaining sections accordingly.

Mr. Lynch asked unanimous consent to print the following amendment to LB 330 in the Journal. No objections. So ordered.

AM2362

(Amendments to Standing Committee amendments, AM1705)

1. Insert the following new section:

"Sec. 16. AGENCY NO.13 -- STATE DEPARTMENT OF EDUCATION

There is hereby appropriated (1) $5,128,800 General

Funds for FY1993-94 and (2) $8,000,000 General Funds for FY1994-95 to the Educational Excellence Fund, which fund is hereby appropriated to the State Department of Education, for Program 25, for the Help Education Lead to Prosperity Act.

At the direction of the budget administrator of the Department of Administrative Services budget division, any funds appropriated to this program for general salary increases for teachers at schools operated by the Department of Correctional Services, the State Department of Education, the Department of Public Institutions, or the Department of Social Services, the Beatrice State Developmental Center, or the Lincoln Regional Center shall be administratively transferred to the state agency employing such teachers. The State Department of Education shall certify to the Department of Administrative Services budget division the appropriations to be transferred pursuant to this section. The expenditure limitation for permanent and temporary salaries and per diems shall be increased within the appropriate state agency program to allow for the expenditure for personal services.

The General Fund appropriation in this section for FY1993-94 is hereby reduced to -0- if Legislative Bill 98, Ninety-third Legislature, First Session, 1993, is not enacted into law. The General Fund appropriation in this section for FY1994-95 is hereby reduced to -0- if Legislative Bill 98, Ninety-third Legislature, First Session, 1993, is not enacted into law.".

2. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 26 fourth grade students and sponsor from Pawnee City Elementary.

The Doctor of the Day was Bill Doering from Franklin.

MOTION - Adjournment

Mr. Baack moved to adjourn until 9:00 a.m., Tuesday, May 25, 1993. The motion prevailed with 26 ayes, 8 nays, 6 present and not voting, and 9 excused and not voting, and at 9:06 p.m., the Legislature adjourned until 9:00 a.m., Tuesday, May 25, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTY-THIRD DAY - MAY 25, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

EIGHTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 25, 1993

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Patrick Burt, Bethany Lutheran Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Hudkins who was excused; and Messrs. Abboud, Bromm, Hall, Landis, Lindsay, Lynch, Robinson, Warner, Wehrbein, Will, Ms. Day, Mmes. McKenzie, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-second day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: 292.

Correctly Engrossed

The following bill was correctly engrossed: 292A.

(Signed) Kurt A. Hohenstein, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 253. Introduced by Abboud, 12.

WHEREAS, that the Millard South High School boys track team won their first boys state track title; and

WHEREAS, that the exciting victory came by defeating Kearney fifty-nine to fifty-two after rallying from a fifty-two to forty-three deficit before the last two events; and

WHEREAS, the Gregg McBride Award was presented to the team by the Omaha World-Herald as the boys grand champion of the Nebraska boys track meet.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Millard South boys track team and their coach, Max Kurz.

2. That a copy of this resolution be sent to Millard South High School on behalf of its boys track team and their coach.

Laid over.

LEGISLATIVE RESOLUTION 254. Introduced by Abboud, 12; Lindsay, 9; Ashford, 6.

WHEREAS, the Omaha Creighton Prep High School has won their third boys state soccer title in the last six years; and

WHEREAS, the team won the championship this season by defeating Omaha Burke 2 to 1 with the winning goal scored with only fifty-three seconds remaining in the game; and

WHEREAS, the team had an excellent 1993 season with an overall record of sixteen wins and two losses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Omaha Creighton Prep High School boys soccer team and their coach, Paul Bangura.

2. That a copy of this resolution be sent to Omaha Creighton Prep High School on behalf of the boys soccer team and their coach.

Laid over.

LEGISLATIVE RESOLUTION 255. Introduced by Abboud, 12.

WHEREAS, the Omaha Creighton Prep High School baseball team has won its fifth state baseball title; and

WHEREAS, that the team won the 1993 state championship by defeating Millard North 5 to 4 with a two run rally in the bottom of the last inning; and

WHEREAS, that the team had an excellent 1993 season of fourteen wins and only five losses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Omaha Creighton Prep High School baseball team and its coach, Mike Culver.

2. That a copy of this resolution be sent to Omaha Creighton Prep on behalf of its baseball team and their coach.

Laid over.

LEGISLATIVE RESOLUTION 256. Introduced by Abboud, 12.

WHEREAS, the Omaha Duchesne Academy of the Sacred Heart girls soccer team has won their third straight girls state soccer title by defeating Millard North by a score of three to nothing; and

WHEREAS, the Duchesne Academy girls soccer team finished the 1993 season with a record of sixteen wins and no losses and the school has a record now of fifty straight victories; and

WHEREAS, the team, led by Coach Dan Harvey, was ranked number one throughout the 1993 season; and

WHEREAS, seniors Kathy O'Brien, Kalan Malone, Kim Englebert, Kelly Comstock, and Jamie Smith have a sixty-five wins and three losses record for their high school soccer careers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature congratulate the Duchesne Academy girls soccer team, especially its seniors, and Coach Harvey on an outstanding 1993 season and on their outstanding soccer careers.

2. That a copy of this resolution be sent to Omaha Duchesne Academy on behalf of the coach and team.

Laid over.

LEGISLATIVE RESOLUTION 257. Introduced by Lindsay, 9; Ashford, 6.

WHEREAS, Duchesne Academy of the Sacred Heart has won the 1993 state championship in girls soccer; and

WHEREAS, this marks the third straight championship for the girls soccer team; and

WHEREAS, the Duchesne soccer team has won fifty matches in a row, a consecutive win streak which ranks fourth nationally; and

WHEREAS, the soccer team is rated eighteenth in the country; and

WHEREAS, the twenty-four members of this champion team have displayed the qualities of sportsmanship, tenacity, and athletic excellence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the team members, supporters, parents, and coaches of the Duchesne Academy soccer team.

2. That a copy of this resolution be forwarded to Coach Dan Harvey on behalf of his team.

Laid over.

REPORT

Received minutes from the Nebraska Department of Roads of the Board of Public Roads Classifications and Standards for April 1993.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 185 and LR 249.

RESOLUTIONS

LEGISLATIVE RESOLUTION 250. Read. Considered.

LR 250 was adopted with 21 ayes, 0 nays, and 28 not voting.

LEGISLATIVE RESOLUTION 251. Read. Considered.

LR 251 was adopted with 19 ayes, 0 nays, and 30 not voting.

LEGISLATIVE RESOLUTION 252. Read. Considered.

LR 252 was adopted with 25 ayes, 0 nays, and 24 not voting.

MOTION - Approve Appointment

Mr. Withem moved the adoption of the report of the Education Committee for the following Governor appointment found in the Journal on page 2404: Allen J. Johnson - Coordinating Commission on Postsecondary Education.

Voting in the affirmative, 26:

Avery	Day	Horgan	Moore	Schellpeper
Baack	Dierks	Janssen	Pedersen	Schmitt
Byars	Fisher	Jones	Pirsch	Vrtiska
Crosby	Hartnett	Kristensen	Preister	Wehrbein
Cudaback	Hohenstein	Landis	Rasmussen	Wesely

Withem

Voting in the negative, 0.

Present and not voting, 13:

Ashford	Beutler	Coordsen	Hillman	Wickersham
Bernard-Stevens	Bohlke	Elmer	Lynch	Witek
	Chambers	Haberman	Schimek	

Excused and not voting, 10:

Abboud	Hall	Lindsay	Robak	Warner
Bromm	Hudkins	McKenzie	Robinson	Will

The appointment was confirmed with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 110A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

MOTION - Return LB 536 to Select File

Mr. Wesely moved to return LB 536 to Select File for the following specific amendment:
AM2315

(Amendments to AM2051)

1. On page 7, strike beginning with "to" in line 9 through "child" in line 10 and insert ";
(20) Prescribing, administering, distributing, dispensing, giving, or selling any controlled substance or other drug recognized as dangerous or addictive to oneself or, except in the case of a medical emergency, to one's spouse or child"; and in line 12 strike "(20)" and insert "(21)".

The Wesely motion to return prevailed with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 536. The Wesely specific amendment, AM2315, found in this day's Journal, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 627A. Mr. Abboud offered the following amendment:
AM1907

1. Strike original section 1 and insert the following new section:

"Section 1. That Department of Correctional Services is hereby authorized to construct a regimented inmate discipline unit pursuant to Legislative Bill 627, Ninety-third Legislature, First Session, 1993. The total project cost shall not exceed $4,790,239. There is hereby appropriated (1) $200,000 from the State Building Fund for FY1993-94 for planning and programming, (2) $1,147,535 from the State Building Fund for FY1994-95 to initiate construction, and (3) $3,442,704 from the State Building Fund for FY1995-96 to complete construction.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

The Abboud amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 832. Mr. Chambers renewed his pending amendment, FA262, found in the Journal on page 2424, to the Chambers-Avery pending amendment, AM2345, on file in the Clerk's office and referred to on page 2424.

Messrs. Baack, Landis, and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his pending amendment, FA262.

Messrs. Chambers and Avery withdrew their pending amendment, AM2345.

Mr. Moore offered the following amendment:
AM2292

(Amendments to E & R amendments, AM5529)

1. On page 1, line 11, strike "two" and insert "four".

Mr. Lindsay offered the following amendment to the Moore pending amendment:
FA261

Amend the Moore amendment (AM2292) as follows: on line 2 strike "four" and insert "three"

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bromm moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Hohenstein asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lindsay moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Lindsay requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Abboud	Beutler	Fisher	Pedersen	Schmitt
Ashford	Chambers	Haberman	Pirsch	Wesely
Avery	Cudaback	Hartnett	Preister	Will
Baack	Elmer	Lindsay	Rasmussen	Withem

Voting in the negative, 24:

Bernard-Stevens	Coordsen	Horgan	Lynch	Vrtiska
	Crosby	Janssen	McKenzie	Warner
Bohlke	Day	Jones	Moore	Wehrbein
Bromm	Dierks	Kristensen	Robinson	Wickersham
Byars	Hillman	Landis	Schellpeper	Witek

Present and not voting, 1:

Schimek

Excused and not voting, 4:

Hall	Hohenstein	Hudkins	Robak

The Lindsay amendment lost with 20 ayes, 24 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to the Moore pending amendment:
FA263
Amend Moore amendment
Strike "four" and insert "two dollars fifty cents"

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chambers amendment lost with 6 ayes, 14 nays, 24 present and not voting, and 5 excused and not voting.

Mr. Chambers offered the following amendment to the Moore pending amendment:
FA264
Amend Moore amendment
Strike "four" and insert "two dollars seventy-five cents"

Messrs. Withem, Wesely, Lynch, and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment lost with 2 ayes, 11 nays, 28 present and not voting, and 8 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Dierks asked unanimous consent to print the following amendment to LB 330 in the Journal. No objections. So ordered.

AM2367
(Amendments to Standing Committee amendments, AM1705)
1. Insert the following new section:
"Sec. 23. AGENCY NO. 20 -- DEPARTMENT OF HEALTH
There is hereby appropriated (1) $60,000 from the General Fund for FY1993-94 and (2) $60,000 from the General Fund for FY1994-95 to the Department of Health, for Program 514.".
2. Renumber the remaining sections accordingly.

Mr. Pedersen asked unanimous consent to print the following amendment to LB 330 in the Journal. No objections. So ordered.

AM2190
(Amendments to Standing Committee amendments, AM1705)
1. Insert the following new section:
"Sec. 65. AGENCY NO. 78 -- NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE
There is hereby appropriated (1) $100,000 from the General Fund for FY1993-94 and (2) $100,000 from the General Fund for FY1994-95 to the Nebraska Commission on Law

Enforcement and Criminal Justice, for Program 201.".

2. Renumber the remaining sections accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 330 in the Journal. No objections. So ordered.

AM2379

(Amendments to Standing Committee amendments, AM1705)

1. Insert the following new section:

"Sec. 29. AGENCY NO. 26 -- DEPARTMENT OF SOCIAL SERVICES

There is hereby appropriated (1) $1,990,000 from the General Fund and $3,210,000 from Federal Funds for FY1993-94 and (2) $2,386,000 from the General Fund and $3,814,000 from Federal Funds for FY1994-95 to the Department of Social Services, for Program 348, to restore the medically needy caretaker relative program.".

2. Renumber the remaining sections accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 440A in the Journal. No objections. So ordered.

AM2384

1. Insert the following new sections:

"Sec. 2. Upon verification by the State Treasurer that a contract has been signed for FY1993-94 between the Department of Revenue and the Nebraska State Patrol to operate a twenty-four-hour communication system to issue motor fuel delivery permit numbers for motor fuel common carriers, the State Treasurer shall transfer $29,405 from the Highway Trust Fund to the Motor Fuel Tax Enforcement and Collection Cash Fund. Upon such transfer the cash fund appropriation to the Department of Revenue, Program 111, shall be increased by $29,405 for FY1993-94 to carry out the provisions of Legislative Bill 440, Ninety-third Legislature, First Session, 1993. Upon the transfer, the cash fund appropriation to the Nebraska State Patrol, Program 100, shall be increased by $29,405 for FY1993-94 to carry out the provisions of Legislative Bill 440, Ninety-third Legislature, First Session, 1993.

Sec. 3. Upon verification by the State Treasurer that a contract has been signed for FY1994-95 between the Department of Revenue and the Nebraska State Patrol to operate a twenty-four-hour communication system to issue motor fuel delivery permit numbers for motor fuel common carriers, the State Treasurer shall transfer $30,780 from the Highway Trust Fund to the Motor Fuel Tax Enforcement and Collection Cash Fund. Upon the transfer the cash fund appropriation to the Department of Revenue, Program 111, shall be increased by

$30,780 for FY1994-95 to carry out the provisions of Legislative Bill 440, Ninety-third Legislature, First Session, 1993. Upon the transfer, the cash fund appropriation to the Nebraska State Patrol, Program 100, shall be increased by $30,780 for FY1994-95 to carry out the provisions of Legislative Bill 440, Ninety-third Legislature, First Session, 1993.".

Mr. Will and Mrs. Rasmussen asked unanimous consent to print the following amendment to LB 816 in the Journal. No objections. So ordered.

AM2401

1. In the Standing Committee amendment, AM1366, on page 4, line 25, strike "and five" and insert "one representative of the home health care industry, and four".

2. In AM1847, on page 1, line 3, after the semicolon insert "and"; and strike beginning with the semicolon in line 4 through the quotation marks in line 8.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 325 and 325A.

(Signed) Kurt A. Hohenstein, Chairperson

SELECT FILE

LEGISLATIVE BILL 832. Mr. Chambers offered the following amendment to the Moore pending amendment:

FA265

Amend More amendment

Strike "four" and insert "three dollars ten cents"

Messrs. Pedersen, Beutler, and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 326, 327, and 328.

(Signed) Kurt A. Hohenstein, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 330 in the Journal. No objections. So ordered.

AM2396

(Amendments to Standing Committee amendments, AM1705)

1. Insert the following new section:

"Sec. 65. AGENCY NO. 72--DEPARTMENT OF ECONOMIC DEVELOPMENT

The appropriation to the Department of Economic Development, Agency No. 72, Program 600, is hereby reduced by $50,000 General Funds for FY1993-94 and the appropriation to the Department of Economic Development, Agency No. 72, Program 600, is hereby reduced by $50,000 General Funds for FY1994-95.".

2. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were Senator Hohenstein's son, Chad, and Dan Kincaid from Homer; 48 sixth grade students and sponsors from St. Isidores School, Columbus; 15 seventh and eighth grade students and sponsor from St. Paul's Lutheran School, Arlington; 18 sixth grade students and sponsor from St. Phillip Neri, Omaha; 21 eighth grade students and teacher from Arapahoe; 32 seventh grade students and sponsor from Omaha Christian; 52 fourth grade students and sponsors from Hitchcock Elementary, Millard; 50 fourth grade students and sponsor from Crestridge School, Omaha; Senator Coordsen's brother and sister-in-law, Bob and Gail Coordsen, from Gainesville, Florida; 45 fourth grade students and sponsors from Catlin School, Omaha; and Senator Pedersen's daughter, Megan, and Amanda Watson.

MOTION - Recess

Mr. Vrtiska moved to recess until 1:30 p.m. The motion prevailed with 14 ayes, 2 nays, and 33 not voting, and at 12:02 p.m., the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Hudkins who was excused; and Messrs. Abboud, Ashford, Beutler, Chambers,

Coordsen, Dierks, Landis, Lindsay, Robinson, Warner, Mmes. McKenzie, Pirsch, Rasmussen, and Ms. Day who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 330 in the Journal. No objections. So ordered.

AM2393

(Amendments to Standing Committee amendments, AM1705)

PURPOSE: To restore the other half of the 1.5% reduction in state aid for developmental disability programs for FY1993-94 and FY1994-95.

1. On page 7, lines 21 and 22 strike "$187,647" and insert "$375,294".

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 250, LR 251, and LR 252.

SELECT FILE

LEGISLATIVE BILL 841. Mr. Withem renewed his pending amendment, AM2137, found in the Journal on page 2228.

Mr. Withem withdrew his amendment.

Mr. Kristensen asked unanimous consent to replace his pending amendment, AM2150, found in the Journal on page 2234, with a substitute amendment. No objections. So ordered.

Mr. Kristensen withdrew his pending amendment, AM2150, found in the Journal on page 2234.

Mr. Kristensen and Mrs. Hillman offered the following substitute amendment:

AM2395

1. Insert the following new section:

"Sec. 3. (1) The Department of Motor Vehicles shall prepare and transmit to the Appropriations and Transportation Committees of the Legislature a report which shall:

(a) Designate those counties utilizing the department's computer system for the issuance and filing of certificates of title and the approximate percentage of the statewide total such certificates of title represent;

(b) Designate those counties utilizing the

department's computer system for the issuance and filing of registration certificates and the approximate percentage of the statewide total such registration certificates represent;

(c) Contain the most recent schedule maintained by the department showing the anticipated date of installation of the computer system for titling and registration purposes in those counties not yet participating;

(d) Show the department's estimated completion date when such computer system will be programmed, installed, and all necessary training in the operation of the system completed;

(e) Show the total amount of funds expended upon equipment, programming, installation, and training for the vehicle title and registration computer system; and

(f) Show the number of employees, including non-permanent employees, employed by the department for data entry purposes related to motor vehicle titles and registrations.

(2) The report required pursuant to subsection (1) of this section shall be provided on the effective date of this act and on January 1, 1994, July 1, 1994, January 1, 1995, and July 1, 1995.".

2. On page 2, line 6, after "(1)" insert "(a) The Department of Motor Vehicles in conjunction with the Department of Administrative Services and the counties shall develop an implementation plan to provide for adequate planning preceding a mandate for the implementation of the vehicle titling and registration component system of the statewide county automation project. The implementation plan shall include installation costs, training, and any other costs associated with the project.

(b) The Department of Motor Vehicles shall submit the implementation plan on or before December 1, 1993, to the Governor and the Clerk of the Legislature. Each member of the Legislature shall receive a copy of such report by making a request for it to the Director of Motor Vehicles or the Director of Administrative Services.

(c)"; and in line 8 strike "1995" and insert "1996".

3. On page 9, line 9, after "(1)" insert "(a) The Department of Motor Vehicles in conjunction with the Department of Administrative Services and the counties shall develop an implementation plan to provide for adequate planning preceding a mandate for the implementation of the vehicle titling and registration component system of the statewide county automation project. The implementation plan shall include installation costs, training, and any other costs associated with the project.

(b) The Department of Motor Vehicles shall submit the implementation plan on or before December 1, 1993, to the

Governor and the Clerk of the Legislature. Each member of the Legislature shall receive a copy of such report by making a request for it to the Director of Motor Vehicles or the Director of Administrative Services.

(c)"; and in line 12 strike "1995" and insert "1996".

4. Renumber the remaining sections accordingly.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Kristensen-Hillman amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Hall renewed his pending amendment, AM2153, found in the Journal on page 2290.

Mr. Hall withdrew his amendment.

Mrs. Crosby offered the following amendment:
AM2382

1. Insert the following new section:

"Sec. 4. In order to facilitate dissemination and use of county records in counties with a population in excess of two hundred thousand, custodians of the records in such counties may make them available to the public by alternative means such as photocopies, computer tapes, remote computer access, and other similar means. The additional costs of providing access to such county records by such alternative means may be recovered from the persons requesting access to the records. Such costs may include actual charges for the additional overhead, personnel costs, and capital expenditures necessary to provide access by such alternative means.".

Mr. Moore requested a ruling of the Chair on whether the Crosby amendment is germane to the bill.

The Chair ruled the Crosby amendment is not germane to the bill.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 643. E & R amendment, AM5525, found in the Journal on page 2246, was adopted.

Mr. Pedersen offered the following amendment:
AM2397

(Amendments to E & R amendments, AM5525)

1. Insert the following new section:

"Sec. 3. An advisory steering committee shall be

selected by the Commissioner of Education to advise the State Board of Education in the development of the plan required under section 2 of this act. The committee shall consist of: (1) three persons selected to represent the Legislature; (2) three persons selected to represent outreach school and services; (3) six persons selected from the deaf community; (4) three persons selected to represent the State Board of Education; and (5) seven liaison staff members.".

2. On page 1, line 24, after "Education" insert ", with the advice of the advisory steering committee created under section 3 of this act,".

3. Renumber the remaining section accordingly.

The Pedersen amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 835. E & R amendment, AM5528, found in the Journal on page 2268, was adopted.

Mr. Wehrbein withdrew his pending amendment, AM2183, found in the Journal on page 2248.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wehrbein renewed his pending amendment, AM2249, found in the Journal on page 2298.

Mr. Wehrbein moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Will requested a roll call vote on the Wehrbein amendment.

Voting in the affirmative, 16:

Byars	Elmer	Kristensen	Moore	Vrtiska
Crosby	Fisher	Lynch	Robinson	Wehrbein
Cudaback	Horgan	McKenzie	Schimek	Witek
Dierks				

Voting in the negative, 22:

Ashford	Bernard-Stevens	Bohlke	Chambers	Day
Baack		Bromm	Coordsen	Haberman

Hall	Janssen	Pedersen	Schellpeper	Wickersham
Hillman	Jones	Rasmussen	Wesely	Will
Hohenstein	Lindsay	Robak		

Present and not voting, 4:

Avery	Hartnett	Preister	Schmitt

Excused and not voting, 7:

Abboud	Hudkins	Pirsch	Warner	Withem
Beutler	Landis			

The Wehrbein amendment lost with 16 ayes, 22 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Ms. Schimek renewed her pending amendment, AM2271, found in the Journal on page 2364.

Ms. Schimek moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Lindsay requested a roll call vote on the Schimek amendment.

Voting in the affirmative, 26:

Abboud	Elmer	Horgan	Moore	Wehrbein
Byars	Fisher	Janssen	Preister	Wesely
Chambers	Hall	Kristensen	Robak	Wickersham
Crosby	Hartnett	Lynch	Schimek	Will
Day	Hillman	McKenzie	Schmitt	Witek
Dierks				

Voting in the negative, 16:

Ashford	Bohlke	Cudaback	Jones	Rasmussen
Avery	Bromm	Haberman	Lindsay	Robinson
Baack	Coordsen	Hohenstein	Pedersen	Schellpeper
Bernard-Stevens				

Present and not voting, 1:

Vrtiska

Excused and not voting, 6:

Beutler Landis Pirsch Warner Withem
Hudkins

The Schimek amendment was adopted with 26 ayes, 16 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

MESSAGES FROM THE GOVERNOR

May 24, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Agriculture Land Valuation Advisory Board, requiring legislative approval.

APPOINTEE: Mona Moje, 2610 14th St., Columbus, NE 68601

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

May 24, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Public Employees Retirement Board, requiring legislative approval.

APPOINTEE: Robert H. Giese, P.O. Box 863, Dakota City, NE 68731

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of Governor appointments.

Giese, Robert H. - Nebraska Public Employees Retirement Board -- Nebraska Retirement Systems

Moje, Mona - Nebraska Agriculture Land Valuation Advisory Board -- Revenue

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 330 in the Journal. No objections. So ordered.

AM2392

(Amendments to Standing Committee amendments, AM1705)

1. Insert the following new section:

"Sec. 18. AGENCY NO. 13 -- STATE DEPARTMENT OF EDUCATION

There is hereby appropriated (1) $38,000 from the General Fund for FY1993-94 and (2) $38,000 from the General Fund for FY1994-95 to the State Department of Education, for Program 440, for the multicultural education program.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

2. Renumber the remaining sections accordingly.

Mr. Avery asked unanimous consent to print the following amendment to LB 137 in the Journal. No objections. So ordered.

AM2353

(Amendments to E & R amendments, AM5500)

1. On page 2, line 6, after "sold" insert "and extends for the time during which the product would normally be likely to perform or be stored in a safe manner. A product has exceeded its useful safe life if, after use or storage, it

is no longer reasonable to expect that the product would operate without malfunction or increased risk of harm".

Mr. Wesely asked unanimous consent to print the following amendment to LB 330 in the Journal. No objections. So ordered.

AM2313

(Amendments to Standing Committee amendments, AM1705)

1. Insert the following new section:

"Sec. 22. AGENCY NO. 20 -- DEPARTMENT OF HEALTH There is hereby appropriated (1) $30,000 from the General Fund for FY1993-94 and (2) $30,000 from the General Fund for FY1994-95 to the Department of Health, for Program 177, for the purpose of establishing a health data center.".

2. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 98A. Placed on Select File.
LEGISLATIVE BILL 345A. Placed on Select File.
LEGISLATIVE BILL 536A. Placed on Select File.
LEGISLATIVE BILL 595A. Placed on Select File.
LEGISLATIVE BILL 841A. Placed on Select File.
LEGISLATIVE BILL 840A. Placed on Select File.

(Signed) Kurt A. Hohenstein, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 258. Introduced by Cudaback, 36.

WHEREAS, Dawson County has been honored as a winner in the All-American City competition which recognizes community development projects; and

WHEREAS, Dawson County was the only county winner among the ten award winners and competed with communities like Oakland, California; Wichita, Kansas; and Fort Worth, Texas; and

WHEREAS, Dawson County's theme for the All-American City competition, "From Fences to Consensus" outlines the creation of the Dawson Area Development Council to counter declining population with business recruitment, adoption of a pioneering waste management and recycling agreement, and development of a multicultural awareness program to provide programs and services to aid the influx of minority groups into the county; and

WHEREAS, the citizens of Dawson County have contributed more than 139,000 volunteer hours toward these projects; and

WHEREAS, the communities in Dawson County have shown an outstanding ability to work together in recognizing and addressing the challenges facing them today as well as in the future.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the cooperation exhibited by the communities of Dawson County and their ability to work together for the good of all.

2. That the Legislature congratulates the Dawson Area Development Council, the Dawson Area Development Leadership Class, and the citizens of Dawson County on their win at the annual All-America City competition at Tampa, Florida.

3. That a copy of this resolution be sent to the Dawson Area Development Council and the Dawson Area Development Leadership Class.

Laid over.

SELECT FILE

LEGISLATIVE BILL 397. E & R amendment, AM5531, found in the Journal on page 2365, was adopted.

Mr. Hall renewed his pending amendment, AM2158, found in the Journal on page 2232.

The Hall amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 397A. Mr. Hall renewed his pending amendment, AM2159, found in the Journal on page 2232.

The Hall amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 832. Mr. Chambers renewed his pending amendment, FA265, found in the Journal on page 2436, to the Moore pending amendment, AM2292, found in the Journal on page 2432.

Messrs. Kristensen, Coordsen, and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT MOUL PRESIDING

The Chambers amendment lost with 4 ayes, 10 nays, 28 present and not voting, and 7 excused and not voting.

Mr. Moore asked unanimous consent to bracket LB 832 until May 26, 1993. No objections. So ordered.

LEGISLATIVE BILL 798. Advanced to E & R for engrossment.
LEGISLATIVE BILL 798A. Advanced to E & R for engrossment.

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 799. E & R amendment, AM5503, found in the Journal on page 2016, was adopted.

Mr. Wesely renewed his pending amendment, AM2163, found in the Journal on page 2202.

The Wesely amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 799A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 800. E & R amendment, AM5501, found in the Journal on page 2016, was adopted.

Mr. Wesely renewed his pending amendment, AM2045, found in the Journal on page 2112.

Mr. Wesely withdrew his amendment.

Mr. Bromm offered the following amendment:
AM2408
(Amendments to Standing Committee amendments, AM1416)

1. On page 1, lines 3 through 22, remove the underscoring; in line 20 strike "an individual" and insert "a person"; and strike lines 23 and 24 and insert the following new subsection:

"(2) The following trusts, created after the effective date of this act, shall become revocable to the extent of the transferor-beneficiary's interest in the trust, by operation of law, upon the filing of an application by or on behalf of such beneficiary for any public assistance program administered by the department, including the medical assistance program:

(a) Any irrevocable trust established by or on behalf of a person from such person's own assets, if such

person is a beneficiary of the trust; and

(b) Any irrevocable trust established on behalf of a person from the proceeds of litigation or settlement of claims against a party or parties brought by or on behalf of such person.

Such revocability shall remain in effect only for such time as the application for public assistance is pending or benefits are being paid.

(3) The provisions of subsection (2) of this section shall not affect the federal income, gift, or estate tax status of any charitable remainder or charitable lead trust that is qualified under any of the provisions of the federal Internal Revenue Code.".

2. On page 2, strike lines 1 through 10.

The Bromm amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 800A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 801. E & R amendment, AM5504, found in the Journal on page 2016, was adopted.

Mr. Wesely withdrew his pending amendment, AM2171, found in the Journal on page 2425.

Messrs. Wesely and Haberman offered the following amendment: AM2172

1. Insert the following new sections:

"Sec. 5. The Department on Aging, through its care management units, shall coordinate with the Department of Social Services, the Department of Public Institutions, and other appropriate state agencies to establish a statewide project to prevent premature institutionalization of nursing facility applicants sixty-five years of age and older through preadmission screening. Such screenings shall be required for all applicants who will be eligible for medicaid within one year of application. The Department of Social Services shall use the preadmission screening services of the project.

Sec. 8. Section 5 of this act shall become operative July 1, 1995. The other sections of this act shall become operative on their effective date.".

2. In AM1367:

a. On page 1, line 14, after "facility" insert "medicaid-eligible"; and after line 23 insert the following new paragraph:

"This section shall terminate on June 30, 1995.";

and

b. On page 2, lines 17 and 27, strike "6" and insert "7".

3. Renumber the remaining sections accordingly.

The Wesely-Haberman amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Wesely offered the following amendment:
AM2419

(Amendments to AM2171)

1. On page 1, line 10, after the period insert "In any case in which a determination has not been made within forty-eight hours, the nursing facility applicant shall be deemed appropriate for nursing home admission, notwithstanding that a preadmission screening has not been done.".

The Wesely amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 808. E & R amendment, AM5506, found in the Journal on page 2037, was adopted.

Mr. Wesely renewed his pending amendment, AM2164, found in the Journal on page 2196.

The Wesely amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Wesely renewed his pending amendment, AM2319, found in the Journal on page 2417.

Mr. Wesely withdrew his amendment.

Mrs. Rasmussen offered the following amendment:
AM2386

(Amendments to E & R amendments, AM5506)

1. On page 2, line 10, after the period insert "The report shall collect and summarize available data from other states concerning their experience with copayments and deductibles, determine if vendors may be reimbursed for copayments and deductibles resulting from a recipient's inability to pay, evaluate the collectability of copayments and deductibles, and assess the effect of copayments and deductibles on recipients, vendors, access to and availability of care, and utilization of affected medical assistance program services.".

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Rasmussen amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Wesely offered the following amendment:
FA266
Add a new section:
As a condition of eligibility as a provider under the medical assistance program, a provider shall not establish a policy to automatically waive co-payments or deductibles established pursuant to this Act.

The Wesely amendment was adopted with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

Mr. Byars offered the following amendment:
FA267
Amend AM2386 in Line 10 after period add
The report shall include data from Nebraska as it becomes available.

The Byars amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Wesely reoffered his amendment, AM2319, found in the Journal on page 2417, and withdrawn in this day's Journal.

The Wesely amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Elmer asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 808A. E & R amendment, AM5507, found in the Journal on page 2039, was adopted.

Mr. Wesely offered the following amendment:
AM2135
1. On page 2, line 1, strike "$75,000" and insert "$150,000"; and in line 2 strike "$225,000" and insert "$250,000".

The Wesely amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

Mrs. Robak asked unanimous consent to print the following amendment to LB 330 in the Journal. No objections. So ordered.

AM2343

(Amendments to Standing Committee amendments, AM1705)

1. Insert the following new sections:

"Sec. 33. AGENCY NO. 34 -- NEBRASKA LIBRARY COMMISSION

There is hereby appropriated (1) $50,000 from the General Fund for FY1993-94 and (2) $55,000 from the General Fund for FY1994-95 to the Nebraska Library Commission, for Program 252, for telecommunications costs related to Nebraska Online.

Sec. 34. AGENCY NO. 34 -- NEBRASKA LIBRARY COMMISSION

There is hereby appropriated $150,000 from the General Fund for FY1994-95 to the Nebraska Library Commission, for Program 302, for state matching funds for local public library technology projects.".

2. Renumber the remaining sections accordingly.

Mrs. Robak asked unanimous consent to print the following amendment to LB 330 in the Journal. No objections. So ordered.

AM2341

(Amendments to Standing Committee amendments, AM1705)

1. Insert the following new section:

"Sec. 33. AGENCY NO. 34 -- NEBRASKA LIBRARY COMMISSION

There is hereby appropriated (1) $50,000 from the General Fund for FY1993-94 and (2) $55,000 from the General Fund for FY1994-95 to the Nebraska Library Commission, for Program 252, for telecommunications costs related to Nebraska Online.".

2. Renumber the remaining sections accordingly.

Mrs. Robak asked unanimous consent to print the following amendment to LB 330 in the Journal. No objections. So ordered.

AM2342

(Amendments to Standing Committee amendments, AM1705)

1. Insert the following new section:

"Sec. 33. AGENCY NO. 34 -- NEBRASKA LIBRARY COMMISSION

There is hereby appropriated $150,000 from the

General Fund for FY1994-95 to the Nebraska Library Commission, for Program 302, for state matching funds for local public library technology projects.".

2. Renumber the remaining sections accordingly.

Mr. Hohenstein asked unanimous consent to print the following amendment to LB 491 in the Journal. No objections. So ordered.

AM2425

(Amendments to E & R amendments, AM5524)

1. Insert the following new section:

"Sec. 10. That section 60-483, Revised Statutes Supplement, 1992, be amended to read as follows:

60-483. The director shall assign a distinguishing number to each operator's license issued and shall keep a record of the same which shall be open to public inspection. Any person requesting such driver record information shall furnish to the department the name of the person whose record is being requested, and when the name alone is insufficient to identify the correct record, the department may request additional identifying information. The department shall, upon request of any applicant, furnish a certified abstract of the operating record of any person and shall charge such applicant a fee of ~~one dollar and seventy-five cents~~ two dollars per abstract. The fee on abstracts shall be deposited in the General Fund.

The Department of Motor Vehicles Computerization and Operations Fund is hereby created. Such fund shall be used to carry out the duties of the department as deemed necessary by the director. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

The director shall, upon receiving a request and an agreement from the United States Selective Service System to comply with requirements of this section and the rules and regulations adopted and promulgated to carry out this section, furnish driver record information to the United States Selective Service System to include the name, post office address, date of birth, sex, and social security number of licensees. The United States Selective Service System shall pay all costs incurred by the department in providing such information but shall not be required to pay any other fee required by law for such information. No driver record information shall be furnished regarding any female, nor regarding any male other than those between the ages of seventeen years and twenty-six years. Such information shall only be used in the fulfillment of the required duties of the United States Selective Service System and shall not be furnished to any other person. The director may adopt and

promulgate rules and regulations concerning the preparation, transmittal, safeguarding, and disposition of such information.

The director shall also keep a record of all applications for operators' licenses that are disapproved with a brief statement of the reason for disapproval of the application.".

2. On page 23, line 2, after the second comma insert "60-483,".

3. Renumber the remaining sections accordingly.

Messrs. Beutler and Bromm asked unanimous consent to print the following amendment to LB 587 in the Journal. No objections. So ordered.

AM2417

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 4. That section 32-1605, Revised Statutes Supplement, 1992, be amended to read as follows:

32-1605. Any individual who files to appear on the ballot for an elective office specified in subsection (1) of section 32-1604 shall file a copy of the written declaration that was filed with the ~~Nebraska Accountability and Disclosure Commission~~ commission as provided in subsections (3) and ~~(4)~~ (5) of such section ~~32-1604~~ at the same time and with the same official with whom the individual files for office. Candidates for an elective office specified in subsection (1) of such section ~~32-1604~~ who qualify other than by filing, shall file a written declaration as provided in subsections (3) and ~~(4)~~ (5) of such section ~~32-1604~~ with the commission within five days after qualifying for the ballot. A filing to appear on the ballot for an office specified in subsection (1) of such section ~~32-1604~~ shall not be accepted by a filing official unless a written declaration is properly filed.

Sec. 20. That section 49-14,123, Revised Statutes Supplement, 1992, be amended to read as follows:

49-14,123. In addition to any other duties prescribed by law, the commission shall:

(1) Prescribe and publish, after notice and opportunity for public comment, rules and regulations to carry out the Campaign Finance Limitation Act and the Nebraska Political Accountability and Disclosure Act pursuant to the Administrative Procedure Act;

(2) Prescribe forms for statements and reports required to be filed pursuant to the Campaign Finance Limitation Act and the Nebraska Political Accountability and Disclosure Act and furnish such forms to persons required to file such statements and reports;

(3) Prepare and publish one or more manuals

explaining the duties of all persons and other entities required to file statements and reports by the acts and setting forth recommended uniform methods of accounting and reporting for such filings;

(4) Accept and file any reasonable amount of information voluntarily supplied that exceeds the requirements of the acts;

(5) Make statements and reports filed with the commission available for public inspection and copying during regular office hours and make copying facilities available at a cost of not more than fifty cents per page;

(6) Compile and maintain an index of all reports and statements filed with the commission to facilitate public access to such reports and statements;

(7) Prepare and publish summaries of statements and reports filed with the commission and special reports and technical studies to further the purposes of the acts;

(8) Review all statements and reports filed with the commission in order to ascertain whether any person has failed to file a required statement or has filed a deficient statement;

(9) Preserve statements and reports filed with the commission for a period of not less than five years from the date of receipt;

(10) Issue and publish advisory opinions on the requirements of the acts upon the request of a person or governmental body directly covered or affected by the acts. Any such opinion rendered by the commission, until amended or revoked, shall be binding on the commission in any subsequent charges concerning the person or public body who requested the opinion and who acted in reliance on it in good faith unless material facts were omitted or misstated by the person in the request for the opinion;

(11) Act as the primary civil and criminal enforcement agency for violations of the Nebraska Political Accountability and Disclosure Act and the rules or regulations promulgated thereunder and act concurrently with the county attorney in prosecuting criminal violations of the Campaign Finance Limitation Act;

(12) Receive all late filing fees and ~~submit them to those authorities designated by law to effectuate the provisions of Article VII, section 5, of the Constitution of Nebraska~~ civil penalties imposed pursuant to the Nebraska Political Accountability and Disclosure Act, seek the return of any amount as provided in section 32-1606, ~~and~~ seek the repayment of any amount as provided in section 32-1607, and remit all such funds to the State Treasurer for credit to the Campaign Finance Limitation Cash Fund; and

(13) Prepare and distribute to the appropriate local

officials statements of financial interest, campaign committee organization forms, filing instructions and forms, and such other forms as the commission may deem appropriate.".

2. On page 1, line 4, after the third comma insert "32-1605," and strike "and"; in line 5 after the first comma insert "and 49-14,123,"; in line 13 after the semicolon insert "to change provisions relating to duties of the Nebraska Political Accountability and Disclosure Commission;"; in line 14 after "requirements" insert "for a declaration of intent as prescribed and"; in line 15 after the semicolon insert "to require a certain percentage of funds to be raised and spent before receiving public funds and to change provisions as to the amount received as prescribed;".

3. On page 2, strike line 4; and in line 5 strike "act".

4. On page 3, lines 3 and 4 strike "7 to 9 and 11" and insert "8 to 10 and 12"; strike beginning with the first "the" in line 11 through "election" in line 12, show as stricken, and insert "May 1 of the year prior to the calendar year of the election through December 31 of the election year"; in line 18 strike "and"; after line 18 insert "(3) General election period shall mean the sixteenth day following the primary election through December 31 of the calendar year of the election; and"; in line 19 strike "(3)" and insert "(4)"; and strike beginning with "January" in line 19 through "period" in line 20 and insert "May 1 of the year prior to the calendar year of the election"; and in line 20 strike "thirty-fifth" and insert "fifteenth".

5. On page 4, line 2, strike "period", show as stricken, and insert "periods"; strike beginning with the underscored comma in line 13 through "period" in line 16 and insert ". Such candidates shall limit their spending for the primary election period to an amount not exceeding fifty percent of the limits provided in this subsection for the election period and limit their spending for the general election period to an amount not exceeding sixty percent of the limits provided in this subsection for the election period.

No amounts received prior to or during the primary election period may be expended for services or goods to be used exclusively or primarily in the general campaign, including, but not limited to, media production, and media time or space purchases"; and strike lines 17 through 28, show as stricken, and insert the following new subsection:

"(3) Each candidate desiring to receive public funds pursuant to this section for the primary or for the general election shall (a) file with the commission, on the day he or she files for office, a written declaration of intent to abide by the spending limitations provided in this section and (b)

file with the commission, on the day he or she files for office, a written statement by which he or she agrees to personally act as a guarantor for the lawful use of such funds and agrees to be held personally liable to the State of Nebraska for any such funds not repaid to the state as required by law.".

6. On page 5, strike lines 1 through 8 and show as stricken; in line 9 after "(4)" insert

"In addition to the requirements provided in subsection (3) of this section, each candidate desiring to receive public funds for the primary election shall raise an amount equal to at least twenty-five percent of the primary election spending limitation for the office from persons who are residents of Nebraska. Money raised prior to January 1 of the calendar year in which the election is held or prior to the filing of the declaration required by subsection (3) of this section shall not count towards the qualifying amount established in this subsection. Each candidate desiring to receive public funds for the general election pursuant to this section shall raise an amount equal to at least twenty-five percent of the general election spending limitation for the office from persons who are residents of the State of Nebraska. Such funds shall be raised beginning on or after the sixteenth day after the primary election. At least sixty-five percent of the qualifying amounts established in this subsection shall be received from individuals. For purposes of this section a business, corporation, partnership, or association shall be deemed a resident if it has an office in this state and transacts business in this state.

A candidate who fails to qualify for public funds for the primary election because he or she exceeds the primary election spending limitation shall not be eligible to receive public funds for the general election.

(5)"; strike beginning with "remainder" in line 19 through "period" in line 20 and insert "general election period"; in line 20 strike "fortieth" and insert "twentieth"; in lines 21 and 22 strike "remainder of the election period" and insert "general election period"; in line 23 after the period insert "Such candidate whose estimated maximum expenditure exceeds the spending limitation of this section shall file an affidavit with the Nebraska Accountability and Disclosure Commission when forty percent of his or her estimated maximum expenditure is spent for the primary election period. A second affidavit shall be filed with the commission when a second forty percent of his or her estimated maximum expenditure is spent for the general election period. Each affidavit shall be filed no later than five days after the forty percent is expended each time. Intentional failures to file the affidavit within either five-day period shall be a

Class II misdemeanor. Unless each affidavit is filed, there shall be no distribution of public funds to the candidates for such office who have qualified for such public funds for the election period when no affidavit is filed."; and strike beginning with "subsection" in line 27 through line 28, show the old matter as stricken, and insert "subsections (3) and (4) of section 32-1604 may file an affidavit setting forth such facts and request public funds for the primary or general election upon spending twenty-five percent of the spending limitation provided for such election. If the highest estimated maximum expenditure filed by any of the candidate's opponents for that same office in effect as of the last date to amend an affidavit pursuant to subsection (5) of section 32-1604 is greater than the spending limitations as provided in subsection (2) such section for the office, the candidate shall be entitled to receive the difference between the spending limitation and the highest estimated maximum expenditure filed by any of the candidate's opponents. The commission shall compute the amount of the payment to be made to a candidate. For purposes of this section, a candidate's opponent in a partisan primary race includes only those other candidates of the same political party running for the same office. A candidate's opponent in a nonpartisan primary race includes all candidates running for the same office.".

7. On page 6, strike lines 1 through 11 and show the old matter as stricken; and in line 14 strike "(4)", show as stricken, and insert "(5)".

8. On page 9, line 27, strike "held" and insert "for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, and Auditor of Public Accounts".

9. On page 14, line 11, strike "fortieth", show as stricken, and insert "twentieth"; in line 14, strike "thirty-fifth", show as stricken, and insert "fifteenth".

10. On page 15, line 1, strike "December 31 of such", show as stricken, and insert "May 1 of each" and strike "January 31 of the", show as stricken, and insert "June 1 of each"; and in line 2 strike "following" and show as stricken.

11. On page 20, line 13, strike "21" and insert "23"; in line 23, after "32-1604," insert "32-1605," and in line 24 strike "and" and after the third comma insert "and 49-14,123,".

12. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORT
Business and Labor

The Committee on Business and Labor desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Robert W. Allen - Boiler Safety Advisory Code Commission

VOTE: Aye: Senators Abboud, Bromm, Chambers, Dierks, Preister, and Vrtiska. Absent: Senator Schimek.

(Signed) Chris Abboud, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 259. Introduced by McKenzie, 34; Ashford, 6; Cudaback, 36; Avery, 3; Bohlke, 33; Elmer, 38; Bernard-Stevens, 42.

WHEREAS, a group of students and adults from several Nebraska elementary schools, middle schools, junior high schools, and high schools will represent Nebraska at the Future Problem Solving International Conference during the second week of June 1993; and

WHEREAS, the Future Problem Solving Program was created in 1974 by E. Paul Torrance in Athens, Georgia, working with a group of high school students; and

WHEREAS, within ten years, the project created as a month-long curriculum unit in one high school had developed into a year-long program reaching approximately one hundred seventy-five thousand young people all over the world; and

WHEREAS, the problem-solving process taught by Torrance in the first days of the program is essentially unchanged:

1. Research and learn as much as possible about the general topic;
2. Brainstorm problems related to the specific situation presented;
3. Identify a major underlying problem from the list of brainstormed problems;
4. Brainstorm solutions to the underlying problem;
5. Develop a list of criteria by which to evaluate the solutions; and
6. Evaluate the solutions according to the criteria to select the best solution.

Working in teams of four, students complete three practice booklets during the year. These booklets contain the results of the team's problem-solving efforts. By designated dates, the teams send their work to trained evaluators to be scored and returned with comments to help the team improve. The third effort is competitive, and the highest-scoring teams receive invitations to participate in State Future Problem Solving Bowls held in the spring. The winning teams from State Bowls are invited to participate in the International Future Problem Solving Conference held each June at the University of Michigan; and

WHEREAS, the following students and their coaches from Nebraska schools will represent Nebraska at the Future Problem Solving International Conference this year:

a. Aurora Elementary School: Students Caitlin Anderson, Kim Bontrager, Nicole Vrana, Chelsey Wasem, and Sally Chambers and coach Doug Monson;

b. Aurora Middle School: Students John Christenson, Laura Ediger, Ashlee Owens, Jamie Warren, and Aaron Jacobsen and coach Doris Vetter and students Brad Bangs, Sara Emanuel, Stephanie Hadenfeldt, Brandon Levering, Megan Mickey, Stacey Miller, and Kiley Schafer and coach Marilyn Vrana;

c. Aurora High School: Students Quinn Eddy, Vicki Smith, Chris Widga, Marcella Witt, and Ben Vetter and coaches Doris Vetter and Tammy Eddy and students Jeff Pritner, Roy Emanuel, Kristi Ketchum, Robin Wilcox, Katie Schanou, Tim Jones, and Susan James and coaches Wayne Holz, Lynne Holz, Jerry Pritner, and Treca Pritner;

d. Hastings Junior High School: Students Emily Bennett, Michelle Leach, Pat O'Donnell, Aprille Phillips, and Heather Mace and coaches Marje Little and Liz Brill;

e. Hastings Watson Elementary School: Student Jordan Krautz and coaches Barbara Miller and Sandra Peterson;

f. Hildreth High School: Students Corey Rell, Michelle Underhill, Tracy Evers, Leslie Hinrichs, Kahla Nelson, Andrea Hays, and Tabor Fisher and coach Robert Hays;

g. North Platte Adams Middle School: Students Trevor Clark, Julie Johnson, Amber Marshall, and Amy Navarrete and coaches Freida Lange and Marge Thomas;

h. Platteview High School: Student Tyler Cook and coach Nancy Diekmann;

i. Pleasanton Public School: Student Kristin Kirschner and coach Brigitte David; and

j. Omaha Westside High School: Student Kacy Korkow and coach Bill Hayes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Nebraska students and coaches attending the 1993 Future Problem Solving International Conference.

2. That the Legislature recognizes the hard work and dedication required by these young people and their coaches to attain the honor of attending the 1993 Future Problem Solving International Conference.

3. That a copy of this resolution be sent to each school sending a team to the 1993 Future Problem Solving International Conference.

Laid over.

LEGISLATIVE RESOLUTION 260. Introduced by Byars, 30.

WHEREAS, the Beatrice High School boys' track team is the champion of the 1993 Class B Boys' State Track and Field Meet; and

WHEREAS, the Beatrice High School Orangemen, under the able leadership of coach Bob Sexton, have displayed spirit, determination, and dedication in bringing home their first championship since back-to-back victories in 1956 and 1957; and

WHEREAS, this achievement by the Beatrice High School boys' track team is deserving of special recognition by the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations to the Beatrice High School boys' track team.

2. That a copy of this resolution be sent to coach Bob Sexton for presentation to the team.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 320A. Introduced by Warner, 25.

A BILL FOR AN ACT relating to appropriations; to amend sections 36, 42, and 97, Legislative Bill 541, Ninety-third Legislature, First Session, 1993; to appropriate funds to aid in carrying out the provisions of Legislative Bill 320, Ninety-third Legislature, First Session, 1993; and to repeal the original sections.

MESSAGE FROM THE GOVERNOR

May 25, 1993

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 523, 523A, 544A, 629, 510, 563, and 732 were received in my office on May 20, 1993; engrossed Legislative Bills 583 and 583A were received on May 24, 1993.

These bills were signed by me on May 25, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

SELECT FILE

LEGISLATIVE BILL 816. E & R amendment, AM5509, found in the Journal on page 2039, was adopted.

Mr. Wesely offered the following amendment:
AM2409

(Amendments to Standing Committee amendments, AM1366)

1. Insert the following new sections:

"Sec. 10. The plan shall include a comprehensive system to improve access for program recipients to primary care physicians statewide. The plan shall (1) provide a more equitable distribution of program care throughout the communities and regions of the state, (2) increase timely access to appropriate health care for program recipients, (3) promote greater collaboration between physicians and public health nurses to maximize resources, (4) promote a greater continuity of care through a physician-centered, multi-disciplinary care system, (5) decrease opportunities for compliance abuse by program recipients, and (6) decrease inappropriate use of emergency room care.

Sec. 11. The plan shall include case management services targeted for high-risk pregnant women and their infants who are eligible for medical assistance under section 1915(g) of the federal Social Security Act, as amended. In determining risk under this section, the department shall include, but not be limited to, such factors as the pregnant woman's age, education, alcohol or drug dependency, weight, and medical and psychosocial conditions. For purposes of this section, case management services shall mean services which will assist eligible individuals in gaining access to needed medical, social, educational, and other services.".

2. On page 1, line 3, strike "17" and insert "19".

3. Renumber the remaining sections and correct internal references accordingly.

The Wesely amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Will and Mrs. Rasmussen renewed their pending amendment, AM2401, found in this day's Journal.

Messrs. Vrtiska and Schmitt asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Will and Mrs. Rasmussen withdrew their amendment.

Mr. Will and Mrs. Rasmussen offered the following amendment:
FA268

Amend LB 816 (AM1366) as follows:
1. On page 4, line 15, strike "thirteen" and insert "fourteen", and in line 25, after the second comma, insert "one representative of the home health care industry"

The Will-Rasmussen amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Wesely offered the following amendment:
FA269
Amend AM1847
1. After line 8 insert "At least three members of the public shall be public assistance recipients or advocates for persons receiving public assistance.

The Wesely amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Ashford offered the following amendment:
FA270
Amend AM1366,
page 4, line 23 after "of" insert one urban and one rural hospital.
On line 15 strike "fourteen" and insert "15."

MR. HALL PRESIDING

Mr. Ashford moved for a call of the house. The motion prevailed with 6 ayes, 0 nays, and 43 not voting.

The Ashford amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

The Chair declared the call raised.

LEGISLATIVE BILL 816A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 805. E & R amendment, AM5508, found in the Journal on page 2039, was adopted.

Mr. Wesely withdrew his pending amendment, AM2282, found in the Journal on page 2367.

Mr. Wesely offered the following amendment:
AM2413
(Amendments to E & R amendments, AM5508)
1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. For purposes of sections 1 to 5 of this act, physician shall mean a person currently licensed to practice medicine and surgery pursuant to sections 71-1,102 to 71-1,104.

Sec. 2. On August 1, 1993, and on each August 1 thereafter a tax is hereby imposed on each physician in the amount of one hundred dollars per year. The Tax Commissioner shall notify physicians that the tax imposed is due and payable on September 1 of each year.

Sec. 3. Funds raised by the tax imposed by section 2 of this act shall be credited to the General Fund and used to increase fees paid to physicians for primary care services provided to recipients of the medical assistance program.

Sec. 4. The Tax Commissioner shall adopt and promulgate rules and regulations necessary to carry out this act.

Sec. 5. Any physician who fails to pay the tax imposed by section 2 of this act shall not be eligible to renew his or her license to practice medicine and surgery.

Sec. 6. This act shall terminate on July 31, 1995.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The Wesely amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Lindsay offered the following amendment:
AM2420

(Amendments to AM2413)

1. On page 1, line 6, after "71-1,104" insert "but shall not include a retired physician who practices medicine ten hours or less per week".

PRESIDENT MOUL PRESIDING

Mr. Lindsay withdrew his amendment.

Messrs. Avery and Lindsay offered the following amendment:
FA271

(Amendments to AM2413)

1. On page 1, line 6, after "71-1,104" insert "but shall not include a retired physician who practices medicine on a voluntary basis and not receiving financial compensation.

The Avery-Lindsay amendment lost with 7 ayes, 17 nays, 22 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 805A. Mr. Wesely offered the following amendment:
AM2411

1. On page 2, lines 1 and 3, strike "$600,000" and insert "$500,000"; in line 2 strike "$971,091" and insert "$809,243"; and in line 3 strike "$954,000" and insert "$795,000".

The Wesely amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 98. E & R amendment, AM5532, found in the Journal on page 2404, was adopted.

Mr. Withem renewed his pending amendment, AM2202, found in the Journal on page 2322.

Messrs. Abboud and Ashford asked unanimous consent to be excused until they return. No objections. So ordered.

The Withem amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Robinson moved to indefinitely postpone LB 98.

MR. HALL PRESIDING

Messrs. Landis and Will asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Robinson withdrew his motion to indefinitely postpone.

Mr. Withem moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Robinson requested a machine vote on the advancement of the bill.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Ashford	Beutler	Day	Kristensen	Rasmussen
Baack	Byars	Elmer	Landis	Robak
Bernard-Stevens	Crosby	Fisher	Lindsay	Schimek
	Cudaback	Hartnett	McKenzie	Warner

Wehrbein	Wesely	Will	Withem	

Voting in the negative, 20:

Avery	Coordsen	Hohenstein	Moore	Schellpeper
Bohlke	Dierks	Janssen	Pedersen	Schmitt
Bromm	Hall	Jones	Pirsch	Wickersham
Chambers	Hillman	Lynch	Robinson	Witek

Present and not voting, 4:

Abboud	Haberman	Horgan	Preister

Excused and not voting, 2:

Hudkins	Vrtiska

Failed to advance to E & R for engrossment with 23 ayes, 20 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Coordsen asked unanimous consent to print the following amendment to LB 330 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM2418.)

Mr. Abboud asked unanimous consent to print the following amendment to LB 757 in the Journal. No objections. So ordered.

AM2412

1. Insert the following new section:

"Sec. 23. That section 48-163, Revised Statutes Supplement, 1992, be amended to read as follows:

48-163. (1) The Nebraska Workers' Compensation Court, by a majority vote of the judges thereof, may adopt and promulgate all reasonable rules and regulations necessary for carrying out the intent and purpose of the Nebraska Workers' Compensation Act and shall administer and enforce all of the provisions of such act, except such as are committed to the Supreme Court.

(2) No rule or regulation to carry out the act shall be adopted and promulgated except after public hearing conducted by a quorum of the compensation court on the question of adopting and promulgating such rule or regulation. Notice of such hearing shall be given at least thirty days prior thereto by publication in a newspaper having general

circulation in the state. Draft copies of all such rules and regulations shall be available to the public at the compensation court at the time of giving notice. The compensation court shall establish and maintain a list of subscribers who wish to receive notice of public hearing on the question of adopting and promulgating any rule or regulation and shall provide notice to subscribers at a cost to be assessed against each subscriber.

(3) The compensation court or any judge thereof may, upon the motion of either party or upon its or his or her own motion, require the production of any books, papers, payrolls, medical reports, X-rays, photographs or plates, or any facts or matters which may be necessary to assist in a determination of the rights of either party in any matter pending before such compensation court or any judge thereof.

(4) The court may expedite the hearing of a disputed case when there is an emergency.".

2. On page 6, line 1, after "(2)" insert "(a)"; in line 12 strike the last "the" and insert "such"; in line 16 strike beginning with "from" through "state"; and in line 20 after the period insert "The employee or employer may not change the initial selection of physician made pursuant to this subsection unless such change is agreed to by the employee and employer or is ordered by the compensation court pursuant to subsection (6) of this section. If at any time compensability is denied, (i) the employee shall have the right to select a physician and shall not be made to enter managed health care and (ii) the employer shall be liable for medical, surgical, and hospital services subsequently found to be compensable.".

3. On page 7, line 1, before "In" insert paragraphing and "(b)"; in line 4 before "If" insert paragraphing and "(c)"; in line 11 before "If" insert "(d)"; in line 16 before "The" insert paragraphing and "(e)"; and in line 19 before "The" insert "(f)".

4. On page 35, line 9, after "perform" insert "suitable".

5. Renumber the remaining sections, correct internal references accordingly, and amend the operative date and repealer sections so that section 23 added by this amendment becomes operative on January 1, 1994.

6. In AM1188, on page 3, strike beginning with "If" in line 4 through line 7.

Messrs. Kristensen, Hartnett, and Lynch asked unanimous consent to print the following amendment to LB 632 in the Journal. No objections. So ordered.

AM2404

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. For purposes of sections 1 to 7 of this act, handicapped parking infraction shall mean the violation of any statute or ordinance regulating the use of parking spaces designated for use by handicapped or disabled persons. For any offense classified as a handicapped parking infraction, a handicapped parking citation may be issued by any peace officer or by any person designated by ordinance by a city or village to exercise the authority to issue a citation for any handicapped parking infraction. Such authorization shall be carried out in the manner specified in sections 3 and 4 of this act.

Sec. 2. Any person found guilty of a handicapped parking infraction shall be fined (1) not more than one hundred dollars for the first offense, (2) not more than two hundred dollars for a second offense within a one-year period, and (3) not more than three hundred dollars for a third or subsequent offense within a one-year period.

Sec. 3. To insure uniformity, the Supreme Court may prescribe the form of the handicapped parking citation to be used for handicapped parking infractions. The handicapped parking citation shall include a description of the handicapped parking infraction, the time and place at which the person cited is to appear, a warning that failure to appear in accordance with the command of the citation is a punishable offense, and such other matter as the Supreme Court deems appropriate. The Supreme Court may provide that a copy of the handicapped parking citation constitutes the complaint filed in the trial court.

Sec. 4. When a handicapped parking citation is issued for a handicapped parking infraction, the person issuing the handicapped parking citation shall enter thereon all required information, including the name and address of the cited person or, if not known, the license number and description of the offending motor vehicle, the offense charged, and the time and place the person cited is to appear in court. Unless the person cited requests an earlier date, the time of appearance shall be at least three days after the issuance of the handicapped parking citation. One copy of the handicapped parking citation shall be delivered to the person cited or attached to the offending motor vehicle. At least twenty-four hours before the time set for the appearance of the cited person, either the prosecuting attorney or other person authorized by law to issue a complaint for the particular offense shall issue and file a complaint charging such person with a handicapped parking infraction or such person shall be released from the obligation to appear as specified. A person cited for a handicapped parking violation

may waive his or her right to trial. The Supreme Court may prescribe uniform rules for such waivers. Anyone may use a credit card authorized by the court in which the person is cited as a means of payment of his or her fine and costs.

Sec. 5. Any person failing to appear or otherwise comply with the command of a handicapped parking citation for a handicapped parking infraction shall be guilty of a Class III misdemeanor.

Sec. 6. The trial of any person for a handicapped parking infraction shall be by the court without a jury. All other rights provided by the Constitution of the United States made applicable to the states by the Fourteenth Amendment to the Constitution of the United States and the Constitution of Nebraska shall apply to persons charged with a handicapped parking infraction.

Sec. 7. Sections 1 to 7 of this act shall not be construed to affect the rights, lawful procedures, or responsibilities of peace officers or law enforcement agencies using the handicapped parking citation for handicapped parking infractions.

Sec. 8. That section 18-1737, Revised Statutes Supplement, 1992, be amended to read as follows:

18-1737. (1) Any city or village and any person in lawful possession of any offstreet parking facility may designate stalls or spaces in such facility owned or operated by the city or village or person for the exclusive use of handicapped or disabled persons whose vehicles display the distinguishing license plates issued to such individuals pursuant to section 60-311.14, such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the city or village, whose vehicles display the identification specified in section 18-1739, and such other motor vehicles, as certified by the city or village, which display such identification. Such designation shall be made by posting immediately adjacent to and visible from each stall or space a sign which is in conformance with the nineteenth edition of the Manual on Uniform Traffic Control Devices for Streets and Highways issued by the Federal Highway Administration.

(2) The owner or person in lawful possession of an offstreet parking facility, after notifying the police or sheriff's department, as the case may be, and any city or village providing onstreet parking or owning, operating, or providing an offstreet parking facility may cause the removal, from a stall or space designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, of any vehicle not displaying proper

identification or the distinguishing license plates specified in this section if there is posted immediately adjacent to and visible from such stall or space a sign which clearly and conspicuously states the area so designated as a tow-in zone.

(3) A person who parks a vehicle in any onstreet parking space which has been designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, or in any so exclusively designated parking space in any offstreet parking facility, without properly displaying the proper identification or when the handicapped or disabled person to whom or for whom, as the case may be, the license plate or permit is issued is not being transported shall be guilty of a ~~traffic infraction as defined in section 39-602 and shall be subject to the penalties and procedures set forth in section 39-6,112~~ handicapped parking infraction as defined in section 1 of this act and shall be subject to the penalties and procedures set forth in sections 1 to 7 of this act. If the identity of the person who parked the vehicle in violation of this section cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for such violation and shall be guilty and subject to the penalties and procedures described in this section. In the case of a privately owned offstreet parking facility, a city or village shall not require the owner or person in lawful possession of such facility to inform the city or village of a violation of this section prior to the city or village issuing the violator a ~~traffic~~ handicapped parking infraction citation.

Sec. 9. Any person applying for a permit pursuant to section 18-1738 or 18-1738.01 shall apply for such permit to the city clerk, village clerk, county clerk, or designated county official pursuant to section 1, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, of the city, village, or county within which the applying individual resides. If such person does not reside within a city or village and the county clerk or designated county official does not issue permits, he or she shall make application to the city clerk or village clerk of the city or village located nearest to his or her place of residence or the county clerk or designated county official of any neighboring county who issues such permits. No city clerk, village clerk, county clerk, or designated county official shall issue a permit pursuant to section 18-1738 or 18-1738.01 to any person making application contrary to the provisions of this section.

Sec. 10. That section 18-1738, Revised Statutes Supplement, 1992, as amended by section 3, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, be amended

to read as follows:

18-1738. (1) The clerk of any city of the primary class, first class, or second class or village shall, or the county clerk or designated county official pursuant to section 1 of this act ~~of any county in which a city of the metropolitan class is located~~ may, take an application from a handicapped or disabled person or temporarily handicapped or disabled person or his or her parent, legal guardian, or foster parent for a permit which will entitle the holder thereof or a person driving a motor vehicle for the purpose of transporting such holder to park in those spaces provided for by sections 18-1736 to 18-1741.

(2) For the purpose of such sections, handicapped or disabled person shall mean any individual with a severe visual or physical impairment which limits personal mobility and results in an inability to travel unassisted more than two hundred feet without the use of a wheelchair, crutch, walker, or prosthetic, orthotic, or other assistant device, any individual whose personal mobility is limited as a result of respiratory problems, and any individual who has permanently lost all or substantially all the use of one or more limbs. Temporarily handicapped or disabled person shall mean any handicapped or disabled person whose personal mobility is expected to be limited in such manner for no longer than one year.

(3) Persons applying for a permit shall complete such forms as are provided to the clerk or designated county official by the Department of Motor Vehicles and shall demonstrate to the satisfaction of the clerk or designated county official that he or she is handicapped or disabled. The clerk or designated county official may require medical certificates and proof of a handicap or disability. The clerk or designated county official shall issue a permit, as provided to the clerk or designated county official by the department, to approved applicants. Before issuing such permit, the clerk or designated county official shall enter all information required pursuant to section 18-1739. The clerk or designated county official shall submit to the department the name, address, and license number of all persons receiving a permit pursuant to this section.

Sec. 11. That section 18-1738.01, Revised Statutes Supplement, 1992, as amended by section 4, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

18-1738.01. The clerk of any city of the primary class, first class, or second class or village shall, or the county clerk or designated county official pursuant to section 1 of this act ~~of any county in which a city of the metropolitan class is located~~ may, take an application from

any person for a motor vehicle permit which will entitle the holder thereof or a person driving the motor vehicle for the purpose of transporting handicapped or disabled persons or temporarily handicapped or disabled persons to park in those spaces provided for by sections 18-1736 to 18-1741 if the motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. Such parking permit shall be used only when the motor vehicle for which it was issued is being used for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. Persons applying for permits pursuant to this section shall apply for a permit for each motor vehicle used for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, shall complete such forms as are provided to the clerk or designated county official by the Department of Motor Vehicles, and shall demonstrate to the clerk or designated county official that each such motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. The clerk or designated county official shall issue a permit, as provided to the clerk or designated county official by the department, to approved applicants. Before issuing such permit, the clerk or designated county official shall enter all information required pursuant to section 18-1739. The clerk or designated county official shall submit to the department the name, address, and license number of all persons receiving a permit pursuant to this section.

Sec. 12. That section 18-1740, Revised Statutes Supplement, 1992, be amended to read as follows:

18-1740. All permits authorized under sections 18-1736 to 18-1741 for handicapped or disabled parking shall be issued for a period ending January 1 of the fourth year following the date of issuance. <u>After the effective date of this act, all permits authorized under such sections for handicapped and disabled parking shall be issued for a period of three years.</u> All permits authorized under such sections for temporarily handicapped or disabled parking shall be issued for a period ending ninety days from the date of issuance but may be renewed for up to three additional ninety-day periods. For each additional ninety-day renewal period, there shall be submitted an additional application with proof of a handicap or disability and the required permit fee. A permit fee of three dollars shall be charged for each permit, two dollars and fifty cents of which shall be retained by the clerk who issues the permit and fifty cents of which shall be forwarded on a quarterly basis to the Department of Motor Vehicles.

Sec. 15. That original sections 18-1737 and

18-1740, Revised Statutes Supplement, 1992, and sections 18-1738 and 18-1738.01, Revised Statutes Supplement, 1992, as amended by sections 3 and 4, respectively, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, are repealed.".

RESOLUTION

LEGISLATIVE RESOLUTION 261. Introduced by Crosby, 29.

WHEREAS, Anne Yu Buettner of Grand Island, Gwendolyn Combs of Lincoln, Marian Holstein of Walthill, and Ramona Mendoza of Omaha have been honored with Outstanding Women of Color Awards presented at the ninth annual Women of Color Conference Banquet; and

WHEREAS, Esther Humann of Lincoln was recently recognized by the American Association of Retired Persons with a 1993 National Community Service Award for her volunteer contributions to the community; and

WHEREAS, Elizabeth Peterson of Lincoln received the Diocese of Lincoln's St. Anne Medal for her contributions to the spiritual development of young girls; and

WHEREAS, Ms. Yu Buettner is a pioneer in studying domestic violence and sexual abuse issues and serves as the commissioner of the Nebraska Commission on the Status of Women; and

WHEREAS, Ms. Combs has served as commissioner of the Lincoln Human Rights Commission, personnel committee chairperson for the Malone Community Center board, and board member of the American Association for Affirmative Action; and

WHEREAS, Ms. Holstein helped found the Nebraska Indian Education Association and served as its chairperson, is a member of the National Indian Education Association board of directors, directs the Winnebago Head Start program, and is active nationally with Head Start; and

WHEREAS, Ms. Mendoza is an Air Force staff sergeant at Offutt Air Force Base who volunteers for Meals on Wheels and Special Olympics and is president of the Hispanic Heritage Club; and

WHEREAS, Mrs. Humann has been involved in a variety of civic and church activities, was the first chair of the Festival of Tables fund-raising project of the Lancaster County Retired Teachers, was social director for the University Club for twenty-three years, and helped organize the first Junior Women's Club in Nebraska; and

WHEREAS, Mrs. Peterson has worked for twenty-five years in the Girls Scout movement, is commissioner for the Nebraska Commission on the Status of Women, and has served as Allocation Team Leader for the United Way in Lincoln.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That Ms. Yu Buettner, Ms. Combs, Ms. Holstein, Ms. Mendoza, Mrs. Humann, and Mrs. Peterson be recognized and honored for their outstanding leadership and community service.

2. That a copy of this resolution be sent to Ms. Buettner, Ms. Combs, Ms. Holstein, Ms. Mendoza, Mrs. Humann, and Mrs. Peterson.

Laid over.

SPEAKER BAACK PRESIDING

SELECT FILE

LEGISLATIVE BILL 741. E & R amendment, AM5527, found in the Journal on page 2248, was adopted.

Mr. Hall renewed his pending amendment, AM2154, found in the Journal on page 2286.

The Hall amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Wesely moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Schellpeper requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 24:

Ashford	Chambers	Hall	Landis	Warner
Baack	Crosby	Hartnett	Lindsay	Wehrbein
Bernard-Stevens	Cudaback	Hohenstein	Preister	Wesely
	Day	Horgan	Schimek	Wickersham
Beutler	Elmer	Kristensen	Vrtiska	Withem

Voting in the negative, 20:

Abboud	Byars	Haberman	McKenzie	Robinson
Avery	Coordsen	Janssen	Pedersen	Schellpeper
Bohlke	Dierks	Jones	Pirsch	Schmitt
Bromm	Fisher	Lynch	Robak	Witek

Present and not voting, 4:

Hillman	Moore	Rasmussen	Will

Excused and not voting, 1:

Hudkins

Failed to advance to E & R for engrossment with 24 ayes, 20 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 50, 321, 323, 329, and 331.

Enrollment and Review Change to LB 50

The following changes, required to be reported for publication in the Journal, have been made:
ER7293
1. On page 1, line 3, "to authorize charges for returned checks;" has been inserted after the second semicolon.

Enrollment and Review Change to LB 329

The following changes, required to be reported for publication in the Journal, have been made:
ER7298
1. In the Standing Committee amendment, AM1688, on page 1, line 24, "NEBSAT" has been struck and "NEB*SAT" inserted.
2. In the E & R amendment, AM5519, amendments 4 and 5 have been struck.

Enrollment and Review Change to LB 331

The following changes, required to be reported for publication in the Journal, have been made:
ER7292
1. On page 1, line 1, "Laws 1991, LB 843, section 61," has been inserted after "amend".

(Signed) Kurt Hohenstein, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 330 in the Journal. No objections. So ordered.

FA272

(Amendments to Standing Committee amendments, AM1705)

1. Insert the following new sections:

"Sec. 52. AGENCY NO. 51 -- UNIVERSITY OF NEBRASKA

There is hereby appropriated $50,000 from the General Fund for FY1993-94 to the Board of Regents of the University of Nebraska, for Program 781, for expenditure and distribution to the University of Nebraska at Kearney for appropriate campus signage.

Mr. Hall asked unanimous consent to print the following amendment to LB 817 in the Journal. No objections. So ordered.

AM2434

1. Insert the following new section:

"Sec. 8. Any hospital licensed by the Department of Health under sections 71-2017 to 71-2029 and organized as a not-for-profit organization shall not make, publish, disseminate, circulate, place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in this state, in a newspaper or other publication, in the form of a book, notice, handbill, poster, bill, circular, pamphlet, or letter, on radio or television, or in any other way, any advertisement of any sort. A hospital which fails to comply with the provisions of this section shall automatically forfeit its tax-exempt status for purposes of taxation in Nebraska.".

2. On page 2, line 1, strike "This" and insert "Sections 1 to 7 of this".

Mr. Warner asked unanimous consent to print the following amendment to LB 440A in the Journal. No objections. So ordered.

AM2416

1. Insert the following new sections:

"Sec. 2. Upon verification by the State Treasurer that a contract has been signed for FY1993-94 between the Department of Revenue and the Nebraska State Patrol to operate a twenty-four-hour communication system to issue motor fuel delivery permit numbers for motor fuel common carriers, the State Treasurer shall transfer $29,405 from the Highway Trust Fund to the Motor Fuel Tax Enforcement and Collection Cash Fund. Upon such transfer, the cash fund appropriation to the Department of Revenue, Program 111, shall be increased by $29,405 for FY1993-94 to carry out the provisions of Legislative Bill 440, Ninety-third Legislature, First Session,

1993 and shall only be used for funding the contract with the Nebraska State Patrol. Upon the transfer, the cash fund appropriation to the Nebraska State Patrol, Program 100, shall be increased by $29,405 for FY1993-94 to carry out the provisions of Legislative Bill 440, Ninety-third Legislature, First Session, 1993.

Sec. 3. Upon verification by the State Treasurer that a contract has been signed for FY1994-95 between the Department of Revenue and the Nebraska State Patrol to operate a twenty-four-hour communication system to issue motor fuel delivery permit numbers for motor fuel common carriers, the State Treasurer shall transfer $30,780 from the Highway Trust Fund to the Motor Fuel Tax Enforcement and Collection Cash Fund. Upon the transfer, the cash fund appropriation to the Department of Revenue, Program 111, shall be increased by $30,780 for FY1994-95 to carry out the provisions of Legislative Bill 440, Ninety-third Legislature, First Session, 1993 and shall only be used for funding the contract with the Nebraska State Patrol. Upon the transfer, the cash fund appropriation to the Nebraska State Patrol, Program 100, shall be increased by $30,780 for FY1994-95 to carry out the provisions of Legislative Bill 440, Ninety-third Legislature, First Session, 1993.

Sec. 4. Total expenditures for permanent and temporary salaries and per diems for the Department of Revenue, Program 111, shall be increased by $166,050 for FY1993-94.".

2. Renumber the remaining section accordingly.

Messrs. Wesely, Byars, and Mrs. Rasmussen asked unanimous consent to print the following amendment to LB 330 in the Journal. No objections. So ordered.

AM2422

(Amendments to Standing Committee amendments, AM1705)

1. Insert the following new section:

"Sec. 16. AGENCY NO. 13 -- STATE DEPARTMENT OF EDUCATION

There is hereby appropriated (1) $405,000 from the State Department of Education Cash Fund for FY1993-94 and (2) $405,000 from the State Department of Education Cash Fund for FY1994-95 to the State Department of Education, for Program 351, to receive and expend matching funds from developmental disability and mental health providers to leverage federal funds to provide vocational rehabilitation services for persons with developmental disabilities and mental illness.".

2. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 22. Mr. Ashford withdrew his pending amendment, AM2003, found in the Journal on page 2066.

The Building Maintenance Committee withdrew its pending amendment, AM2024, found in the Journal on page 2086.

Mr. Hall moved to bracket LB 22 until May 27, 1993.

Mr. Hall withdrew his motion to bracket.

Mr. Hall moved to bracket LB 22 until May 26, 1993.

Mr. Bromm moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Hall requested a record vote on his motion to bracket.

Voting in the affirmative, 21:

Abboud	Hall	Janssen	Pedersen	Warner
Baack	Hartnett	Kristensen	Preister	Wesely
Beutler	Hohenstein	Landis	Robinson	Will
Bohlke	Horgan	Lindsay	Schellpeper	Withem
Byars				

Voting in the negative, 22:

Ashford	Chambers	Fisher	Pirsch	Vrtiska
Avery	Coordsen	Hillman	Rasmussen	Wehrbein
Bernard-Stevens	Crosby	Jones	Robak	Wickersham
	Day	McKenzie	Schimek	Witek
Bromm	Dierks	Moore		

Present and not voting, 5:

Cudaback	Elmer	Haberman	Lynch	Schmitt

Excused and not voting, 1:

Hudkins

The Hall motion to bracket lost with 21 ayes, 22 nays, 5 present and not voting, and 1 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 98 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM1722.)

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 421 in the Journal. No objections. So ordered.

AM2223

(Amendments to E & R amendments, AM5493)

1. On page 7, line 24, after the period insert "A utility may enter into agreements with other utilities in the area in which it operates which provides for notice of an intent to excavate to be given directly to those other utilities. Any such agreement shall provide that notice will be given in substantial compliance with subsection (2) of section 22 of this act and that the marking or identification of any underground facilities shall be in strict compliance with section 24 of this act, except that the agreement may require that the marking or identification of the underground facilities be performed in less than two business days. A record of all notices of an intent to excavate received by a utility pursuant to an agreement as provided in this section shall be maintained in the principal office of the receiving utility and assigned an identification number.".

Mr. Hall asked unanimous consent to print the following amendment to LB 815 in the Journal. No objections. So ordered.

AM2433

(Amendments to AM5523)

1. Insert the following new section:

"Sec. 27. Any hospital licensed by the Department of Health under sections 71-2017 to 71-2029 and organized as a not-for-profit organization shall not make, publish, disseminate, circulate, place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in this state, in a newspaper or other publication, in the form of a book, notice, handbill, poster, bill, circular, pamphlet, or letter, on radio or television, or in any other way, any advertisement of any sort. A hospital which fails to comply with the provisions of this section shall automatically forfeit its tax-exempt status for purposes of taxation in Nebraska.".

2. Renumber the remaining section accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 816. No objections. So ordered.

MOTION - Recess

Mr. Chambers moved to recess until 9:00 p.m. The motion lost with 4 ayes, 24 nays, 20 present and not voting, and 1 excused and not voting.

VISITORS

Visitors to the Chamber were Barb Nichols from Lincoln; Lyle Wagers from Shickley; 18 eighth grade students from St. Teresa's School, Lincoln; and Kate Joyce.

The Doctor of the Day was Bill Doering from Franklin.

ADJOURNMENT

At 8:46 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Wednesday, May 26, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTY-FOURTH DAY - MAY 26, 1993

LEGISLATIVE JOURNAL

EIGHTY-FOURTH DAY - MAY 26, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

EIGHTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 26, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Father Thomas Lux, Sacred Heart Church, Steinauer, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Hudkins who was excused; and Messrs. Avery, Bromm, Hall, Landis, Lindsay, Warner, Will, Withem, and Mrs. Bohlke who were excused until they arrive.

PRESIDENT MOUL PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-third day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 262. Introduced by Vrtiska, 1.

WHEREAS, the Falls City Sacred Heart boys' track team won the 1993 Class D State Boys' Track Team Championship; and

WHEREAS, the team was led by Matt O'Grady, who won the individual championship in the discus throw, and Chris Darnell, who won the individual championship in the pole vault; and

WHEREAS, team members Eric Marx, Mike Huppert, Matt Lockard, Steve Darveau, Nate Froeschl, Chris Darnell, Matt O'Grady, Brian McKim, and Casey Symonds as well as coaches Dennis Prichard,

Doug Goltz, and Troy Holmberg all contributed to the team's success; and

WHEREAS, the Sacred Heart High School boys' track team has won state championships three out of the past four years; and

WHEREAS, the Legislature should recognize the achievements of young people in the areas of academics, athletics, and the arts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Falls City Sacred Heart boys' track team for its state championship and successful season.

2. That a copy of this resolution be sent to Coach Dennis Prichard and the members of the Sacred Heart High School boys' track team.

Laid over.

LEGISLATIVE RESOLUTION 253. Read. Considered.

Mrs. Witek and Mr. Hartnett asked unanimous consent to have their names added as cointroducers to LR 253. No objections. So ordered.

LR 253 was adopted with 19 ayes, 0 nays, and 30 not voting.

LEGISLATIVE RESOLUTION 254. Read. Considered.

Mr. Hartnett asked unanimous consent to have his name added as cointroducer to LR 254. No objections. So ordered.

LR 254 was adopted with 20 ayes, 0 nays, and 29 not voting.

LEGISLATIVE RESOLUTION 255. Read. Considered.

Messrs. Lindsay, Hartnett, and Ashford asked unanimous consent to have their names added as cointroducers to LR 255. No objections. So ordered.

LR 255 was adopted with 23 ayes, 0 nays, and 26 not voting.

LEGISLATIVE RESOLUTION 257. Read. Considered.

Messrs. Abboud and Hartnett asked unanimous consent to have their names added as cointroducers to LR 257. No objections. So ordered.

LR 257 was adopted with 21 ayes, 0 nays, and 28 not voting.

LEGISLATIVE RESOLUTION 258. Read. Considered.

LR 258 was adopted with 30 ayes, 0 nays, and 19 not voting.

SELECT FILE

LEGISLATIVE BILL 536A. Mr. Wesely offered the following amendment:
AM2446
1. On page 2, line 1, strike "(1) $101,332" and insert "$43,120"; and strike beginning with "and" in line 2 through line 3.

The Wesely amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Pedersen requested a record vote on the advancement of the bill.

Voting in the affirmative, 29:

Abboud	Crosby	Hillman	McKenzie	Vrtiska
Baack	Cudaback	Hohenstein	Moore	Warner
Bernard-Stevens	Day	Horgan	Pirsch	Wehrbein
Byars	Dierks	Jones	Rasmussen	Wesely
Coordsen	Elmer	Kristensen	Robak	Wickersham
	Fisher	Lindsay	Schimek	Witek

Voting in the negative, 1:

Pedersen

Present and not voting, 11:

Ashford	Haberman	Janssen	Preister	Schellpeper
Beutler	Hartnett	Lynch	Robinson	Schmitt
Chambers				

Excused and not voting, 8:

Avery	Bromm	Hudkins	Will	Withem
Bohlke	Hall	Landis		

Advanced to E & R for engrossment with 29 ayes, 1 nay, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 841A. Mr. Moore offered the following amendment:
AM2423
1. Strike original section 2 and insert the following new section:
"Sec. 2. There is hereby appropriated $147,411 from the General Fund for FY1994-95 to the Department of Motor Vehicles, for Program 70, to aid in carrying out the

provisions of Legislative Bill 841, Ninety-third Legislature, First Session, 1993.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $114,746 for FY1994-95.".

2. On page 2, line 1, strike "$270,249" and insert "$145,499"; in line 7 strike "$62,249" and insert "$41,499"; in line 12 strike "$208,000" and insert "$104,000"; and in line 17 strike "1995" and insert "1996".

The Moore amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Pedersen requested a record vote on the advancement of the bill.

Voting in the affirmative, 29:

Abboud	Chambers	Fisher	Jones	Schellpeper
Bernard-Stevens	Coordsen	Hartnett	Lindsay	Schimek
Bohlke	Crosby	Hillman	McKenzie	Schmitt
Bromm	Cudaback	Hohenstein	Moore	Wehrbein
Byars	Day	Horgan	Pirsch	Wesely
	Dierks	Janssen	Preister	Wickersham

Voting in the negative, 1:

Pedersen

Present and not voting, 14:

Ashford	Elmer	Kristensen	Robak	Warner
Baack	Haberman	Lynch	Robinson	Witek
Beutler	Hall	Rasmussen	Vrtiska	

Excused and not voting, 5:

Avery	Hudkins	Landis	Will	Withem

Advanced to E & R for engrossment with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 840A. Mr. Wesely renewed his pending amendment, AM2323, found in the Journal on page 2417.

The Wesely amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Moore offered the following amendment:
AM2324

1. On page 2, strike lines 7 through 9.

The Moore amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Horgan asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Pedersen requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Abboud	Coordsen	Fisher	Pedersen	Schimek
Beutler	Crosby	Hall	Preister	Schmitt
Bohlke	Cudaback	Hillman	Rasmussen	Vrtiska
Bromm	Day	Jones	Robak	Wehrbein
Byars	Dierks	Lindsay	Schellpeper	Witek
Chambers	Elmer			

Voting in the negative, 0.

Present and not voting, 16:

Ashford	Haberman	Kristensen	Moore	Warner
Baack	Hartnett	Lynch	Pirsch	Wesely
Bernard-Stevens	Hohenstein	McKenzie	Robinson	Wickersham
	Janssen			

Excused and not voting, 6:

Avery	Hudkins	Landis	Will	Withem
Horgan				

Advanced to E & R for engrossment with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

WITHDRAW - Amendment to LB 491

Mr. Hohenstein withdrew his pending amendment, AM2425, found in the Journal on page 2452, to LB 491.

MOTION - Return LB 491 to Select File

Mr. Hohenstein moved to return LB 491 to Select File for the following Hohenstein-Moore-Hillman specific amendment:
AM2449

(Amendments to E & R amendments, AM5524)

1. Insert the following new section:

"Sec. 10. That section 60-483, Revised Statutes

Supplement, 1992, be amended to read as follows:

60-483. The director shall assign a distinguishing number to each operator's license issued and shall keep a record of the same which shall be open to public inspection. Any person requesting such driver record information shall furnish to the department the name of the person whose record is being requested, and when the name alone is insufficient to identify the correct record, the department may request additional identifying information. The department shall, upon request of any applicant, furnish a certified abstract of the operating record of any person and shall charge such applicant a fee of ~~one dollar and seventy-five cents~~ two dollars per abstract. The ~~fee on abstracts shall be deposited~~ department shall remit twenty-five cents of the abstract fee to the State Treasurer for deposit in the Department of Motor Vehicles Computerization and Operations Fund and shall remit one dollar and seventy-five cents of the abstract fee to the State Treasurer for deposit in the General Fund.

The Department of Motor Vehicles Computerization and Operations Fund is hereby created. Such fund shall be used to carry out the duties of the department as deemed necessary by the director. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

The director shall, upon receiving a request and an agreement from the United States Selective Service System to comply with requirements of this section and the rules and regulations adopted and promulgated to carry out this section, furnish driver record information to the United States Selective Service System to include the name, post office address, date of birth, sex, and social security number of licensees. The United States Selective Service System shall pay all costs incurred by the department in providing such information but shall not be required to pay any other fee required by law for such information. No driver record information shall be furnished regarding any female, nor regarding any male other than those between the ages of seventeen years and twenty-six years. Such information shall only be used in the fulfillment of the required duties of the United States Selective Service System and shall not be furnished to any other person. The director may adopt and promulgate rules and regulations concerning the preparation, transmittal, safeguarding, and disposition of such information.

The director shall also keep a record of all applications for operators' licenses that are disapproved with a brief statement of the reason for disapproval of the application.".

2. On page 2, strike beginning with "The" in line

16 through "fee" in line 18 and all amendments thereto and insert "The State Treasurer shall credit fifty dollars of each fee to the General Fund and forty-five dollars of each fee".

3. On page 14, strike beginning with "The" in line 5 through "fee" in line 7 and all amendments thereto and insert "The State Treasurer shall credit fifty dollars of each fee to the General Fund and forty-five dollars of each fee".

4. On page 17, strike beginning with "The" in line 18 through "fee" in line 20 and all amendments thereto and insert "The State Treasurer shall credit fifty dollars of each reinstatement fee to the General Fund and forty-five dollars of each reinstatement fee".

5. On page 21, strike beginning with "The" in line 7 through "fee" in line 9 and all amendments thereto and insert "The State Treasurer shall credit fifty dollars of each fee to the General Fund and forty-five dollars of each fee".

6. On page 23, line 2, after the second comma insert "60-483,".

7. Renumber the remaining sections accordingly.

The Hohenstein motion to return prevailed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 491. The Hohenstein-Moore-Hillman specific amendment, AM2449, found in this day's Journal, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 491A to Select File

Mrs. Hillman moved to return LB 491A to Select File for the following Hillman-Moore specific amendment:
AM2448

1. On page 2, lines 22 and 24, strike "$701,040" and insert "$828,690".

2. On page 3, after line 12 insert:

"There is included in the appropriation to this program for FY1993-94 $127,650 Cash Funds and for FY1994-95 $127,650 Cash Funds which shall be used for implementation or ongoing expenses of the vehicle titling and registration system.".

The Hillman motion to return prevailed with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 491A. The Hillman-Moore specific amendment, AM2448, found in this day's Journal, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 832. Mr. Moore withdrew his pending amendment, AM2292, found in the Journal on page 2432.

Messrs. Moore and Chambers offered the following amendment:
FA273
on page 1, line 11 strike "two" and insert "three"

The Moore-Chambers amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 832A. Mr. Moore offered the following amendment:
AM2350

1. On page 2, line 1, strike "$1,588,285" and insert "$1,191,214"; in line 3 strike "$1,599,369" and insert "$1,199,527"; and in line 17 strike "$105,860" and insert "$6,214".

The Moore amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 22. Considered.

Mr. Moore moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Schellpeper requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

Ashford	Crosby	Hohenstein	Moore	Wehrbein
Baack	Cudaback	Horgan	Rasmussen	Wesely
Bernard-Stevens	Day	Kristensen	Schimek	Wickersham
Beutler	Elmer	Landis	Schmitt	Will
Chambers	Hall	Lindsay	Warner	Withem
	Hartnett	McKenzie		

Voting in the negative, 18:

Abboud	Byars	Haberman	Pedersen	Robinson
Avery	Coordsen	Hillman	Pirsch	Schellpeper
Bohlke	Dierks	Jones	Robak	Witek
Bromm	Fisher	Lynch		

Present and not voting, 3:

Janssen	Preister	Vrtiska

Excused and not voting, 1:

Hudkins

Advanced to E & R for engrossment with 27 ayes, 18 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 595. E & R amendment, AM5530, found in the Journal on page 2346, was adopted.

Mr. Ashford withdrew his pending amendment, AM2213, found in the Journal on page 2389.

Ms. Schimek offered the following amendment:
AM2281
(Amendments to Standing Committee amendments, AM1672)

1. On page 9, line 12, strike "contracts with" and insert "grants and contracts with the University of Nebraska and"; and in line 17, 21, and 25 before "contract" insert "grant or".

2. On page 10, line 3, after "such" insert "grant or".

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

The Schimek amendment lost with 7 ayes, 25 nays, 16 present and not voting, and 1 excused and not voting.

Mrs. Rasmussen asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Robinson requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Abboud	Bohlke	Hohenstein	Lindsay	Vrtiska
Ashford	Crosby	Horgan	McKenzie	Warner
Baack	Day	Jones	Moore	Will
Bernard-Stevens	Haberman	Kristensen	Preister	Witek
Beutler	Hall	Landis	Robak	Withem
	Hartnett			

Voting in the negative, 11:

Bromm	Hillman	Pirsch	Schimek	Wehrbein
Coordsen	Janssen	Robinson	Schmitt	Wickersham
Cudaback				

Present and not voting, 11:

Avery	Dierks	Fisher	Pedersen	Schellpeper
Byars	Elmer	Lynch	Rasmussen	Wesely
Chambers				

Excused and not voting, 1:

Hudkins

Advanced to E & R for engrossment with 26 ayes, 11 nays, 11 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 595A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 658. E & R amendment, AM5534, printed separately from the Journal and referred to on page 2404, was adopted.

Messrs. Ashford, Horgan, and Hartnett withdrew their pending amendment, AM2169, found in the Journal on page 2232.

Mr. Withem withdrew his pending amendment, FA248, found in the Journal on page 2325.

Mr. Withem offered the following amendment:
AM2357

(Amendments to AM5534)

1. Insert the following new section:

"Sec. 7. That section 77-2702.23, Revised Statutes Supplement, 1992, be amended to read as follows:

77-2702.23. (1) Use shall mean the exercise of any right or power over ~~tangible personal~~ property incident to the ownership or possession of that ~~tangible personal~~ property, except that use shall not include the sale of that ~~tangible~~

~~personal~~ property in the regular course of business or the exercise of any right or power over ~~tangible personal~~ property which will enter into or become an ingredient or component part of ~~tangible personal~~ property manufactured, processed, or fabricated for ultimate sale at retail. Use specifically shall include the ~~incorporation of tangible personal~~ annexation of property to real estate or the withdrawal of ~~tangible personal~~ property from inventory, which inventory is subject to sales tax under the Nebraska Revenue Act of 1967 or would be subject to the sales tax under the act except for an election under section 77-2702.05, for ~~incorporation into~~ annexation to real estate or ~~into~~ to improvements upon real estate without regard to the fact that such real estate and improvements may subsequently be sold as such.

(2) Except for a transaction that is subject to sales tax under the Nebraska Revenue Act of 1967, use shall not include the keeping, retaining, or exercising of any right or power over ~~tangible personal~~ property for the purpose of subsequently transporting it outside the state or for the purpose of being processed, fabricated, or manufactured into, attached to, or ~~incorporated into~~ annexed to other ~~tangible personal~~ property to be transported outside the state and thereafter used solely outside the state.".

2. On page 15, line 22, after "tools" insert "and is performed or supervised by a recognized trade professional as determined by the Department of Revenue by rule and regulation".

3. On page 35, line 18, after "77-2702.17," insert "77-2702.23,".

4. Renumber the remaining sections accordingly.

The Withem amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Withem offered the following amendment:
AM2365

(Amendments to E & R amendments, AM5534)

1. Strike section 13.

2. On page 35, strike beginning with "section" in line 20 through the second comma in line 23.

3. Renumber the remaining sections accordingly.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Kristensen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Withem moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Withem requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 20:

Abboud	Bernard-Stevens	Crosby	Kristensen	Schimek
Ashford	Beutler	Hall	Lindsay	Warner
Avery	Bohlke	Hartnett	Preister	Wesely
Baack	Horgan	Rasmussen	Will	
			Withem	

Voting in the negative, 19:

Bromm	Dierks	Hohenstein	Robak	Vrtiska
Byars	Elmer	Jones	Robinson	Wehrbein
Coordsen	Fisher	Landis	Schellpeper	Wickersham
Day	Haberman	McKenzie	Schmitt	

Present and not voting, 8:

Chambers	Janssen	Moore	Pirsch	Witek
Cudaback	Lynch	Pedersen		

Excused and not voting, 2:

Hillman Hudkins

The Withem amendment lost with 20 ayes, 19 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Lindsay moved to indefinitely postpone LB 658.

Laid over.

NOTICE OF COMMITTEE HEARING
Revenue

Governor Appointment Wednesday, June 2, 1993 12:00 noon
Mona Moje - Nebraska Agricultural Land Valuation Advisory Board

(Signed) Jerome Warner, Chairperson

MESSAGE FROM THE GOVERNOR

May 26, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

LB 507 was received in my office on May 24, 1993. The bill was signed by me on May 26, 1993 and delivered to the Secretary of State.

The concept embodied in LB 507 is not new. Similar legislation has been introduced in each of the past two legislative sessions. The concept has been endorsed by the National Conference of State Legislature, and the state of Tennessee has already adopted similar legislation. The proposal was one of several recommendations recently issued by the Governor's Task Force on Prison Alternatives, and was also recommended by a task force formed by my predecessor.

Policy decisions on criminal justice issues in recent years have unquestionably resulted in an increase in our prison population. We have been tough on crime -- and for sound reasons.

Taking criminals off the street through more arrests and longer sentences places greater demands on our correctional system. We are currently operating at 153% of capacity.

Our investment in the operation of the prison system must keep pace with our criminal justice policy. Otherwise, we will continue to face an overcrowded system that can breed an entirely new set of problems, including the possibility of intervention by the federal courts.

For that reason, I believe sound fiscal management requires the Legislature to provide adequate funding when changes in criminal justice policy are made. LB 507 accomplishes this objective by requiring an assessment of fiscal impact and an appropriation of dollars to meet the needs of policy changes when they are made.

The fiscal analysis provides the basis for an appropriation to cover increased operating costs resulting from new criminal legislation. This is, in my view, a reasonable approach to fiscal responsibility.

The Legislature may want to consider other policy areas where a similar approach might be useful. There are numerous instances where a policy change is made and funding is not provided. The program is either not implemented or inadequately financed, but the statutory obligation remains. The approach of tying policy implementation with the necessary resources is sound fiscal management.

Concern has been expressed that LB 507 unconstitutionally binds the action of future legislatures. I do not share that concern; however, the matter may well be decided in court. I have signed LB 507 because fiscal responsibility dictates that we should proceed to identify -- and pay for -- the costs of our policy decisions.

Sincerely,

(Signed) E. Benjamin Nelson
Governor

VISITORS

Visitors to the Chamber were Dave Nilles and Linda and Ron Henricks from Hooper; and 42 fourth grade students and sponsors from Westridge Elementary, Elkhorn.

RECESS

At 11:59 a.m., on a motion by Speaker Baack, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Hudkins who was excused; and Messrs. Abboud, Kristensen, Lynch, Moore, Pedersen, Mmes. Bohlke, and Pirsch who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Messrs. Schmitt, Pedersen, Baack, and Ms. Day asked unanimous consent to print the following amendment to LB 330 in the Journal. No objections. So ordered.

AM1834

(Amendments to Standing Committee amendments, AM1705)

1. Insert the following new section:

"Sec. 68. There is hereby appropriated $258,967 from the General Fund for FY1993-94 and $258,967 from the General Fund for FY1994-95 to the Nebraska State Patrol, for Program 100, for the salaries, benefits, and associated expenses of six and one-half safety education/crime prevention officer positions.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $177,353 for FY1993-94 or $177,353 for FY1994-95.".

2. Renumber the remaining sections accordingly.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 253, 254, 255, 257, and 258.

SELECT FILE

LEGISLATIVE BILL 815. E & R amendment, AM5523, printed separately from the Journal and referred to on page 2244, was adopted.

Messrs. Hall and Wesely asked unanimous consent to replace their pending amendment, AM2022, found in the Journal on page 2086, with a substitute amendment. No objections. So ordered.

Messrs. Hall and Wesely withdrew their pending amendment, AM2022, found in the Journal on page 2086.

Mr. Warner offered the following substitute amendment:
AM2415

(Amendments to AM5523)

1. On page 11, line 6, after "act" insert "and to refund any overpayment of any tax collected pursuant to such section"; and in line 14 after the period insert "The tax shall be levied to provide funds for transfer pursuant to section 8 of this act and may be levied at a rate necessary to fund such transfers and an amount necessary for administrative expenses not to exceed one-hundredth of one percent of amounts to be transferred by the hospital authority.".

2. On page 12, strike beginning with "and" in line 23 through "quarterly" in line 24.

3. On page 14, line 13, after the period insert "Any penalties collected under this section shall be credited to the Medical Assistance Fund."; and in line 23 after the second period insert "(1)".

4. On page 15, line 6, strike beginning with "have" through "disbursed" and insert "remain in the Medical Assistance Fund"; in line 17 before "The" insert "(2)"; and in line 18 after "refund" insert "of amounts not refunded under subsection (1) of this section".

5. On page 16, line 6, after the period insert "No interest shall be paid if the refund is paid within six months after the claim is filed."; strike beginning with "If" in line 7 through line 21 and insert "Unless the Director of Social Services makes the certification provided for in subsection (3) of this section, if the director, makes a certification in accordance with section 12 of this act, the director shall project the amount of loss of intergovernmental transfers due to the loss of federal financial participation for calendar years 1993 and 1994 and certify such amount to the Tax Commissioner. The Tax Commissioner shall determine and set

the rate of tax for calendar years 1993 and 1994 imposed by section 17 of this act in an amount necessary to offset sixty percent of the amount of loss of intergovernmental transfers as certified by the director, but not more than a maximum rate of seven and seventy-two hundredths percent."; in line 22 strike "If" and insert "Unless the Director of Social Services makes the certification provided for in subsection (3) of this section, if"; in line 24 strike "Director of Social Services" and insert "director"; and strike lines 26 and 27.

6. On page 17, strike beginning with line 1 through "nine" in line 3 and insert "(a) Two million three"; in line 5 strike "(d)" and insert "(b)"; in line 7 strike "(e)" and insert "(c)"; in line 9 strike "(f)" and insert "(d)"; in line 11 strike "(g)" and insert "(e)"; in line 13 strike "(h)" and insert "(f)"; and strike beginning with "transferred" in line 23 through "funds" in line 24.

7. On page 18, line 3, strike "the intergovernmental transfers and".

8. On page 19, line 3, after "long-term" insert "care".

9. On page 20, line 4, before "section" insert "subsection (1) or (2) of"; and in line 6 after the period insert "If the director makes certification pursuant to subsection (3) of section 13 of this act, no tax shall be imposed.".

10. On page 23, strike beginning with "When" in line 6 through "there" in line 11 and insert "There"; and strike beginning with "When" in line 15 through "there" in line 20 and insert "There".

11. On page 24, strike beginning with "When" in line 20 through "there" in line 25 and insert "There".

The Warner amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Messrs. Hall and Wesely withdrew their pending amendments, AM2023, AM2242, and AM2241, found in the Journal on pages 2088, 2336, and 2338.

Mr. Byars withdrew his pending amendment, AM2293, found in the Journal on page 2389.

Mr. Hall withdrew his pending amendment, AM2433, found in the Journal on page 2478.

Mr. Warner offered the following amendment:
AM2472

(Amendments to AM5523)

1. Insert the following new section:

"Sec. 27. Any directive or notification by the Health Care Finance Authority regarding the provisions of this act shall be considered a final determination.".

2. On page 12, line 8, after the period insert "A hospital authority may adjust the rate of tax as it deems necessary, but any such adjustment shall not affect the requirement for payments contained in section 13 of this act.".

3. On page 17, strike lines 23 through 27.

4. On page 18, strike lines 1 through 7.

5. On page 21, after line 15 insert the following new subsection:

"(7) If the tax imposed pursuant to section 17 of this act is disapproved by a final determination, the Health Care Provider Income Tax Act, sections 24 and 26 of this act, subsection (3) of section 77-2715.07, and subsection (5) of section 77-2734.03 shall become ineffective. Any amounts collected pursuant to the act prior to the date of the final determination shall not be refunded to the health care provider."; and in line 18 after "refunds" insert "except as provided in subsection (7) of section 18 of this act".

4. Renumber the remaining sections accordingly.

The Warner amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 815A. Mr. Warner offered the following amendment:

AM2410

1. On page 2, line 24, strike "$7,402,230" and insert "$6,503,344"; and in line 25 strike "$6,693,811" and insert "$6,638,487".

The Warner amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

PROPOSED RULE CHANGE

Mr. Elmer asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Amend Rule 7, Sec. 3(e), as follows:

(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the

decision of the legislature. Once a division is ordered by the presiding officer, each component shall be treated as a separate and distinct proposition, and individual components shall not be amendable. Once a vote ~~or change~~ has occurred on any of the divisible questions, the remaining divided sections may be withdrawn without a majority of those voting or without unanimous consent. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert. Such call for division shall not be allowed when considering motions under Rule 6, Section 6.

Referred to the Rules Committee.

UNANIMOUS CONSENT - Add Cointroducers

Ms. Day, Mrs. Rasmussen, and Mr. Byars asked unanimous consent to have their names added as cointroducers to LB 804. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 98. Mr. Hall withdrew his pending amendment, AM1722, on file in the Clerk's Office and referred to in the Journal on page 2478.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?"

Mr. Withem moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The motion to cease debate prevailed with 25 ayes, 13 nays, and 11 present and not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Ashford	Crosby	Hartnett	McKenzie	Warner
Baack	Cudaback	Kristensen	Preister	Wehrbein
Bernard-Stevens	Day	Landis	Rasmussen	Wesely
Beutler	Elmer	Lindsay	Schimek	Will
Byars	Fisher	Lynch	Vrtiska	Withem

Voting in the negative, 20:

Avery	Bromm	Coordsen	Hall	Hohenstein
Bohlke	Chambers	Dierks	Hillman	Horgan

Janssen	Moore	Robak	Schellpeper	Wickersham
Jones	Pedersen	Robinson	Schmitt	Witek

Present and not voting, 2:

Abboud Haberman

Absent and not voting, 1:

Pirsch

Excused and not voting, 1:

Hudkins

Advanced to E & R for engrossment with 25 ayes, 20 nays, 2 present and not voting, 1 absent and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 98A. Advanced to E & R for engrossment.

STANDING COMMITTEE REPORTS

General Affairs

The Committee on General Affairs desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Sheila Hawes - Nebraska Arts Council
Nancy McGinley - Nebraska Liquor Control Commission

VOTE: Aye: Senators Cudaback, Elmer, Haberman, Hartnett, and Schellpeper. Absent: Senators Hudkins, Robinson, and Will.

(Signed) Stan Schellpeper, Chairperson

Health and Human Services

The Committee on Health and Human Services desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Rural Health Advisory Commission
- Faye Schellpeper
- Michael Steckler
- Michael Myers
- Rebecca Petersen
- Margaret Cavanaugh

Child Abuse Prevention Trust Fund Board

Patricia Lanphier
Elaine Lashkajani
Commission for the Hearing Impaired
Marian Reyburn

VOTE: Aye: Senators Byars, Day, Dierks, Horgan, Rasmussen, and Wesely. Absent: Senator Vrtiska.

(Signed) Don Wesely, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 38, 389, 543, 657, 669, 669A, 670, 838, 839, 840, 842, and 843.

Enrollment and Review Change to LB 389

The following changes, required to be reported for publication in the Journal, have been made:
ER7283

1. In lieu of the McKenzie amendment, FA229, on page 2, line 22, the new matter has been struck and ", and the configuration of the subdistrict boundaries may" inserted; the stricken matter beginning with "be" in line 22 through the period in line 25 has been reinstated; and in line 23 "relevant" has been inserted after "all" and an underscored comma has been inserted after "factors".

2. Because of the Wehrbein amendment, AM1734, on page 3, lines 4 and 8, the new matter has been struck and the stricken matter reinstated.

3. On page 1, line 4, "and the population and configuration of subdistricts" has been inserted after "subdistricts".

4. On page 3, line 10, an underscored comma has been inserted after "subdistrict".

Enrollment and Review Change to LB 543

The following changes, required to be reported for publication in the Journal, have been made:
ER7295

1. In the Moore amendment, AM2253:

a. On page 2, line 2, "large" has been struck and "long" inserted; and

b. On page 4, line 5, "intergovernmental data services" has been inserted after the first "the".

2. In the E & R amendment, AM5518:

a. On page 1, line 16, "subsection" has been struck and "subdivision" inserted and "5" has been struck and "4" inserted;

b. On page 4, line 20, "subsection" has been struck and "subdivision" inserted;

c. On page 6, line 15, the second comma has been struck; and in line 17 "subsection" has been struck and "subdivision" inserted;

d. On page 9, line 6, "processing" has been struck and "services" inserted;

e. On page 13, line 24, "data processing network" has been struck and "intergovernmental data services system" inserted; and

f. On page 14, line 1, "and" has been struck and "; and to declare an emergency" has been inserted after "sections".

Enrollment and Review Change to LB 669

The following changes, required to be reported for publication in the Journal, have been made:
ER7279

1. In the Standing Committee amendments, AM1080:

a. On page 50, line 6, "(1)" has been inserted after "who"; in line 8 the underscored period has been struck, the stricken "or" has been reinstated, and "(2)" has been inserted after the stricken "(b)"; the stricken matter beginning with "applies" in line 9 through the second "of" in line 11 has been reinstated; in line 11 "such" has been inserted after the second "of" and the stricken "section" and "or satisfies the" have been reinstated; line 12 has been reinstated; and in line 12 "such" has been inserted after the second "of" and an underscored period has been inserted after "section";

b. On page 54, line 14, "29" has been struck and "30" inserted; in line 26 "approved" has been inserted after "an"; and in line 27 "approved by the board;" has been struck, shown as stricken, and an underscored semicolon inserted;

c. On page 59, line 24, "(A)" has been inserted after "(i)";

d. On page 60, line 3, "(ii)" has been struck and "(B)" inserted; in line 10 "(iii)" has been struck and "(ii)" inserted; and in line 27 "qualified supervision" has been struck and "a qualified supervisor" inserted;

e. On page 67, line 20, "licensed mental health practitioner" has been struck and "person licensed or certified pursuant to sections 14 to 57 of this act" inserted;

f. On page 68, line 5, "subsection" has been struck and "subdivision" inserted; in line 17 "a licensed mental health practitioner" has been struck and "licensed or certified pursuant to sections 14 to 57 of this act" inserted;

g. On page 69, the matter beginning with "licensed" in line 5 through "practitioner" in line 6 has been struck and "licensee or certificate holder" inserted; and in line 21 "licensees" has been struck and "persons licensed or certified pursuant to sections 14 to 57 of this act" inserted;

h. On page 70, line 8, "licensed mental health practitioner" has been struck and "person licensed or certified pursuant to sections 14 to 57 of this act" inserted;

i. On page 82, line 14, "or mental health practice" has been inserted after "work"; and

j. On page 85, line 15, "certified as" has been struck and shown as stricken; and in line 16 "certified" has been inserted after "a" and the new matter has been struck and ", a certified master social worker, or a licensed mental health practitioner certified or licensed" inserted.

(Signed) Kurt Hohenstein, Chairperson

SELECT FILE

LEGISLATIVE BILL 741. Considered.

Mr. Wesely moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Wesely requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Ashford	Crosby	Hartnett	Preister	Wehrbein
Baack	Cudaback	Horgan	Rasmussen	Wesely
Bernard-Stevens	Day	Kristensen	Schimek	Wickersham
Beutler	Elmer	Landis	Vrtiska	Will
Chambers	Hall	Lindsay	Warner	Withem

Voting in the negative, 23:

Abboud	Coordsen	Hohenstein	Moore	Robinson
Avery	Dierks	Janssen	Pedersen	Schellpeper
Bohlke	Fisher	Jones	Pirsch	Schmitt
Bromm	Haberman	Lynch	Robak	Witek
Byars	Hillman	McKenzie		

Excused and not voting, 1:

Hudkins

Advanced to E & R for engrossment with 25 ayes, 23 nays, and 1 excused and not voting.

LEGISLATIVE BILL 804. E & R amendment, AM5510, found in the Journal on page 2082, was adopted.

Mr. Wesely withdrew the Wesely et al. pending amendment, AM2061, found in the Journal on page 2174.

MR. HALL PRESIDING

Mr. Wesely offered the following amendment:
AM2478

(Amendments to E & R amendments, AM5510)

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 68-1019, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1019. (1) Medical assistance on behalf of recipients shall be paid directly to vendors.

(2) On behalf of recipients over sixty-five years of age, medical assistance shall include care in an institution for mental diseases.

(3) On behalf of all recipients, medical assistance shall include:

(a) Inpatient ~~other inpatient~~ and outpatient hospital care;

(b) Laboratory ~~, laboratory~~ and X-ray services;

(c) Nursing ~~, nursing~~ home services;

(d) Care ~~, care~~ home services;

(e) Home ~~, home~~ health care services;

(f) Nursing ~~, nursing~~ services;

(g) Clinic ~~, clinic~~ services;

(h) Services ~~, services~~ of practitioners licensed by the Department of Health; ; and

(i) Such ~~such~~ drugs, appliances, and health aids as may be prescribed by practitioners licensed by the Department of Health.

(4) The Director of Social Services shall provide limits as to the amount, duration, and scope of services and goods recipients may receive under the medical assistance program. For purposes of providing limits as to the amount, duration, and scope of services and goods recipients may receive under the medical assistance program, the Department of Social Services shall adopt and promulgate rules and regulations. The limits adopted shall in all respects comply with applicable provisions of Title XIX of the Social Security Act and the related federal regulations, as they may be amended from time to time. Prior to the adoption of such rules and regulations, the director shall provide a report to the Governor and the Legislature outlining proposed limits. Such report shall be provided to the Governor and the Legislature by December 1 of each year. No rules or regulations to implement such limits shall be put into effect until April 1 following the report.

Sec. 2. (1) In developing the proposed limits as to amount, duration, and scope of services and goods recipients may receive under the medical assistance program, the Director of Social Services shall consider the effect such limits will have on the ability of such recipients to maintain their health, to live independently outside of medical institutions, and to engage in employment. The director shall also consider the impact such limits will have on short-term and long-term savings of expenditures to the medical assistance program.

(b) The director shall include in the report required under section 68-1019 the philosophy, standards, and criteria used to develop the proposed limits for amount, duration, and scope taking into consideration the criteria outlined in subsection (1) of this section and any other criteria as may be determined by the director.

Sec. 3. For the fiscal year beginning July 1, 1993, the Department of Social Services may initiate the following limits as to amount, duration, and scope of services or goods recipients may receive under the medical assistance program:

(1) Chiropractic services for all eligible groups: Limit the number of manual manipulations to eighteen treatments in a five-month period and limit coverage of stabilization of care to one visit per month;

(2) Podiatric services for all eligible groups: Reduce payment by twelve percent for certain surgical procedures if done in a hospital outpatient setting rather than in the office of a podiatrist;

(3) Occupational therapy, physical therapy, and speech, hearing, and language therapy for adults: Limit coverage of therapy provided by home health agencies and emphasize an increase in independent therapy by these health care providers;

(4) Limit amount of payments for ventilator-dependent recipients to the cost of care of average institutional costs and limit other in-home nursing costs to the highest case mix level per diem for nursing facilities;

(5) Dental services for adults: Eliminate coverage of cast partial dentures and eliminate coverage of partial dentures except to replace front teeth;

(6) Visual care: All routine eye exams to be billed at the intermediate level of care, set maximum payment levels for eyeglass lenses rather than pay laboratory invoice costs, establish medical necessity criterion for eyeglass tints and UV coating, and establish a selection of frame styles coverable;

(7) Durable medical equipment: Reduce payment levels for equipment and supplies, simplify policies and procedures for converting durable medical equipment rental to purchase, and eliminate future coverage of external powered

prosthetic devices;

(8) Hearing aids: Reduce hearing aid dispensing fees;

(9) Further expand the mandate to use bioequivalent generic drugs;

(10) Transportation services: Eliminate transportation to non-medicaid-coverable services except for transportation to adult day care facilities; reimbursements and lodging when provided through a hospital shall be included as a medical transportation service under medicaid; and set taxi reimbursement at seventy-five percent of customary charge; and

(11) Eliminate coverage of mileage and conference fees for home-based service providers providing outpatient psychiatric services for adults.

Sec. 4. The Department of Social Services shall develop a mechanism to monitor the effect of the limitations imposed by section 68-1019 and sections 2 to 4 of this act which shall include to the extent possible a report of the extent of the shifting by recipients from services which are no longer covered to other services. The report shall include to the extent possible the amount of such shifting and the costs. The report shall be provided to the Governor and the Legislature.

Sec. 5. The Department of Social Services shall restrict, to the extent possible, each medical assistance recipient to a single pharmacy for purposes of monitoring the number of prescriptions utilized by the recipient.

Sec. 6. (1) The Director of Social Services shall consult with Nebraska pharmacists and pharmaceutical companies and others interested in the issue and shall establish a plan to reduce pharmaceutical expenditures under the medical assistance program. The Department of Social Services shall implement a point-of-sale verification system for pharmaceuticals for medical assistance recipients.

(2) The department shall undertake efforts to the extent possible to provide for managed care for medical assistance recipients in all areas of the state. The purpose of such managed care efforts shall be to provide medical assistance recipients those services which are needed in a prudent and nonfraudulent manner.

(3) It is the intent of the Legislature that the management of the medical assistance program through managed care, point-of-sale for drugs, and other cost containment initiatives shall result in additional savings for the 1994-1995 biennial budget of at least one million seven hundred thousand dollars.

Sec. 7. The Director of Social Services shall report to the Governor and the Legislature on initiatives for

welfare reform in Nebraska. The report shall identify ways to provide individuals and families with temporary support needed for those individuals who are not capable of being self-sufficient. The report shall identify ways to promote self-sufficiency and shall include, but not be limited to, options such as:

(1) Training and wage subsidy programs;

(2) Job-search programs;

(3) Community job programs;

(4) Increasing earned income and savings limits by recipients;

(5) Programs to encourage teenage parents to stay in school;

(6) Limitations on the length of public assistance benefits;

(7) Other mechanism to further welfare reform by making welfare transitional for those who are able to work; and

(8) Ways to contain additional costs.

Sec. 8. The authority of the Director of Social Services to provide further limits as to the amount, duration, and scope of services and goods recipients may receive under the medical assistance program shall terminate on January 1, 1996.

Sec. 9. That original section 68-1019, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Moore offered the following amendment to the Wesely pending amendment:
FA274
Amend AM2478 as follows:
on page 1 strike lines 1 and 2 and insert the following:
In AM5510 to LB 804
1. Strike subsection 5 of section 1 and sections 2-5
2. Strike subsections 1-4 of section 1

Mr. Kristensen and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hohenstein moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Moore amendment lost with 7 ayes, 25 nays, 14 present and not voting, and 3 excused and not voting.

Mr. Moore offered the following amendment to the Wesely pending amendment.
AM2484

(Amendments to AM2478)

1. Strike section 2, lines 3 through 22, and section 4 and insert the following new sections:

"Section 1. That section 68-1019, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1019. (1) Medical assistance on behalf of recipients shall be paid directly to vendors.

(2) On behalf of recipients over sixty-five years of age, medical assistance shall include care in an institution for mental diseases.

(3) Unless excluded under subsection (4) of this section, on ~~On~~ behalf of all recipients, medical assistance shall include:

(a) Inpatient ~~other inpatient~~ and outpatient hospital care;

(b) Laboratory ~~, laboratory~~ and X-ray services;

(c) Nursing ~~, nursing~~ home services;

(d) Care ~~, care~~ home services;

(e) Home ~~, home~~ health care services;

(f) Nursing ~~, nursing~~ services;

(g) Clinic ~~, clinic~~ services;

(h) Services ~~, services~~ of practitioners licensed by the Department of Health; ; and

(i) Such ~~such~~ drugs, appliances, and health aids as may be prescribed by practitioners licensed by the Department of Health.

(4) Medical assistance shall not include the following except as required by federal law:

(a) Services of podiatrists, chiropractors, optometrists, and dentists;

(b) Eyeglasses, including lenses and frames, and other aids to vision;

(c) Liver transplants and heart transplants;

(d) Services of physical, speech, and hearing therapists;

(e) Nonemergency medical transportation; and

(f) Dentures.

(5) The Director of Social Services shall provide limits as to the amount, duration, and scope of services and goods recipients may receive under the medical assistance program. For purposes of providing limits as to the amount, duration, and scope of services and goods recipients may receive under the medical assistance program, the department shall adopt and promulgate rules and regulations. The limits adopted shall in all respects comply with applicable provisions of Title XIX of the Social Security Act and the

related federal regulations, as they may be amended from time to time. Prior to the adoption of such rules and regulations, the director shall provide a report to the Governor and the Legislature outlining proposed limits. Such report shall be provided to the Governor and the Legislature by December 1 of each year. No rules or regulations to implement such limits shall be put into effect until April 1 following the report.

Sec. 4. For the fiscal year beginning July 1, 1993, the Department of Social Services may initiate the following limits as to scope, duration, or amount of services or goods recipients may receive under the medical assistance program:

(1) Occupational therapy: Limit coverage of therapy provided by home health agencies and emphasize an increase in independent therapy by these health care providers;

(2) Limit amount of payments for ventilator-dependent recipients to the cost of care of average institutional costs and limit other in-home nursing costs to the case mix level sixty-nine per diem for nursing facilities;

(3) Visual care: Require all routine eye exams to be billed at the intermediate level of care, set maximum payment levels for eyeglass lenses rather than pay laboratory invoice costs, require medical necessity for eyeglass tints and UV coating, and replace frames with the same frame style if within one year of purchase;

(4) Durable medical equipment: Reduce payment levels for equipment and supplies, simplify policies and procedures for converting durable medical equipment rental to purchase, and eliminate future coverage of external powered prosthetic devices;

(5) Hearing aids: Reduce hearing aid dispensing fees;

(6) Medications: Further expand the mandate to use bioequivalent generic drugs; and

(7) Eliminate coverage of mileage and conference fees for home-based service providers providing outpatient psychiatric services for adults.".

2. Renumber the remaining sections accordingly.

Messrs. Will and Ashford asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Moore requested a record vote on his amendment.

Voting in the affirmative, 11:

Abboud	Cudaback	Fisher	Hillman	Kristensen
Baack	Elmer	Haberman	Hohenstein	Moore
Bernard-Stevens				

Voting in the negative, 29:

Avery	Dierks	Landis	Rasmussen	Warner
Beutler	Hall	Lindsay	Robinson	Wehrbein
Byars	Hartnett	Lynch	Schellpeper	Wesely
Coordsen	Horgan	McKenzie	Schimek	Wickersham
Crosby	Janssen	Pirsch	Schmitt	Withem
Day	Jones	Preister	Vrtiska	

Present and not voting, 5:

Bromm	Chambers	Pedersen	Robak	Witek

Excused and not voting, 4:

Ashford	Bohlke	Hudkins	Will

The Moore amendment lost with 11 ayes, 29 nays, 5 present and not voting, and 4 excused and not voting.

The Wesely pending amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Day and Mr. Vrtiska renewed their pending amendment, AM2325, found in the Journal on page 2419.

SPEAKER BAACK PRESIDING

PRESIDENT MOUL PRESIDING

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Day-Vrtiska amendment lost with 14 ayes, 14 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Hall offered the following amendment:
AM2479

(Amendments to AM5510)

1. Insert the following new section:

"Sec. 6. Each hospital licensed by the Department of Health under sections 71-2017 to 71-2029 and organized as a not-for-profit organization shall make quarterly reports to the department of its advertising expenditures for the quarter. The report shall be made within thirty days of the end of each quarter. The department shall adopt and promulgate rules and regulations to carry out this section.".

2. Renumber the remaining sections accordingly.

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Hall moved for a call of the house. The motion prevailed with 19 ayes, 3 nays, and 27 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Beutler	Hall	Lynch	Rasmussen	Wesely
Chambers	Hartnett	Moore	Warner	Withem
Day	Lindsay	Preister	Wehrbein	

Voting in the negative, 28:

Abboud	Bromm	Fisher	Jones	Schellpeper
Avery	Byars	Haberman	Kristensen	Schmitt
Baack	Coordsen	Hillman	Landis	Vrtiska
Bernard-Stevens	Crosby	Hohenstein	Pedersen	Wickersham
	Cudaback	Horgan	Robak	Witek
Bohlke	Dierks	Janssen	Robinson	

Present and not voting, 4:

Elmer	McKenzie	Pirsch	Schimek

Excused and not voting, 3:

Ashford	Hudkins	Will

The Hall amendment lost with 14 ayes, 28 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 587 in the Journal. No objections. So ordered.

AM2452

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 12. That section 49-1408, Reissue Revised Statutes of Nebraska, 1943, as amended by section 305, Legislative Bill 121, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

49-1408. Business with which the individual is associated or business association shall mean: (1) A business in ~~a business: (1) In~~ which the individual is a partner, ~~member,~~ director, or officer; (2) a limited liability company in which the individual is a member; or (3) a business ~~or (2)~~ in which the individual or a member of the individual's immediate family is a stockholder of closed corporation stock worth one thousand dollars or more at fair market value or which represents more than a five percent equity interest or is a stockholder of publicly traded stock worth ten thousand dollars or more at fair market value or which represents more than ten percent equity interest. An individual who occupies a confidential professional relationship protected by law shall be exempt from this section. This section shall not apply to publicly traded stock under a trading account if the filer reports the name and address of the stockbroker.

Sec. 23. Sections 12 and 25 of this act shall become operative three calendar months after the adjournment of this legislative session. The other sections of this act shall become operative on their effective date.

Sec. 25. That original section 49-1408, Reissue Revised Statutes of Nebraska, 1943, as amended by section 305, Legislative Bill 121, Ninety-third Legislature, First Session, 1993, is repealed.".

2. On page 1, line 5, after the last comma insert "section 49-1408, Reissue Revised Statutes of Nebraska, 1943, as amended by section 305, Legislative Bill 121, Ninety-third Legislature, First Session, 1993,"; in line 13 strike "a term" and insert "and redefine terms".

3. On page 2, line 13, after the last semicolon insert "to provide operative dates;".

4. On page 9, line 23; and page 20, line 13, strike "21" and insert "22".

5. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARINGS

Agriculture

Governor Appointments Wednesday, June 2, 1993 1:15 p.m.
Kent Vossler - Nebraska Dry Bean Commission
Mary C. Weyers - Nebraska Dry Bean Commission

(Signed) Merton L. Dierks, Chairperson

General Affairs

Governor Appointment Wednesday, June 2, 1993 1:15 p.m.
Anne Rismiller - Nebraska Arts Council

(Signed) Stan Schellpeper, Chairperson

Nebraska Retirement Systems

Governor Appointment Wednesday, June 2, 1993 1:15 p.m.
Robert H. Giese - Nebraska Public Employees Retirement Board

(Signed) Tom Horgan, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Jones asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 330. E & R amendment, AM5533, found in the Journal on page 2404, was adopted.

MR. HALL PRESIDING

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Moore renewed his pending amendment, AM2300, found in the Journal on page 2382.

Mr. Moore offered the following amendment to his pending amendment:
AM2475

(Amendments to AM2300)

1. On page 1, strike beginning with the comma in line 6 through line 16 and insert ".

It is the intent of the Legislature that the agency's criminal history improvement and message switcher replacement projects be completed by the end of FY1994-95. All expenditures for these projects shall be made from a separate budget program."; in line 18 strike "to complete" and

insert "for applications related to"; and in line 19 strike "authorized" and insert "referenced" and after the first period insert:

"Personal services expenditures may be made from Program 325.".

The Moore amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The Moore amendment, as amended, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mrs. Rasmussen asked unanimous consent to add her name to the Lynch amendment, AM2362, found in the Journal on page 2425. No objections. So ordered.

Mrs. Rasmussen and Mr. Lynch renewed their pending amendment, AM2362, found in the Journal on page 2425.

The Rasmussen-Lynch amendment was adopted with 26 ayes, 4 nays, 15 present and not voting, and 4 excused and not voting.

PRESIDENT MOUL PRESIDING

Mr. Warner offered the following amendment:
AM2058

(Amendments to Standing Committee amendments, AM1705)

1. Insert the following new sections:

"Sec. 35. AGENCY NO. 46--DEPARTMENT OF CORRECTIONAL SERVICES

There is hereby appropriated (1) $94,000 from the General Fund for FY1993-94 and (2) $126,000 from the General Fund for FY1994-95 to the Department of Correctional Services, for Program 360, to recoup federal funds which currently support educational programming in the event such federal aid is terminated. Amounts appropriated in this section shall be expended only in the event related federal assistance is discontinued.

Sec. 48. AGENCY NO. 50--BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES

There is hereby appropriated (1) $18,861 from the General Fund for FY1993-94 and (2) $18,861 from the General Fund for FY1994-95 to the Board of Trustees of the Nebraska State Colleges, for Program 700, to be distributed among Chadron State College, Peru State College, and Wayne State College to continue the current level of General Fund support for student tuition remissions.

Sec. 58. AGENCY NO. 51--UNIVERSITY OF NEBRASKA

There is hereby appropriated (1) $162,740 from the

General Fund for FY1993-94 and (2) $162,740 from the General Fund for FY1994-95 to the Board of Regents of the University of Nebraska, for Program 781, for expenditure and distribution to the campuses by the University of Nebraska Central Administration to continue the current level of General Fund support for student tuition remissions.".

2. Renumber the remaining sections accordingly.

Mr. Warner requested a division of the question on his amendment.

The Chair sustained the division of the question.

The first Warner amendment is as follows:
FA275

(Amendments to Standing Committee amendments, AM1705)

1. Insert the following new sections:

"Sec. 35. AGENCY NO. 46--DEPARTMENT OF CORRECTIONAL SERVICES

There is hereby appropriated (1) $94,000 from the General Fund for FY1993-94 and (2) $126,000 from the General Fund for FY1994-95 to the Department of Correctional Services, for Program 360, to recoup federal funds which currently support educational programming in the event such federal aid is terminated. Amounts appropriated in this section shall be expended only in the event related federal assistance is discontinued.

Mr. Moore offered the following amendment to the first Warner pending amendment:
FA277

in FA275 line 5 strike "$126,000" and insert "$-0-".

The Moore amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

The first Warner amendment, as amended, was adopted with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

The second Warner amendment is as follows:
FA276

(Amendments to Standing Committee amendments, AM1705)

Sec. 48. AGENCY NO. 50--BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES

There is hereby appropriated (1) $18,861 from the General Fund for FY1993-94 and (2) $18,861 from the General Fund for FY1994-95 to the Board of Trustees of the Nebraska State Colleges, for Program 700, to be distributed among Chadron State College, Peru State College, and Wayne State

College to continue the current level of General Fund support for student tuition remissions.

Sec. 58. AGENCY NO. 51--UNIVERSITY OF NEBRASKA

There is hereby appropriated (1) $162,740 from the General Fund for FY1993-94 and (2) $162,740 from the General Fund for FY1994-95 to the Board of Regents of the University of Nebraska, for Program 781, for expenditure and distribution to the campuses by the University of Nebraska Central Administration to continue the current level of General Fund support for student tuition remissions.".

2. Renumber the remaining sections accordingly.

The second Warner amendment lost with 7 ayes, 12 nays, 26 present and not voting, and 4 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 541 and 840A.

Enrollment and Review Change to LB 541

The following changes, required to be reported for publication in the Journal, have been made:
ER7294

1. In the E & R amendments, AM5521, on page 3, line 13, "the second" has been inserted after "strike".

2. In the Standing Committee amendment, AM1691:

a. On page 33, lines 2 and 6, "$1,149,205" has been struck and "$1,152,205" inserted;

b. On page 119, line 15, "only" has been inserted after "shall";

c. On page 168, line 11 and all amendments thereto have been struck and

"GENERAL FUND 6,952,422 6,984,450"

inserted; and line 14 and all amendments thereto have been struck and

"AGENCY TOTAL 51,982,001 52,066,069"

inserted; and

d. On page 169, line 26 has been struck and

"SALARY LIMIT 76,099,264 76,142,014"

inserted.

(Signed) Kurt Hohenstein, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 263. Introduced by Preister, 5; Robinson, 16; Chambers, 11.

WHEREAS, the World Health Organization has designated Monday, May 31, 1993, as World No Tobacco Day; and

WHEREAS, Governor E. Benjamin Nelson has designated Monday, May 31, 1993, as No Tobacco Day in Nebraska; and

WHEREAS, 23.3 percent of adults in Nebraska smoke, and usage rates of tobacco are increasing among junior-high-school-aged children, young women, and African-Americans; and

WHEREAS, the rates of smokeless tobacco use are alarmingly high, at 13.2 percent of sixteen-year-old-boys in Nebraska, compared to the national average of 8 percent, and regionally, at 46.1 percent of Native American children; and

WHEREAS, the Legislature has an interest in promoting the health of all citizens and in reducing the costs of health care from tobacco-related illnesses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature joins with the World Health Organization and Governor Nelson in recognizing No Tobacco Day on Monday, May 31, 1993, and calls upon all people to recognize the hazards of tobacco use and promote its reduction.

Laid over.

LEGISLATIVE RESOLUTION 264. Introduced by Hartnett, 45.

WHEREAS, the Bellevue East High School Girls' track team is the 1993 Class A Girls' State track and field champion; and

WHEREAS, the Bellevue East High School Chieftains, under the able leadership of Coach Keith Kardell, have displayed spirit, determination, and dedication in bringing home their third consecutive Class A State championship; and

WHEREAS, this achievement by the Bellevue East High School Girls' track team is deserving of special recognition by the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations to the Bellevue East High School Girls' track team.

2. That a copy of this resolution be sent to Coach Keith Kardell for presentation to the team.

Laid over.

SELECT FILE

LEGISLATIVE BILL 330. Mr. Chambers renewed his pending amendment, AM2392, found in the Journal on page 2444.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Moore requested a record vote on the Chambers amendment.

Voting in the affirmative, 25:

Ashford	Bohlke	Hall	Lindsay	Schimek
Avery	Chambers	Hartnett	McKenzie	Warner
Baack	Crosby	Hohenstein	Preister	Wesely
Bernard-Stevens	Day	Horgan	Rasmussen	Wickersham
Beutler	Dierks	Landis	Robak	Withem

Voting in the negative, 15:

Bromm	Elmer	Hillman	Pirsch	Vrtiska
Coordsen	Fisher	Janssen	Robinson	Wehrbein
Cudaback	Haberman	Moore	Schellpeper	Witek

Present and not voting, 5:

Byars	Kristensen	Lynch	Pedersen	Schmitt

Excused and not voting, 4:

Abboud	Hudkins	Jones	Will

The Chambers amendment was adopted with 25 ayes, 15 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dierks renewed his pending amendment, AM2367, found in the Journal on page 2434.

Mmes. Hillman and McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Dierks moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Dierks requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Ashford	Crosby	Dierks	Landis	Robak
Chambers	Day	Hall	Preister	Wesely

Voting in the negative, 26:

Avery	Coordsen	Hohenstein	Moore	Wehrbein
Baack	Cudaback	Horgan	Pirsch	Wickersham
Bernard-Stevens	Elmer	Janssen	Rasmussen	Will
	Fisher	Kristensen	Schellpeper	Witek
Bohlke	Haberman	Lynch	Vrtiska	Withem
Bromm	Hillman			

Present and not voting, 8:

Beutler	Hartnett	Pedersen	Schimek	Schmitt
Byars	Lindsay	Robinson		

Excused and not voting, 5:

Abboud	Hudkins	Jones	McKenzie	Warner

The Dierks amendment lost with 10 ayes, 26 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hartnett asked unanimous consent to be excused. No objections. So ordered.

Mr. Pedersen asked unanimous consent to replace his pending amendment, AM2190, found in the Journal on page 2434, with a substitute amendment. No objections. So ordered.

Mr. Pedersen withdrew his pending amendment, AM2190, found in the Journal on page 2434.

Mr. Beutler offered the following substitute amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2439.)

Mr. Beutler moved for a call of the house. The motion prevailed with 12 ayes, 2 nays, and 35 not voting.

Mr. Beutler requested a record vote on his amendment.

Voting in the affirmative, 10:

Ashford	Bromm	Hall	Lynch	Wesely
Beutler	Byars	Lindsay	Preister	Will

Voting in the negative, 26:

Abboud	Cudaback	Hohenstein	Moore	Vrtiska
Bernard-Stevens	Dierks	Horgan	Pirsch	Wehrbein
	Elmer	Janssen	Rasmussen	Wickersham
Bohlke	Fisher	Kristensen	Robak	Witek
Coordsen	Haberman	Landis	Schellpeper	Withem
Crosby	Hillman			

Present and not voting, 9:

Avery	Chambers	McKenzie	Robinson	Schmitt
Baack	Day	Pedersen	Schimek	

Excused and not voting, 4:

Hartnett	Hudkins	Jones	Warner

The Beutler amendment lost with 10 ayes, 26 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Robinson asked unanimous consent to print the following amendments to LB 330 in the Journal. No objections. So ordered.

(1)

AM2459

(Amendments to Standing Committee amendments, AM1705)

1. On page 14, lines 3 and 4, strike "$571,470" and insert "$285,735"; in lines 16 and 17 strike "$250,000" and insert "$125,000"; and in line 24 strike "$75,000" and insert "$37,500".

(2)

AM2462

(Amendments to Standing Committee amendments, AM1705)

1. On page 9, line 9, strike "$472,652" and insert "$236,326"; and in line 10 strike "$227,921" and insert "$113,960".

(3)

AM2460

(Amendments to Standing Committee amendments, AM1705)

1. On page 15, lines 3 and 4, strike "$6,950,000" and insert "$3,475,000"; and in lines 11 and 12 strike "$350,000" and insert "$175,000".

2. On page 15, line 27, and page 16, line 1, strike "$40,000" and insert "$20,000".

3. On page 16, lines 8 and 9, strike "$500,000" and insert "$250,000".

(4)

AM2455

(Amendments to Standing Committee amendments, AM1705)

1. On page 6, line 20; and page 7, line 14, strike "$120,977" and insert "$60,488".

2. On page 6, line 21; and page 7, line 15, strike "$124,777" and insert "$62,388".

3. On page 6, line 27; and page 7, line 1, strike "$400,000" and insert "$200,000".

4. On page 7, line 7, strike "$135,000" and insert "$67,500"; in line 8, strike "$216,000" and insert "$108,000"; and in lines 21 and 22 strike "$187,647" and insert "$93,623".

(5)

AM2456

(Amendments to Standing Committee amendments, AM1705)

1. Strike section 28.

2. Renumber the remaining sections accordingly.

(6)

AM2457

(Amendments to Standing Committee amendments, AM1705)

1. Strike section 33.

2. Renumber the remaining sections accordingly.

(7)

AM2458

(Amendments to Standing Committee amendments, AM1705)

1. Strike sections 35, 36, 37, 38, 39, and 68.

2. Renumber the remaining sections accordingly.

Mr. Wickersham and Mrs. Hillman asked unanimous consent to print the following amendment to LB 330 in the Journal. No objections. So ordered.

AM2471

(Amendments to Standing Committee amendments, AM1705)

1. Strike sections 3 to 10, 16, 21, 22, 24, 25, 28, 30, 37 to 43, 45, 46, 48 to 54, 59, and 68.

2. On page 6, line 20, strike "$120,977" and insert "$75,367"; and in line 21 strike "$124,777" and insert "$75,307".

Mr. Moore asked unanimous consent to print the following amendment to LB 330 in the Journal. No objections. So ordered.

AM2470

(Amendments to Standing Committee amendments, AM1705)

1. Insert the following new section:

"Sec. 12. AGENCY NO. 5 -- SUPREME COURT

There is hereby appropriated (1) $397,071 from the General Fund for FY1993-94 and (2) $399,842 from the General Fund for FY1994-95 to the Supreme Court, for Program 570, for the court application of the County Automation Project.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $99,646 for FY1993-94. No expenditures for permanent and temporary salaries and per diems shall be made from funds appropriated in this section for FY1994-95.".

2. Renumber the remaining sections accordingly.

Mr. Robinson asked unanimous consent to print the following amendment to LB 330 in the Journal. No objections. So ordered.

FA278

Amend Standing Committee amendment 1705

On Page 20, line 27, and Page 21, line 1, strike "$854,681" and insert "$427,341".

Mrs. Rasmussen asked unanimous consent to print the following amendment to LB 330 in the Journal. No objections. So ordered.

AM2488

(Amendments to Standing Committee amendments, AM1705)

1. Insert the following new section:

"Sec. 29. AGENCY NO. 26 -- DEPARTMENT OF SOCIAL SERVICES

The Department of Social Services in administering funds provided to Program 348, for the medically needy caretaker relative program, shall develop a sliding fee

schedule for persons receiving medical assistance under the program. The funds generated by the fee schedule shall be used as a source of revenue to offset the need for state funding needed for continuation of the medically needy caretaker relative program.

If a waiver is needed from the federal government to implement such a fee schedule, the department shall apply for such a waiver. When approved, the department shall implement such a fee schedule.".

2. Renumber the remaining sections accordingly.

Mr. Beutler asked unanimous consent to print the following amendment to LB 330 in the Journal. No objections. So ordered.

AM2490

(Amendments to Standing Committee amendments, AM1705)

1. Insert the following new sections:

"Sec. 70. AGENCY NO. 87 -- NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

There is hereby appropriated $4,100 from the General Fund for FY1993-94 to the Nebraska Accountability and Disclosure Commission, for Program 94, for changes to forms and brochures relating to the Campaign Finance Limitation Act.

Sec. 71. That section 241, Legislative Bill 541, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

Sec. 241. FUND LAPSES AND TRANSFERS.

The State Treasurer shall make the transfers specified in this section between funds, in the amounts indicated. Unless otherwise noted, transfers for FY1993-94 shall occur on July 1, 1993, or as soon thereafter as administratively possible, and transfers for FY1994-95 shall occur on July 1, 1994, or as soon thereafter as administratively possible. All agencies with administrative responsibilities for these funds shall assist the State Treasurer as needed in implementing the transfers. The state accounting system number for each fund is shown in parentheses after the name of the fund.

(1) Transfers for FY1993-94 shall include:

(a) From all funds of special boards, bureaus, divisions, or commissions to the General Fund (1000): Fifteen percent of all fees remitted to the State Treasurer, pursuant to section 33-150;

(b) From the General Fund (1000) to the Cash Reserve Fund (1100): $7,250,000 on June 15, 1994, pursuant to section 84-612;

(c) From the General Fund (1000) to the Nebraska State Patrol Cash Fund (2644): $115,000 less the unexpended balance existing on June 30, 1993, in (i) the Nebraska State

Patrol Cash Fund, (ii) the Investigation Petty Cash Fund, (iii) any special checking account or accounts used by the Nebraska State Patrol, and (iv) the possession of agency personnel involved in investigations, when the unexpended balances resulted from General Fund transfers to the Nebraska State Patrol Cash Fund or from General Fund appropriations. Any transfers made shall be subject to a final reconciliation of available investigation cash fund balances as of June 30, 1993, by the Nebraska State Patrol.

It is the intent of the Legislature that the Nebraska State Patrol have available a total of $115,000 from the General Fund for FY1993-94 to be used in making drug purchases, for enforcing Nebraska laws relating to felonies, for enforcing the Nebraska liquor laws, and for payment of investigative expenses;

(d) From the General Fund (1000) to the Campaign Finance Limitation Cash Fund: $50,000; ~~.~~

~~If Legislative Bill 587, Ninety-third Legislature, First Session, 1993, becomes law, the transfer of $50,000 in FY1993-94 from the General Fund to the Campaign Finance Limitation Cash Fund shall not occur;~~

(e) From the General Fund (1000) to the Nebraska Child Abuse Prevention Fund: $250,000;

(f) From the Securities Act Cash Fund (2192) to the General Fund (1000): $6,000,000, on or before June 30, 1994;

(g) From the Nebraska Cancer Research Fund (2208) to the University of Nebraska Eppley Institute for Research in Cancer and Allied Diseases Cash Fund (2515): $500,000, pursuant to Laws 1983, LB192, section 2;

(h) From the Employment Security Special Contingent Fund (2232) to the Nebraska Community College Aid Cash Fund (2831): $300,000;

(i) From the Employment Security Special Contingent Fund (2232) to the Job Training Cash Fund (2723): $150,000;

(j) From the Department of Roads Operation Cash Fund (2270) to the Carrier Enforcement Cash Fund (2643): $2,869,566. Transfers shall be made in four nearly equal quarterly amounts;

(k) From the Public Safety Cash Fund (2646) to the Law Enforcement Improvement Fund (2781): $50,000;

(l) From the Petroleum Release Remedial Action Cash Fund (2849) to the Underground Storage Tank Fund (2211): $45,954, on or before July 5, 1993;

(m) From the Nebraska Capital Construction Fund (3800) to the General Fund (1000): $1,810,669, pursuant to Legislative Bill 1, Ninety-second Legislature, Third Special Session, 1992, section 46. The transfer shall be made on June 15, 1994;

(n) From the Highway Trust Fund (6124) to the Motor

Fuel Tax Enforcement and Collection Cash Fund (2170): $1,646,262. Transfers shall be made in twelve nearly equal monthly amounts;

(o) From the Highway Trust Fund (6124) to the Proration Operations Cash Fund (2243): $430,000;

(p) From the Highway Trust Fund (6124) to the License Plate Cash Fund (2244): $922,500;

(q) From the Second Injury Fund (6371) to the Nebraska Workers' Compensation Court Cash Fund (2371): $5,819;

(r) From the Vocational Rehabilitation Fund (6372) to the Nebraska Workers' Compensation Court Cash Fund (2371): $140,000. Transfers shall be made in four nearly equal quarterly amounts;

(s) From the State Employees Insurance Fund (6892) to the Department of Health Cash Fund (2208): $33,075 from interest earnings;

(t) From the State Employees Insurance Fund (6892) to the Division of Personnel Cash Fund (2801): $85,000 from interest earnings;

(u) From the Severance Tax Fund (7761) to the State Energy Office Cash Fund (2813): $300,000 pursuant to section 57-705. Transfers shall be made in twelve nearly equal monthly amounts; and

(v) Upon verification by the State Treasurer that a contract has been signed between the Department of Agriculture and the Department of Revenue to seal fuel dispensing devices and report totalizer readings, the State Treasurer shall transfer $30,000 from the Highway Trust Fund (6124) to the Motor Fuel Tax Enforcement and Collection Cash Fund (2170).

(2) Transfers for FY1994-95 shall include:

(a) From all funds of special boards, bureaus, divisions, or commissions to the General Fund (1000): Fifteen percent of all fees remitted to the State Treasurer, pursuant to section 33-150;

(b) From the General Fund (1000) to the Cash Reserve Fund (1100): $7,250,000 on June 15, 1995, pursuant to section 84-612;

(c) From the General Fund (1000) to the Nebraska State Patrol Cash Fund (2644): $115,000 less the unexpended balance existing on June 30, 1994, in (i) the Nebraska State Patrol Cash Fund, (ii) the Investigation Petty Cash Fund, (iii) any special checking account or accounts used by the Nebraska State Patrol, and (iv) the possession of agency personnel involved in investigations, when the unexpended balances resulted from General Fund transfers to the Nebraska State Patrol Cash Fund or from General Fund appropriations. Any transfers made shall be subject to a final reconciliation of available investigation cash fund balances as of June 30,

1994, by the Nebraska State Patrol.

It is the intent of the Legislature that the Nebraska State Patrol have available a total of $115,000 from the General Fund for FY1994-95 to be used in making drug purchases, for enforcing Nebraska laws relating to felonies, for enforcing the Nebraska liquor laws, and for payment of investigative expenses;

(d) From the General Fund (1000) to the Campaign Finance Limitation Cash Fund: $50,000; ~~:~~

~~If Legislative Bill 587, Ninety-third Legislature, First Session, 1993, becomes law, the transfer of $50,000 in FY1994-95 from the General Fund to the Campaign Finance Limitation Cash Fund shall not occur;~~

(e) From the General Fund (1000) to the Nebraska Child Abuse Prevention Fund: $250,000;

(f) From the Securities Act Cash Fund (2192) to the General Fund (1000): $6,000,000, on or before June 30, 1995;

(g) From the Nebraska Cancer Research Fund (2208) to the University of Nebraska Eppley Institute for Research in Cancer and Allied Diseases Cash Fund (2515): $500,000, pursuant to Laws 1983, LB192, section 2;

(h) From the Employment Security Special Contingent Fund (2232) to the Nebraska Community College Aid Cash Fund (2831): $300,000;

(i) From the Employment Security Special Contingent Fund (2232) to the Job Training Cash Fund (2723): $150,000;

(j) From the Department of Roads Operation Cash Fund (2270) to the Carrier Enforcement Cash Fund (2643): $2,879,894. Transfers shall be made in four nearly equal quarterly amounts;

(k) From the Public Safety Cash Fund (2646) to the Law Enforcement Improvement Fund (2781): $50,000;

(l) From the Petroleum Release Remedial Action Cash Fund (2849) to the Underground Storage Tank Fund (2211): $42,354, on or before July 5, 1994;

(m) From the Nebraska Capital Construction Fund (3800) to the General Fund (1000): $3,217,968, pursuant to Legislative Bill 1, Ninety-second Legislature, Third Special Session, 1992, section 46. The transfer shall be made on June 15, 1995;

(n) From the Highway Trust Fund (6124) to the Motor Fuel Tax Enforcement and Collection Cash Fund (2170): $1,991,214. Transfers shall be made in twelve nearly equal monthly amounts;

(o) From the Highway Trust Fund (6124) to the Proration Operations Cash Fund (2243): $450,000;

(p) From the Highway Trust Fund (6124) to the License Plate Cash Fund (2244): $2,922,500;

(q) From the Second Injury Fund (6371) to the

Nebraska Workers' Compensation Court Cash Fund (2371): $6,153;

(r) From the Vocational Rehabilitation Fund (6372) to the Nebraska Workers' Compensation Court Cash Fund (2371): $140,000. Transfers shall be made in four nearly equal quarterly amounts;

(s) From the State Employees Insurance Fund (6892) to the Department of Health Cash Fund (2208): $33,075 from interest earnings;

(t) From the State Employees Insurance Fund (6892) to the Division of Personnel Cash Fund (2801): $85,000 from interest earnings;

(u) From the Severance Tax Fund (7761) to the Municipal Natural Gas Regulation Revolving Fund (2041): $10,000, pursuant to section 57-705;

(v) From the Severance Tax Fund (7761) to the State Energy Office Cash Fund (2813): $300,000 pursuant to section 57-705. Transfers shall be made in twelve nearly equal monthly amounts; and

(w) Upon verification by the State Treasurer that a contract has been signed between the Department of Agriculture and the Department of Revenue to seal fuel dispensing devices and report totalizer readings, the State Treasurer shall transfer $30,000 from the Highway Trust Fund (6124) to the Motor Fuel Tax Enforcement and Collection Cash Fund (2170).

Sec. 77. That original section 241, Legislative Bill 541, Ninety-third Legislature, First Session, 1993, is repealed.".

2. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 330. Mr. Wesely renewed his pending amendment, AM2379, found in the Journal on page 2435.

Mrs. Rasmussen offered the following amendment to the Wesely pending amendment:
AM2480

(Amendments to AM2379)

1. On page 1, line 9, after the first period insert:

"The Department of Social Services shall develop a sliding fee schedule for persons receiving medical assistance under the medically needy caretaker relative program. The funds generated by the fee schedule shall be used as a source of revenue to offset the need for state funding needed for continuation of the medically needy caretaker relative program.

If a waiver is needed from the federal government to

implement such a fee schedule, the department shall apply for such a waiver. When approved, the department shall implement such a fee schedule.".

The Rasmussen amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

MR. HALL PRESIDING

Mr. Wesely moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

PRESIDENT MOUL PRESIDING

Mr. Wesely requested a roll call vote on his amendment, as amended.

Voting in the affirmative, 23:

Abboud	Crosby	Horgan	McKenzie	Schimek
Ashford	Day	Janssen	Preister	Warner
Baack	Dierks	Landis	Rasmussen	Wesely
Byars	Fisher	Lindsay	Robak	Will
Chambers	Hall	Lynch		

Voting in the negative, 15:

Avery	Elmer	Kristensen	Robinson	Wehrbein
Bernard-Stevens	Haberman	Moore	Schellpeper	Wickersham
Bromm	Hohenstein	Pirsch	Vrtiska	Witek

Present and not voting, 8:

Beutler	Coordsen	Hillman	Schmitt	Withem
Bohlke	Cudaback	Pedersen		

Excused and not voting, 3:

Hartnett	Hudkins	Jones

The Wesely amendment, as amended, lost with 23 ayes, 15 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Moore renewed his pending amendment, AM2396, found in the Journal on page 2437.

Mr. Moore withdrew his amendment.

Mr. Wesely renewed his pending amendment, AM2393, found in the Journal on page 2438.

Mr. Abboud asked unanimous consent to be excused. No objections. So ordered.

The Wesely amendment was adopted with 26 ayes, 6 nays, 13 present and not voting, and 4 excused and not voting.

Mr. Wesely renewed his pending amendment, AM2313, found in the Journal on page 2445.

Mr. Ashford asked unanimous consent to be excused. No objections. So ordered.

The Wesely amendment lost with 7 ayes, 14 nays, 23 present and not voting, and 5 excused and not voting.

Mrs. Robak withdrew her pending amendment, AM2343, found in the Journal on page 2451.

Mrs. Robak renewed her pending amendment, AM2341, found in the Journal on page 2451.

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Robak moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mrs. Robak requested a roll call vote on her amendment.

Voting in the affirmative, 12:

Chambers	Fisher	Kristensen	Robak	Wickersham
Crosby	Hall	Lynch	Wesely	Withem
Dierks	Janssen			

Voting in the negative, 25:

Avery	Byars	Haberman	Moore	Schmitt
Baack	Coordsen	Hillman	Pedersen	Vrtiska
Bernard-Stevens	Cudaback	Hohenstein	Pirsch	Warner
	Day	Horgan	Rasmussen	Wehrbein
Bohlke	Elmer	Landis	Robinson	Witek
Bromm				

Present and not voting, 6:

Beutler McKenzie Preister Schellpeper Schimek
Lindsay

Excused and not voting, 6:

Abboud Hartnett Hudkins Jones Will
Ashford

The Robak amendment lost with 12 ayes, 25 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mrs. Robak withdrew her pending amendment, AM2342, found in the Journal on page 2451.

Mr. Preister asked unanimous consent to be excused. No objections. So ordered.

Mr. Coordsen withdrew his pending amendment, AM2418, on file in the Clerk's Office and referred to in the Journal on page 2465.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 815 in the Journal. No objections. So ordered.

AM2501

1. In AM2472, on page 1, strike beginning with the first comma in line 16 through "77-2734.03" in line 18.

2. In AM2415:

a. On page 1, line 23, strike "the Director of Social" and insert "disapproved pursuant to subsection (7) of section 18 of this act, if the Director of Social Services";

b. On page 2, strike beginning with "Services" in line 1 through the second comma in line 2; and strike beginning with "the" in line 13 through the semicolon in line 16 and insert "disapproved pursuant to subsection (7) of section 18 of this act, if';"; and

c. On page 3, strike beginning with "director" in line 3 through "act" in line 4 and insert "tax is disapproved pursuant to subsection (7) of section 18 of this act".

MOTION - Adjournment

Mrs. McKenzie moved to adjourn until 7:00 a.m., Thursday, May 27, 1993. The motion lost with 16 ayes, 20 nays, and 13 not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Horgan asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 330. Mr. Kristensen renewed his pending amendment, FA272, found in the Journal on page 2475.

The Kristensen amendment lost with 7 ayes, 14 nays, 20 present and not voting, and 8 excused and not voting.

Messrs. Schmitt, Pedersen, Baack, and Ms. Day renewed their pending amendment, AM1834, found in the Journal on page 2493.

The Schmitt et al. amendment lost with 7 ayes, 13 nays, 21 present and not voting, and 8 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 841 and 841A.

Enrollment and Review Change to LB 841

The following changes, required to be reported for publication in the Journal, have been made:
ER7300

1. In the Kristensen-Hillman amendment, AM2395, on page 1, line 3, "Committee" has been inserted after "Appropriations"; in line 4 "Committees" has been struck and "Committee" inserted; and in line 23 "title" has been struck and "titling" inserted.
2. On page 1, line 12, "to require development and submission of implementation plans and periodic reports regarding the computer system for titling and registration purposes;" has been inserted after the first semicolon.

Enrollment and Review Change to LB 841A

The following changes, required to be reported for publication in the Journal, have been made:

ER7308

1. On page 1, lines 3 and 4, ", and to declare an emergency" has been stricken.

(Signed) Kurt Hohenstein, Chairperson

MOTION - Adjournment

Mr. Wesely moved to adjourn until 7:00 a.m., Thursday, May 27, 1993. The motion lost with 12 ayes, 18 nays, and 19 not voting.

SELECT FILE

LEGISLATIVE BILL 330. Mr. Robinson renewed his pending amendment, AM2456, found in this day's Journal.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

Mr. Robinson moved for a call of the house. The motion prevailed with 14 ayes, 6 nays, and 29 not voting.

Mr. Robinson requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Bromm	Elmer	Haberman	Pedersen	Schmitt
Coordsen	Fisher	Janssen	Robinson	Vrtiska
Dierks				

Voting in the negative, 24:

Avery	Byars	Hillman	McKenzie	Warner
Baack	Crosby	Hohenstein	Moore	Wehrbein
Bernard-Stevens	Cudaback	Kristensen	Rasmussen	Wesely
	Day	Landis	Robak	Wickersham
Bohlke	Hall	Lindsay	Schimek	Withem

Present and not voting, 5:

Beutler	Lynch	Pirsch	Schellpeper	Witek

Excused and not voting, 9:

Abboud	Chambers	Horgan	Jones	Will
Ashford	Hartnett	Hudkins	Preister	

The Robinson amendment lost with 11 ayes, 24 nays, 5 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Robinson renewed his pending amendment, AM2462, found in this day's Journal.

Mr. Hall offered the following amendment to the Robinson pending amendment:
FA279
Amend AM2462
1. Strike section 42

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hall withdrew his amendment.

Mr. Robinson moved for a call of the house. The motion lost with 1 aye, 10 nays, and 38 not voting.

Mr. Robinson requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Robinson

Voting in the negative, 20:

Baack	Byars	Hall	Landis	Wesely
Bernard-Stevens	Crosby	Hillman	Lindsay	Wickersham
Beutler	Cudaback	Hohenstein	Warner	Witek
Bohlke	Day	Kristensen	Wehrbein	Withem

Present and not voting, 18:

Avery	Elmer	Lynch	Rasmussen	Schimek
Bromm	Fisher	Moore	Robak	Schmitt
Coordsen	Haberman	Pedersen	Schellpeper	Vrtiska
Dierks	Janssen	Pirsch		

Excused and not voting, 10:

Abboud	Chambers	Horgan	Jones	Preister
Ashford	Hartnett	Hudkins	McKenzie	Will

The Robinson amendment lost with 1 aye, 20 nays, 18 present and not voting, and 10 excused and not voting.

MOTION - Adjournment

Ms. Schimek moved to adjourn until 7:00 a.m., Thursday, May 27, 1993. The motion lost with 8 ayes, 22 nays, and 19 not voting.

SELECT FILE

LEGISLATIVE BILL 330. Mr. Robinson withdrew his pending amendments, AM2460, AM2455, AM2457, and AM2458, found in this day's Journal.

Mr. Moore withdrew his pending amendment, AM2470, found in this day's Journal.

Mr. Wickersham and Mrs. Hillman withdrew their pending amendment, AM2471, found in this day's Journal.

Mr. Beutler withdrew his pending amendment, AM2490, found in this day's Journal.

Mr. Robinson withdrew his pending amendments, AM2459 and FA278, found in this day's Journal.

Mrs. Rasmussen withdrew her pending amendment, AM2488, found in this day's Journal.

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely renewed the Wesely et al. pending amendment, AM2422, found in the Journal on page 2476.

The Wesely et al. amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Pedersen requested a machine vote on the advancement of the bill.

Mr. Pedersen requested a record vote on the advancement of the bill.

Voting in the affirmative, 30:

Baack	Crosby	Hillman	McKenzie	Vrtiska
Bernard-Stevens	Cudaback	Hohenstein	Moore	Warner
Beutler	Day	Janssen	Rasmussen	Wehrbein
Bohlke	Dierks	Kristensen	Robak	Wesely
Bromm	Fisher	Landis	Schimek	Wickersham
Byars	Hall	Lindsay	Schmitt	Withem

Voting in the negative, 5:

Avery	Coordsen	Pedersen	Pirsch	Witek

Present and not voting, 4:

Elmer	Haberman	Lynch	Schellpeper

Excused and not voting, 10:

Abboud	Chambers	Horgan	Jones	Robinson
Ashford	Hartnett	Hudkins	Preister	Will

Advanced to E & R for engrossment with 30 ayes, 5 nays, 4 present and not voting, and 10 excused and not voting.

ADJOURNMENT

At 10:33 p.m., on a motion by Speaker Baack, the Legislature adjourned until 7:00 a.m., Thursday, May 27, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTY-FIFTH DAY - MAY 27, 1993

LEGISLATIVE JOURNAL

EIGHTY-FIFTH DAY - MAY 27, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

EIGHTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 27, 1993

Pursuant to adjournment, the Legislature met at 7:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mrs. Hudkins and Mr. Jones who were excused; and Messrs. Abboud, Avery, Hall, Horgan, Landis, Moore, Preister, Warner, Wehrbein, Wesely, Will, Ms. Day, Mmes. Pirsch, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2532, line 21, strike "his" and insert "the Wesely et al.".
Page 2532, line 23, after "Wesely" insert "et al.".
The Journal for the eighty-fourth day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 643.

Enrollment and Review Change to LB 643

The following changes, required to be reported for publication in the Journal, have been made:
ER7299
1. On page 1, line 2, "to provide for an advisory steering committee;" has been inserted after the second semicolon.

(Signed) Kurt Hohenstein, Chairperson

MOTION - Return LB 121 to Select File

Mr. Kristensen moved to return LB 121 to Select File for the following specific amendment:
FA280
Strike the enacting clause.

Mr. Kristensen withdrew his motion to return.

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 121.

A BILL FOR AN ACT relating to limited liability companies; to amend sections 1-126, 1-133, 1-135, 1-136, 1-138, 1-152, 1-154, 1-155, 1-157, 1-158, 1-160, 1-161, 1-162, 1-164.02, 1-168, 2-953, 2-1084, 2-1810, 2-2303, 2-2446, 2-2601, 2-2701.01, 2-3002, 2-3102, 2-3302, 2-3403, 2-3605, 2-3606, 2-3741, 2-3742, 2-3817, 2-3914, 2-4002, 2-4204, 2-4603, 2-4802, 3-101, 3-150, 3-301, 3-402, 8-140, 8-148.02, 8-364, 8-409.01, 8-501, 8-902, 8-903, 8-1001, 8-1005, 8-1101, 8-1103, 8-1109, 8-1118, 8-1202, 8-1301, 8-1501, 8-1511, 8-1714, 8-1722, 9-207.01, 9-235.01, 9-316, 9-329.01, 9-329.02, 9-329.03, 9-329.04, 9-614, 9-616, 9-630, 9-632, 9-642, 9-642.01, 12-606, 12-607, 12-609, 12-613, 12-614, 12-1108, 13-203, 14-2004, 15-203, 15-816, 15-819, 16-205, 17-926, 18-306, 18-307, 18-308, 18-1916, 18-1917, 18-1918, 18-2103, 18-2412, 18-2709, 20-145, 20-314, 21-1311, 21-1401, 21-1771, 21-1774, 21-1782, 21-1904, 21-2004, 21-2102, 21-2108, 21-2222, 21-2434, 21-2436, 21-2444, 23-114.05, 23-2809, 23-3594, 23-3595, 25-403.02, 25-535, 25-1056, 25-1801, 25-1804, 25-21,161, 25-2803, 28-425, 28-613, 28-807, 28-1210, 28-1213, 28-1229, 28-1240, 28-1250, 28-1251, 28-1323, 28-1324, 28-1420, 28-1421, 28-1422, 28-1423, 29-1507, 29-3513, 30-2701, 31-902, 36-213, 36-213.01, 37-431, 37-719, 37-1207, 39-6,161, 39-6,188, 39-807, 39-808, 39-892, 39-1302, 39-1638, 39-1816, 39-2602, 42-364.11, 43-1503, 44-377, 44-392, 44-3,107.01, 44-404, 44-407.10, 44-759, 44-760, 44-1201, 44-1602, 44-1603, 44-1607.02, 44-2610, 44-2617, 44-2702, 44-2803, 44-2821, 44-2837, 44-2902, 45-114, 45-120, 45-128, 45-133, 45-142, 45-145, 45-153, 45-350, 45-607, 46-296, 46-505, 46-1001, 46-1015, 48-115, 48-145.01, 48-162, 48-175, 48-220, 48-402, 48-501.01, 48-603,

48-604, 48-652, 48-658, 48-801, 48-902, 48-1002, 48-1220, 48-1702, 48-1704, 49-801, 49-1407, 49-1408, 49-1438, 49-1496, 49-1546, 52-801, 52-802, 52-803, 52-804, 52-805, 52-1001, 52-1309, 52-1401, 53-149, 54-102, 54-106, 54-108, 54-115, 54-126, 54-133.01, 54-155, 54-156, 54-169, 54-201, 54-208, 54-609, 54-610, 54-1158, 54-1509, 54-1514, 54-1703, 54-2001, 57-301, 57-401, 57-601, 57-701, 57-801, 57-903, 57-1201, 59-804, 59-805, 59-806, 59-807, 59-808, 59-809, 59-810, 59-811, 59-812, 59-813, 59-814, 59-815, 59-816, 59-818, 59-819, 59-822, 59-830, 59-1401, 59-1502, 59-1601, 59-1704, 59-1735, 59-1739, 59-1742, 60-501, 60-1201, 60-1202, 60-1406, 60-1407, 60-2001, 64-205, 64-206, 67-233, 67-234, 67-236, 67-251, 67-255, 67-275, 67-281, 67-283, 67-302, 69-1005, 69-1201, 69-1204, 69-1205, 69-1215, 70-702, 70-1602, 71-1,132.35, 71-1,154, 71-201, 71-363, 71-1557, 71-1901, 71-2028, 71-2029, 71-2511, 71-3101, 71-3201, 71-3503, 71-4603, 71-4621, 71-4623, 71-4801, 71-5301, 71-5502, 71-5811, 71-5822, 71-5831, 71-5903, 71-5908, 71-5909, 71-6103, 71-6106, 71-6107, 71-6301, 72-232, 72-233, 72-902, 72-1103, 72-1702, 73-101.01, 75-201, 75-302, 75-320, 75-323, 75-325, 75-604, 75-605, 75-606, 75-612, 75-713, 75-721, 75-723, 75-909, 76-537, 76-538, 76-701, 76-802, 76-827, 76-1226, 76-1302, 76-1410, 76-1458, 76-1702, 76-2102, 76-2105, 76-2110, 77-113, 77-1244, 77-1323, 77-1324, 77-2363, 77-2601, 77-2715.07, 77-2730, 77-2733, 77-2733.01, 77-2753, 77-2761, 77-2790, 77-27,188.01, 77-27,194, 77-3001, 77-3101, 77-4009, 77-4103, 77-4108, 79-2925, 81-149, 81-150, 81-542, 81-854, 81-885.06, 81-885.33, 81-885.34, 81-885.40, 81-1543, 81-1567, 81-1592, 81-1706, 81-1836, 81-1906, 81-2130, 83-145.01, 84-167, 86-102, 86-330, 86-331.01, 86-337, 86-710, 86-802, 87-111, 87-208, 87-301, and 88-526, Reissue Revised Statutes of Nebraska, 1943, sections 12-1102, 14-2119, 15-808, 20-403, 25-1010, 25-1081, 28-401, 30-2209, 31-735, 32-1604, 36-702, 37-101, 39-602, 43-1709, 43-2702, 44-208.08, 44-217, 44-766, 44-1523, 44-1525, 44-1538, 44-1605, 44-1802, 44-1930, 44-2403, 44-2621, 44-2627, 44-2824, 44-32,117, 44-32,125, 44-4002, 44-4307, 44-4702, 44-4703, 44-4704, 44-4722, 44-4803, 44-5115, 44-5144, 44-5214, 44-5812, 45-101.04, 45-190, 45-702, 45-706, 45-802, 46-657, 48-602, 48-1102, 48-1202, 48-1229, 53-103, 53-110, 53-125, 53-168, 53-205, 53-212, 53-218, 54-104, 54-849, 54-1602, 54-1605, 54-1902, 58-239, 58-242, 58-245, 58-404, 60-476, 60-4,173, 60-1401.02, 60-1411.02, 66-482, 66-4,130, 66-602, 66-712, 66-729, 71-1,142, 71-1331, 71-2020, 71-2023, 71-2059, 71-4702, 71-5102, 71-5810, 71-5830, 71-7303, 71-7414, 76-902, 76-2227, 76-2229, 77-122, 77-1201, 77-2702.09, 77-2702.10, 77-2705, 77-2716, 77-2734.01, 79-2803, 81-161.05, 81-2,147.01, 81-2,162.02, 81-2,270, 81-885.01, 81-885.04, 81-885.11, 81-885.12, 81-1108.56, 81-1502, 81-15,119, 87-307, 87-402, 87-502, 87-602, 87-703, 88-543, 88-545, and 89-187.02, Revised Statutes Supplement, 1992, sections 69-1301 and 69-1310, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 3 and 13, respectively, Legislative Bill 26, Ninety-second Legislature, Third Special Session, 1992, section 8-141, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3,

Legislative Bill 81, Ninety-third Legislature, First Session, 1993, sections 9-1,104 and 9-834, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 1 and 53, respectively, Legislative Bill 138, Ninety-third Legislature, First Session, 1993, and sections 1-201, 3-307, and 9-402, Uniform Commercial Code; to adopt the Limited Liability Company Act; to provide for taxation of member income; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Byars	Hartnett	Pedersen	Vrtiska
Ashford	Chambers	Hohenstein	Pirsch	Warner
Avery	Coordsen	Horgan	Preister	Wehrbein
Baack	Crosby	Janssen	Rasmussen	Wesely
Bernard-Stevens	Cudaback	Kristensen	Robak	Wickersham
	Day	Landis	Robinson	Will
Beutler	Dierks	Lindsay	Schellpeper	Witek
Bohlke	Elmer	Lynch	Schimek	Withem
Bromm	Hall	McKenzie	Schmitt	

Voting in the negative, 0.

Present and not voting, 2:

Fisher Hillman

Excused and not voting, 4:

Haberman Hudkins Jones Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 121A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 121, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Byars	Hartnett	Pedersen	Vrtiska
Ashford	Chambers	Hohenstein	Pirsch	Warner
Avery	Coordsen	Horgan	Preister	Wehrbein
Baack	Crosby	Janssen	Rasmussen	Wesely
Bernard-Stevens	Cudaback	Kristensen	Robak	Wickersham
	Day	Landis	Schellpeper	Will
Beutler	Dierks	Lindsay	Schimek	Witek
Bohlke	Elmer	Lynch	Schmitt	Withem
Bromm	Hall	McKenzie		

Voting in the negative, 0.

Present and not voting, 3:

Fisher	Hillman	Robinson

Excused and not voting, 4:

Haberman	Hudkins	Jones	Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: 719.

Correctly Engrossed

The following bills were correctly engrossed: 117A, 203, 203A, 397, 397A, 420A, 564, 564A, 734A, 798, 798A, 799, 799A, 800, 800A, 801, 805, 805A, 832, 832A, and 835.

Enrollment and Review Change to LB 203

The following changes, required to be reported for publication in the Journal, have been made:
ER7284

1. In the E & R amendment, AM5496, on page 1, line 11, "81-1504.01," has been inserted after "sections"; in line 12 "to require a report;" has been inserted after the semicolon; and in line 20 "20" has been struck and "21" inserted.

2. In the Standing Committee amendments, AM1677, on page 17, line 17, "20" has been struck and "21" inserted.

3. In the Beutler amendment, AM1880, on page 1, line 10; and page 2, line 2, "federal" has been inserted after "the".

Enrollment and Review Change to LB 397

The following changes, required to be reported for publication in the Journal, have been made:
ER7302

1. On page 1, line 5, "relating to" has been struck; in line 6 "and" has been struck and "to provide an operative date;" has been inserted; and in line 7 "; and to declare an emergency" has been inserted after "sections".

Enrollment and Review Change to LB 564

The following changes, required to be reported for publication in the Journal, have been made:
ER7286

1. In lieu of the Chambers amendment, FA246, in the Day amendment, AM1740, on page 3, line 12, "If such person" has been struck and "(1) If a person whose operator's license has been impounded pursuant to section 3 of this act" inserted; in line 13 "1 or 2" has been struck and "2 or 3" inserted; and in line 16 after the period the following new subsection has been inserted:

"(2) Any person whose operator's license is impounded pursuant to section 3 of this act may be allowed by the court to operate a motor vehicle in order to drive to and from his or her place of employment.".

2. In the Landis-Hall amendment, AM1736:

a. Amendment 2 has been struck;

b. On page 1, line 5, "director" has been struck and "Director of Motor Vehicles" inserted; and in line 15 "department" has been struck and "Department of Motor Vehicles" inserted;

c. On page 15, line 21, "1" has been struck and "6" inserted; and

d. On page 17, the matter beginning with "(2)" in line 9 through "therefor" in line 11 has been struck and the old matter shown as stricken; in line 11 "(2) Any" has been inserted after the stricken "any"; the stricken matter beginning with "person" in line 11 through "probation" in line 15 has been reinstated; in line 14 "under section 39-669.26" has been inserted after the reinstated "points"; in line 15 "unless a court has ordered the installation of an ignition interlock device pursuant to section 6 of this act. For any other violation, the director shall not assess such person with any points under section 39-669.26 for such violation when the person is placed on probation" has been inserted after the reinstated "probation"; and in lines 18 through 23 the new matter has been struck.

3. In lieu of the Kristensen amendment, AM2174, as amended by the Kristensen amendment, AM2240:

a. In the Landis-Hall amendment, AM1736, on page 6, lines 8 and 10, "or order not to drive" has been inserted after "revocation"; and

b. In the Day amendment, AM1740:

i. Section 10 has been struck and the following new sections inserted:

"Sec. 16. Sections 2 to 6, 8 to 15, and 18 of this act shall become operative on January 1, 1994. The other sections of this act shall become operative on their effective date.

Sec. 17. That original section 29-2264, Reissue Revised Statutes of Nebraska, 1943, and section 39-669.07, Revised Statutes Supplement, 1992, are repealed.

Sec. 19. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."; and

ii. The remaining section has been renumbered accordingly.

4. In the Abboud-Lindsay amendment, AM2234:

a. Amendment 2 has been struck;

b. Section 4 has been renumbered as section 1;

c. On page 1, line 7, "who" has been struck and shown as stricken;

d. On page 2, line 14; and page 3, lines 9 and 10, "provisions of sections 29-2246 to 29-2268" has been struck, shown as stricken, and "Nebraska Probation Administration Act" inserted; and

e. On page 3, line 15, "effective date of this act" has been struck and "operative date of this section" inserted.

5. In the Day amendment, AM1740:

a. Section 9 has been renumbered as section 5;

b. On page 7, line 13, "1 to 4 and 9" has been struck and "2 to 6" inserted; and in line 15, 24, and 26 "1" has been struck and "2" inserted; and

c. On page 8, line 3, "39-669.08," has been inserted after "sections"; and in line 4 "and 39-6,122" has been struck and "39-669.16, 39-669.22, 39-6,122, and 60-4,118" inserted.

6. On page 1, the matter beginning with the first "the" in line 1 through line 12 has been struck and "crimes and offenses; to amend sections 29-2264 and 39-669.13, Reissue Revised Statutes of Nebraska, 1943, and sections 39-669.07, 39-669.08, 39-669.11, 39-669.12, 39-669.16, 39-669.22, 39-6,122, and 60-4,118, Revised Statutes Supplement, 1992; to change provisions relating to setting aside convictions; to prohibit certain persons from operating or having actual physical control of a motor vehicle with alcohol in the blood or breath as prescribed; to provide for consent to chemical tests; to provide for impoundment of motor vehicle operators' licenses; to provide for the applicability of provisions; to provide for the use of ignition interlock devices; to change provisions relating to the sentence for driving under the influence and the assessment of points against operators' licenses; to provide for a restricted operator's license; to provide penalties; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

Enrollment and Review Change to LB 719
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER7285

1. In the Warner amendment, AM2287:

a. Section 1 has been correlated with section 6, Legislative Bill 579, Ninety-third Legislature, First Session, 1993; and

b. On page 3, line 12, the comma has been struck and "by" has been inserted after "or".

Enrollment and Review Change to LB 800

The following changes, required to be reported for publication in the Journal, have been made:
ER7303

1. On page 1, line 4, "to provide for revocability of irrevocable trusts;" has been inserted before "and".

Enrollment and Review Change to LB 801

The following changes, required to be reported for publication in the Journal, have been made:
ER7304

1. In the E & R amendments, AM5504, on page 1, line 9, "and a statewide project" has been inserted after "project"; in line 12 "and" has been struck; and in line 13 "; and to provide operative dates" has been inserted before the period.

Enrollment and Review Change to LB 805

The following changes, required to be reported for publication in the Journal, have been made:
ER7307

1. On page 1, the matter beginning with the second "to" in line 1 through line 5 has been struck and "to impose a tax on physicians as prescribed; to provide for use of the tax revenue; to provide for rules and regulations; to provide a termination date; and to declare an emergency.".

Enrollment and Review Change to LB 835

The following changes, required to be reported for publication in the Journal, have been made:
ER7301

1. The Schimek amendment, AM2271, has been incorporated into the E & R amendments, AM5528, on page 3, after line 5.

2. In the E & R amendments, AM5528:

a. On page 3, line 14, "197,205.99" has been struck and "206,605.79" inserted; and in line 17 "198,398.50" has been struck and "207,798.30" inserted; and

b. On page 6, line 14, the first "the" has been struck and "of" inserted.

(Signed) Kurt Hohenstein, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Schmitt asked unanimous consent to be excused. No objections. So ordered.

MESSAGES FROM THE GOVERNOR

May 25, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Motor Vehicle Industry Licensing Board, requiring legislative approval.

APPOINTEE: Susan M. Kliment, 601 East 2nd St., P.O. Box 331, Valparaiso, NE 68065

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

May 27, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that Jacqueline M. Hartnett has resigned from the Public Employees Retirement Board. Please withdraw her name for confirmation.

Sincerely,
(Signed) E. Benjamin Nelson

Governor

ATTORNEY GENERAL'S OPINION

Opinion No. 93041

DATE: May 27, 1993

SUBJECT: LB 632 and AM1909: Creation of Handicapped Parking Civil Violation

REQUESTED BY: Senator Scott Moore
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Jan E. Rempe, Assistant Attorney General

LB 632 (1993), as amended by AM1909 (1993), creates a "handicapped parking civil violation" for the violation of any statute or ordinance regulating the use of parking spaces designated for handicapped or disabled persons. LB 632, § 1. The bill allows peace officers to issue citations for alleged violations, but also grants cities and villages the authority to designate by ordinance "any person" to issue such citations. Id. Commission of such a violation is classified as a civil matter and is punishable by monetary penalty. AM1909, §§ 2, 3.

LB 632 and AM1909 set forth detailed procedures regarding the manner in which alleged violations are handled. After the alleged violator is served with a citation, the county attorney or other legally authorized person either files a complaint regarding the violation or chooses not to do so. AM1909, § 7. The alleged violator then appears in court to admit or deny the allegations of the complaint. If the allegations are admitted, the court enters judgment for the state and imposes a civil sanction. If the allegations are denied, the court sets the matter for an informal hearing without a jury. Id.

At this informal hearing, the state must prove the alleged violation by a preponderance of the evidence, and the rules of evidence generally do not apply. The alleged violator may be represented by counsel. Id. Although not explicitly outlined in the bill, we assume that the alleged violator would have the rights to confront and cross-examine witnesses called to testify against him or her and to present evidence on his or her own behalf. The court may dismiss the allegation or impose a civil sanction which conforms with the range provided in section 3 of AM1909. Id. Any party may appeal the judgment of the court to the Nebraska Court of Appeals. AM1909, § 8.

You have requested our opinion regarding the constitutionality of (1) classifying the above-described violations as civil matters, and (2) allowing municipalities to enact ordinances which designate that certain civilians may issue citations for alleged violations of the proposed law.

You are especially concerned that these provisions might violate principles of due process. For the reasons outlined below, we believe the Legislature has the authority to classify offenses as civil or criminal and to authorize municipalities to designate civilian personnel who may issue citations for handicapped parking civil violations.

The Legislature has plenary legislative authority, which is limited only by the Nebraska and U.S. Constitutions. The state constitution is not a grant of power like the federal constitution, but is instead a limitation of power. State ex rel. Creighton Univ. v. Smith, 217 Neb. 682, 353 N.W.2d 267 (1984); Lenstrom v. Thone, 209 Neb. 783, 311 N.W.2d 884 (1981); Consumers Coal Co. v. City of Lincoln, 109 Neb. 51, 189 N.W. 643 (1922).

> We look . . . in the Constitution of the state to ascertain if any limitations have been imposed upon the complete powers with which the legislative department of the state is vested in its creation. . . . The law-making power of the state recognizes no restraints, and is bound by none, except such as are imposed by the Constitution.

Consumers, 109 Neb. at 64-65, 189 N.W. at 648 (emphasis deleted). Thus, the Legislature may legislate on any subject not inhibited by the state or federal constitutions, and restrictions on this legislative power will not be inferred unless the restriction is clearly implied. Creighton, 217 Neb. at 688, 353 N.W.2d at 271; Lenstrom, 209 Neb. at 789-90, 311 N.W.2d at 888.

We find nothing in the state or federal constitutions which would inhibit or restrict the Legislature in classifying cases involving handicapped parking violations as civil matters and in authorizing municipalities to designate those civilian personnel who may issue citations for such violations. Specifically, these provisions do not appear to violate the principles of procedural or substantive due process.

The Fourteenth Amendment to the U.S. Constitution prohibits states from depriving "any person of life, liberty, or property, without due process of law." A nearly identical provision appears in article I, section 3, of the Nebraska Constitution. "Procedural" due process means that the state can take life, liberty, or property only when certain procedures are followed, and "substantive" due process prevents certain types of state action regardless of the procedures that are followed or available. Weimer v. Amen, 870 F.2d 1400 (8th Cir. 1989). See also Rein v. Johnson, 149 Neb. 67, 30 N.W.2d 548 (1947), cert. denied, 335 U.S. 814 (1948) (due process is satisfied with regard to legislation if the legislature has power to act; that power is not exercised in an arbitrary, capricious, or unreasonably discriminatory manner; and the act has a reasonable relationship to a proper legislative purpose).

Procedural due process is "a flexible concept calling for such procedural protections as are appropriate in a particular situation." Bosselman, Inc. v. State, 230 Neb. 471, 475, 432 N.W.2d 226, 229 (1988). "'Due process has been held to require that adjudication be preceded by notice and an opportunity to be heard which is fair in view of the circumstances and conditions existent at the time.'"

Howard v. City of Lincoln, 243 Neb. 5, 13, 497 N.W.2d 53, 58 (1993) (quoting Kirshen v. Kirshen, 227 Neb. 479, 481, 418 N.W.2d 558, 560 (1988)). Substantive due process, on the other hand, involves state action which shocks the conscience or otherwise offends our judicial notions of fairness. The conduct involved must be "'offensive to human dignity.'" Weimer, 870 F.2d at 1405 (quoting New v. Minneapolis, 792 F.2d 724, 726 (8th Cir. 1986)).

Assuming that the interests involved in receiving a citation for a handicapped parking civil violation are significant enough to invoke due process protections, the procedural protections provided under LB 632, as amended by AM1909, seem constitutionally adequate. As described above, the proposed law provides for notice of alleged violations and pending court dates, as well as the opportunity to be heard in court. The alleged violator may be heard in both a preliminary hearing where he or she admits or denies the allegations, and in a later informal hearing--with counsel if desired--where the state is required to prove the violation by a preponderance of the evidence. Further, any party may appeal the lower court's judgment to the Nebraska Court of Appeals.

Similarly, classifying handicapped parking violations as civil matters and authorizing cities and villages to designate by ordinance persons who have the authority to issue citations do not shock the conscience. These provisions are not the type of "abusive governmental action completely prohibited by due process." Weimer, 870 F.2d at 1406.

Our conclusions are supported by general case law concerning a legislature's power to classify offenses as civil or criminal and a municipality's power to supplement its police protection with specially designated personnel.

It is within a legislature's power to define and classify public offenses as civil or criminal and to prescribe appropriate punishments. Adams v. City of Pocatello, 91 Idaho 99, 416 P.2d 46 (1966) (legislature's function to enact police regulations governing citizen conduct and corresponding penalties to be enforced by the executive branch for violations); Anderson v. Commercial Credit Co., 110 Mont. 333, 101 P.2d 367 (1940) (laws providing penalties like civil fines usually sustained as being within legislature's power); State v. Pettit, 233 Neb. 436, 445 N.W.2d 890 (1989) (legislature has power to define crimes and punishment within constitutional boundaries); 16 C.J.S. Constitutional Law § 114, at 383 (1984).

Subject to the powers vested in it by state constitutional provisions and statutes, a city may supplement the police protection it offers by authorizing private persons to perform some of its police functions. People v. Perry, 27 Ill. App. 3d 230, 327 N.E.2d 167 (1975) (upheld city ordinance which allowed appointment of special police persons for guarding individual buildings, premises, persons, or property; ordinance fell within city's obligation to protect people and property; reasonable for city to deputize individuals to perform limited functions in order to improve safety for all); Frank v. Wabash R.R. Co., 295 S.W.2d 16 (Mo. 1956); K-Mart Corp. v. St. Louis County, 672 S.W.2d 127 (Mo.

Ct. App. 1984); Caronia v. Civil Serv. Comm'n, 6 N.J. Super. 275, 71 A.2d 135 (App. Div. 1950) (upheld statute which allowed municipality to appoint special police persons for limited and special purpose of escorting school children across street); State v. Clark, 10 Ohio App. 3d, 462 N.E.2d 436 (1983) (municipality may confer upon auxiliary police such powers as are necessary to discharge assigned duties); Surry v. City of Seattle, 14 Wash. 2d 350, 128 P.2d 322 (1942) (city ordinance allowed appointment of private persons as special police to serve without city compensation); 16A Eugene McQuillin, The Law of Municipal Corporations § 45.06.10, at 32 (3d ed. 1992); 3 C. Dallas Sands & Michael E. Libonati, Local Government Law § 18.03, at 18-10 (1982).

Since LB 632 and AM1909 would explicitly vest cities and villages with the authority to enact ordinances designating who may issue citations for handicapped parking civil violations, it would obviously be within those municipalities' powers to appoint private persons for that limited purpose. See Charles S. Rhyne, The Law of Local Government Operations § 19.1, at 447 (1980) (municipalities can exercise only those powers conferred by the legislature).

Conclusions

The Nebraska Legislature may constitutionally classify handicapped parking violations as civil matters and may authorize municipalities to provide by ordinance that certain civilians may perform the limited function of issuing citations for such violations.

Although you did not specifically ask about the standard by which the state must prove its case in handicapped parking violation cases, we would like to take this opportunity to comment on the "preponderance of the evidence" standard provided in section 7(4) of AM1909. While we have concluded that the Legislature may label the violations at issue as civil matters, it should be noted that the Nebraska Supreme Court has held that traffic infractions are criminal offenses for purposes of the double jeopardy provision in article I, section 12, of the Nebraska Constitution, "notwithstanding the legislative labeling of a traffic infraction {as} a civil offense." State v. Knoles, 199 Neb. 211, 215, 256 N.W.2d 873, 875 (1977). See also State v. Clayton, 584 P.2d 1111 (Alaska 1978) (prosecution for traffic infraction is quasi-criminal proceeding to which some criminal procedures, like issuance of warrants, apply). But see United States v. Ward, 448 U.S. 242 (1980), reh'g denied, 448 U.S. 916 (1980) (case involving assessment of monetary penalty under federal act was not criminal within the meaning of the Fifth Amendment's guarantee against compulsory self-incrimination); State v. Anton, 463 A.2d 703 (Me. 1983) (traffic infraction proceedings not criminal prosecutions to which right to jury trial applies).

As noted above, courts have varied in designating which criminal procedures or standards, if any, are applicable to seemingly civil matters. However, the criminal degree of persuasion, "beyond a reasonable doubt," generally has been held inapplicable to civil actions--including actions for statutory penalties--unless such civil cases

involve the drastic impairment of liberty and reputation. McCormick on Evidence § 341, at 964 (Edward W. Cleary, ed., 3d ed. 1984) (citing civil cases involving designation of mentally disordered sex offenders as examples of drastic impairment of liberty and reputation); 9 John H. Wigmore, Evidence § 2498, at 421-22 (James H. Chadbourn, rev., 1981). See also 31A C.J.S. Evidence § 103, at 167 (1964) (burden of proof is a matter of policy; not objectionable to convert burden of proof to a statutory rule of substantive law; state has virtually unrestricted power to change rules of evidence regarding burden of proof); 16 C.J.S. Constitutional Law § 129, at 416 (1984) (legislature may regulate burden of proof and the extent of proof required).

Since the civil sanctions authorized in the bill are fairly modest and are not a drastic impairment of liberty and reputation, the "preponderance of the evidence" standard in the proposed bill is probably correct. However, you should be aware that certain criminal procedures may attach to handicapped parking violation proceedings, regardless of the "civil" label the Legislature attaches to those proceedings.

Sincerely,
DON STENBERG
Attorney General
(Signed) Jan E. Rempe
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of May 26, 1993. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Berg, Michael D. - Des Moines, Ia (Withdrawn 05/20/93)	GTE-Central
Goc, John J. - Lincoln	Advanced Institutional Management Software, Inc.
Pappas, James E. - Lincoln	Advanced Institutional Management Software, Inc.
	Robert A. Batt
Waldron, J. James - Lincoln	Louis Johnson

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 235 in the Journal. No objections. So ordered.

AM1941

(Amendments to E & R amendments, AM5482)

1. On page 1, line 8, after the period insert "The commission shall not increase any fee more than six percent in any one year, except that if a fee has not been increased by such percentage in a prior year after 1993, the difference between a six percent increase and the actual percentage increase in such prior year may be added to the percentage increase in a subsequent year.".

2. On page 27, line 6, strike "thirty-five", show as stricken, and insert "fifty"; and in line 7 strike "fifty" and insert "sixty-five".

3. On page 37, line 5, strike "twenty", show as stricken, and insert "fifty"; and in line 6 strike "twenty-five" and insert "sixty-five".

Mr. Beutler asked unanimous consent to print the following amendment to LB 235 in the Journal. No objections. So ordered.

AM2144

(Amendments to E & R amendments, AM5482)

1. Strike section 41 and insert the following new sections:

"Sec. 41. The State of Nebraska hereby assents to the provisions of section 1302 of the Intermodal Surface Transportation Efficiency Act cited as the Symms National Recreational Trails Act of 1991 and establishing the National Recreational Trails Funding Program, Public Law 102-240, 102nd Congress. The Game and Parks Commission is authorized, empowered, and directed to perform all acts necessary on behalf of the State of Nebraska to the conduct and establishment of recreational trails and trail-related projects in accordance with such act of Congress for and within the State of Nebraska. The commission may adopt and promulgate rules and regulations to assist in carrying out the purposes of this section. No funds accruing to the State of Nebraska pursuant to the act shall be used in violation of the act.

Sec. 42. There is hereby created a fund to be known as the Recreational Trails Fund. Federal funds advanced to the State of Nebraska through grants-in-aid under the provisions of Public Law 102-240, 102nd Congress, for approved projects shall be remitted to the State Treasurer for credit to the fund. The money in the fund shall be used by the Game and Parks Commission for the purposes of establishing recreational trails and trail-related projects pursuant to

such Public Law.

Sec. 43. Sections 41 and 42 of this act shall become operative three calendar months after the adjournment of this legislative session. The other sections of this act shall become operative on January 1, 1994.

Sec. 44. Sections 41 and 42 of this act shall terminate on December 1, 1994.".

2. Renumber the remaining sections accordingly.

Messrs. Kristensen and Withem asked unanimous consent to print the following amendment to LB 421 in the Journal. No objections. So ordered.

AM2296

(Amendments to E & R amendments, AM5493)

1. Strike section 17 and insert the following new sections:

"Sec. 10. Gas or hazardous liquid underground pipeline facility shall mean any underground facility used or intended for use in the transportation of gas or the treatment of gas or used or intended for use in the transportation of hazardous liquids including petroleum or petroleum products.

Sec. 32. That section 86-334, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

86-334. Whenever any county or township road construction, widening, repair, or grading project ~~will require~~ requires, or can reasonably be expected to require, the performance of any work within six feet of any telephone, electric transmission, or electric distribution line~~,~~ or its poles or anchors, notice to the owner of such line, poles, or anchors shall be given by the respective county or township officers in charge of such projects. Such notice shall be given at ~~, as follows: (1) At~~ least thirty days prior to the start of any work when, because of road construction, ~~road~~ widening, repair, or grading, or for any other reason~~,~~ it shall be necessary to relocate such line~~,~~ or any of its poles or anchors. ~~; and (2) at least fifteen days prior to the start of any work for any project not included in subdivision (1) of this section.~~

Sec. 33. Sections 22, 23, 24, 25, 27, 28, 30, 32, and 34 shall become operative on January 3, 1995. The other sections of this act shall become operative three calendar months after the adjournment of this legislative session.

Sec. 34. That original section 86-334, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 3, line 26, after "information" insert "on a fair and uniform basis".

3. On page 4, strike beginning with the comma in line 1 through "basis" in line 2; in line 17 strike

"pipeline"; and strike beginning with "in" in line 18 through "facilities" in line 19.

4. On page 5, line 19, strike "pipeline"; and strike beginning with "If" in line 25 through line 27.

5. On page 6, strike lines 1 through 3; in line 25 strike "represented by the center"; and in line 26 strike "who are represented by the center".

6. On page 7, line 3, after "excavation" insert ", except for notice of road construction, widening, repair, or grading projects given as provided in section 86-334".

7. On page 9, line 19, after "section" insert "20, 21,"; and in lines 19 and 20 strike "or who willfully damages an underground facility".

8. Insert underscoring in sections 1 to 31.

9. Renumber the remaining sections accordingly.

Mr. Abboud asked unanimous consent to print the following amendment to LB 757 in the Journal. No objections. So ordered.

AM2493

1. Insert the following new section:

"Sec. 23. That section 48-163, Revised Statutes Supplement, 1992, be amended to read as follows:

48-163. (1) The Nebraska Workers' Compensation Court, by a majority vote of the judges thereof, may adopt and promulgate all reasonable rules and regulations necessary for carrying out the intent and purpose of the Nebraska Workers' Compensation Act and shall administer and enforce all of the provisions of such act, except such as are committed to the Supreme Court.

(2) No rule or regulation to carry out the act shall be adopted and promulgated except after public hearing conducted by a quorum of the compensation court on the question of adopting and promulgating such rule or regulation. Notice of such hearing shall be given at least thirty days prior thereto by publication in a newspaper having general circulation in the state. Draft copies of all such rules and regulations shall be available to the public at the compensation court at the time of giving notice. The compensation court shall establish and maintain a list of subscribers who wish to receive notice of public hearing on the question of adopting and promulgating any rule or regulation and shall provide notice to subscribers at a cost to be assessed against each subscriber.

(3) The compensation court or any judge thereof may, upon the motion of either party or upon its or his or her own motion, require the production of any books, papers, payrolls, medical reports, X-rays, photographs or plates, or any facts or matters which may be necessary to assist in a determination

of the rights of either party in any matter pending before such compensation court or any judge thereof.

(4) The court may expedite the hearing of a disputed case when there is an emergency.".

2. On page 6, line 1, after "(2)" insert "(a)"; in line 12 strike the last "the" and insert "such"; in line 16 strike beginning with "from" through "state"; and in line 20 after the period insert "The employee or employer may not change the initial selection of physician made pursuant to this subsection unless such change is agreed to by the employee and employer or is ordered by the compensation court pursuant to subsection (6) of this section. If compensability is denied by the insurer, risk management pool, or self-insured employer, (i) the employee shall have the right to select a physician and shall not be made to enter a managed care plan and (ii) the employer shall be liable for medical, surgical, and hospital services subsequently found to be compensable.".

3. On page 7, line 1, before "In" insert paragraphing and "(b)"; in line 4 before "If" insert paragraphing and "(c)"; in line 11 before "If" insert "(d)"; in line 16 before "The" insert paragraphing and "(e)"; and in line 19 before "The" insert "(f)".

4. On page 10, line 20, strike "at any time"; and in line 21 after "denied" insert "by the insurer, risk management pool, or self-insured employer".

5. On page 35, line 9, after "perform" insert "suitable".

6. Renumber the remaining sections, correct internal references accordingly, and amend the operative date and repealer sections so that section 23 added by this amendment becomes operative on January 1, 1994.

7. In the Landis amendment FA98:

a. On page 1, line 5, after "court" insert "by a majority vote of the judges thereof"; and

b. On page 3, line 3 after "(6)" insert "The written report of the independent medical examiner's findings shall be admissible in a proceeding before the compensation court and may be received into evidence by the compensation court on its own motion."; and strike beginning with "If" in line 4 through line 7.

Mr. Baack asked unanimous consent to print the following amendment to LB 587A in the Journal. No objections. So ordered.

AM2454

1. Insert the following new section:

"Sec. 4. There is hereby appropriated $50,050 from

the General Fund for FY1994-95 to the Department of Revenue, for Program 102, to aid in carrying out the provisions of Legislative Bill 587, Ninety-third Legislature, First Session, 1993.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

2. Renumber the remaining section accordingly.

Messrs. Preister and Ashford asked unanimous consent to print the following amendment to LB 345 in the Journal. No objections. So ordered.

AM2485

(Amendments to AM2060)

1. On page 3, line 23, after "months" insert "after inception of the increase or until December 31, 1994, whichever comes first,".

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 121 and 121A.

SELECT FILE

LEGISLATIVE BILL 804A. Mr. Wesely offered the following amendment:

AM2499

1. Strike the Wesely amendment, AM1906.

2. On page 2, line 18, strike "$1,242,154" and insert "$2,942,154"; and in line 21 strike "$1,975,043" and insert "$4,678,032".

The Wesely amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 717. Mr. Ashford withdrew his pending motion, found in the Journal on page 2374, to indefinitely postpone.

PRESIDENT MOUL PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Hall requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 29:

Abboud	Bohlke	Dierks	Horgan	Schimek
Ashford	Bromm	Elmer	Kristensen	Vrtiska
Baack	Chambers	Fisher	Landis	Wehrbein
Bernard-Stevens	Coordsen	Hartnett	Moore	Wesely
Beutler	Crosby	Hillman	Preister	Wickersham
	Day	Hohenstein	Robak	Withem

Voting in the negative, 13:

Cudaback	Lindsay	Pedersen	Robinson	Will
Hall	Lynch	Pirsch	Warner	Witek
Janssen	McKenzie	Rasmussen		

Present and not voting, 2:

Avery Byars

Excused and not voting, 5:

Haberman	Hudkins	Jones	Schellpeper	Schmitt

Advanced to E & R for review with 29 ayes, 13 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Member Excused

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 239 to Select File

Mr. Withem moved to return LB 239 to Select File for the following specific amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2421.)

Mr. Fisher moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Withem motion to return prevailed with 27 ayes, 1 nay, 15 present and not voting, and 6 excused and not voting.

Mr. Elmer asked unanimous consent to be excused. No objections. So ordered.

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 239. The Withem specific amendment, AM2421, on file in the Clerk's Office and referred to in this day's Journal, was adopted with 26 ayes, 3 nays, 12 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

Messrs. Wickersham, Withem, and Mrs. Hillman asked unanimous consent to be excused. No objections. So ordered.

MOTION - Return LB 632 to Select File

Mr. Kristensen moved to return LB 632 to Select File for the Kristensen-Hartnett-Lynch specific amendment, AM2404, found in the Journal on page 2466.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Messrs. Hall and Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Mrs. Witek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Kristensen motion to return prevailed with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

Mr. Coordsen asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 632. The Kristensen-Hartnett-Lynch specific amendment, AM2404, found in the Journal on page 2466, was considered.

Mrs. Witek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Kristensen et al. specific amendment was adopted with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Advanced to E & R for engrossment.

Mr. Fisher asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 632 to Select File

Mr. Chambers moved to return LB 632 to Select File for the following specific amendment:
FA281
Strike the enacting clause.

Mrs. Witek and Mr. Dierks asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers withdrew his motion to return.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 22, 98, 98A, 491, 491A, 595, 595A, 808, 808A, 816, and 816A.

Enrollment and Review Change to LB 98

The following changes, required to be reported for publication in the Journal, have been made:
ER7311
1. In the Withem amendment, AM2202, on page 1, line 6, paragraphing and "(3)" have been inserted before "For" and "(i)" has been struck and "(a)" inserted; in line 8 the underscored comma has been struck; and in line 9 "(ii)" has been struck and "(b)" inserted.
2. In the E & R amendment, AM5532, on page 1, line 10, "a term" has been struck and "terms" inserted.

Enrollment and Review Change to LB 491

The following changes, required to be reported for publication in the Journal, have been made:
ER7309

1. In the Hohenstein-Moore-Hillman amendment, AM2449:

a. On page 1, line 16, "the" has been struck and "each" inserted; in line 17 "deposit in" has been struck and "credit to" inserted; in line 19 the first "the" has been struck and "each" inserted"; and in line 20 "deposit in" has been struck, the old matter shown as stricken, and "credit to" inserted; and

b. The matter beginning with page 1, line 21, through page 2, line 3, has been struck and shown as stricken.

2. In the E & R amendments, AM5524:

a. The following new section has been inserted:

"Sec. 18. The Department of Motor Vehicles Computerization and Operations Fund is hereby created. The fund shall be used to carry out the duties of the Department of Motor Vehicles as deemed necessary by the Director of Motor Vehicles. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.";

b. On page 23, line 17, "60-483," has been inserted after the third comma; and in line 27 "certified abstracts of operating records," has been inserted after the second comma;

c. On page 24, line 4, "a fund" has been struck and "funds" inserted; and

d. The remaining sections have been renumbered accordingly.

Enrollment and Review Change to LB 491A

The following changes, required to be reported for publication in the Journal, have been made:
ER7296

1. On page 1, line 3, "to reduce appropriations;" has been inserted after the semicolon.

2. On page 2, line 27, "title" has been struck and "titling" inserted.

Enrollment and Review Change to LB 595

The following changes, required to be reported for publication in the Journal, have been made:
ER7313

1. In the E & R amendment, AM5530, amendment 1 has been struck.

2. On page 1, line 10, "to provide for grants and contracts for certain cancer research;" has been inserted after the first semicolon and "to provide an operative date;" has been inserted after the second semicolon; and in line 11 "to provide an operative date;" has been struck.

Enrollment and Review Change to LB 808

The following changes, required to be reported for publication in the Journal, have been made:
ER7305

1. In the Wesely amendment, FA266, on page 1, line 7, "this Act" has been struck and "sections 68-1019 and 68-1021" inserted.

2. In the E & R amendments, AM5506, on page 3, lines 11 and 12, "health care provider" has been struck and "vendor; to prohibit certain advertising and promotion by vendors; to prohibit providers from establishing policies to automatically waive copayments or deductibles" has been inserted.

3. On page 1, line 4, "and the Department of Social Services" has been inserted before the semicolon.

Enrollment and Review Change to LB 816

The following changes, required to be reported for publication in the Journal, have been made:
ER7306

1. In lieu of the Ashford amendment, FA270, in the Standing Committee amendments, AM1366, on page 4, line 15, "thirteen" and all amendments thereto have been struck and "fifteen" inserted; and in line 23 "hospitals" has been struck and "one urban hospital, one representative of one rural hospital" inserted.

(Signed) Kurt Hohenstein, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendments to LB 717 in the Journal. No objections. So ordered.

(1)

AM2104

1. On page 2, line 9, after "the" insert "following shall not be abrogated, diminished, or restricted by any labor agreement negotiated pursuant to the Industrial Relations Act: (a) The"; and strike lines 12 and 13 and insert "city; and (b) the stipulations that the city provide uniforms directly to the officers, and replace other items of uniform or equipment damaged or lost in the line of duty while on duty, including eyeglasses and watches, the replacement of which will not exceed one hundred twenty-five dollars per item.".

(2)

AM2105

1. On page 2, line 9, after "the" insert "following shall not be abrogated, diminished, or restricted by any labor

agreement negotiated pursuant to the Industrial Relations Act: (a) The"; and strike lines 12 and 13 and insert "city; and (b) the stipulation that the city pay one hundred percent of the present cost for a twenty thousand dollar group term life insurance policy for each employee.".

(3)

AM2106

1. On page 2, line 9, after "the" insert "following shall not be abrogated, diminished, or restricted by any labor agreement negotiated pursuant to the Industrial Relations Act: (a) The"; and strike lines 12 and 13 and insert "city; and (b) the stipulation that the city provide hepatitis-tuberculosis vaccines to Police Division employees.".

(4)

AM2107

1. On page 2, line 9, after "the" insert "following shall not be abrogated, diminished, or restricted by any labor agreement negotiated pursuant to the Industrial Relations Act: (a) The"; and strike lines 12 and 13 and insert "city; and (b) the stipulation that the city provide group insurance coverage for medical-surgical, including major medical benefits, and pay the insurance premium thereof for individual employee or family coverage, and that the benefits provided will be substantially similar to insurance benefits provided under the Blue Cross-Blue Shield of Nebraska usual and customary policy as the policy exists on the effective date of this act.".

(5)

AM2108

1. On page 2, line 9, after "the" insert "following shall not be abrogated, diminished, or restricted by any labor agreement negotiated pursuant to the Industrial Relations Act: (a) The"; and strike lines 12 and 13 and insert "city; and (b) the stipulation that the city provide an advanced college educational incentive program for all members of the Police Division who have completed five years of service with the Police Division, whereby each officer who has obtained a bachelor's degree from an accredited college or university shall receive fifty dollars per month and each officer who has obtained a master's degree from an accredited college or university shall receive sixty dollars per month.".

(6)

AM2109

1. On page 2, line 9, after "the" insert "following shall not be abrogated, diminished, or restricted by any labor agreement negotiated pursuant to the Industrial

Relations Act: (a) The"; and strike lines 12 and 13 and insert "city; and (b) the stipulation that the city provide for longevity pay in the amount of thirty dollars per month for employees who have completed seven years of service with the Police Division, sixty dollars per month for employees who have completed fourteen years of service with the Police Division, and ninety dollars per month for employees who have completed twenty-one years of service with the Police Division.".

(7)

AM2110

1. On page 2, line 9, after "the" insert "following shall not be abrogated, diminished, or restricted by any labor agreement negotiated pursuant to the Industrial Relations Act: (a) The"; and strike lines 12 and 13 and insert "city; and (b) the stipulation that the city initiate disciplinary action within thirty working days of the incident occasioning the disciplinary action.".

(8)

AM2111

1. On page 2, line 9, after "the" insert "following shall not be abrogated, diminished, or restricted by any labor agreement negotiated pursuant to the Industrial Relations Act: (a) The"; and strike lines 12 and 13 and insert "city; and (b) the stipulation that employees of the Police Division will not be subject to random drug testing.".

(9)

AM2112

1. On page 2, strike lines 8 through 13 and insert the following new subsection:

"(2) Notwithstanding any prior history of bargaining concerning permissive or mandatory subjects of bargaining, the stipulation that the city provide uniforms directly to the officers, and replace other items of uniform or equipment damaged or lost in the line of duty while on duty, including eyeglasses and watches, the replacement of which will not exceed one hundred twenty-five dollars per item, shall not be abrogated, diminished, or restricted by any labor agreement negotiated pursuant to the Industrial Relations Act.".

(10)

AM2113

1. On page 2, strike lines 8 through 13 and insert the following new subsection:

"(2) Notwithstanding any prior history of bargaining concerning permissive or mandatory subjects of bargaining, the

stipulation that the city pay one hundred percent of the present cost for a twenty thousand dollar group term life insurance policy for each employee of the Police Division shall not be abrogated, diminished, or restricted by any labor agreement negotiated pursuant to the Industrial Relations Act.".

(11)

AM2114

1. On page 2, strike lines 8 through 13 and insert the following new subsection:

"(2) Notwithstanding any prior history of bargaining concerning permissive or mandatory subjects of bargaining, the stipulation that the city provide hepatitis-tuberculosis vaccines to Police Division employees shall not be abrogated, diminished, or restricted by any labor agreement negotiated pursuant to the Industrial Relations Act.".

(12)

AM2115

1. On page 2, strike lines 8 through 13 and insert the following new subsection:

"(2) Notwithstanding any prior history of bargaining concerning permissive or mandatory subjects of bargaining, the stipulation that the city provide group insurance coverage for medical-surgical, including major medical benefits, and pay the insurance premium thereof for individual employee or family coverage, and that the benefits provided be substantially similar to insurance benefits provided under Blue Cross-Blue Shield of Nebraska usual and customary policy as the policy exists on the effective date of this act, shall not be abrogated, diminished, or restricted by any labor agreement negotiated pursuant to the Industrial Relations Act.".

(13)

AM2116

1. On page 2, strike lines 8 through 13 and insert the following new subdivision:

"(2) Notwithstanding any prior history of bargaining concerning permissive or mandatory subjects of bargaining, the stipulation that the city provide an advanced college educational incentive program for all members of the Police Division who have completed five years of service with the Police Division, whereby each officer who has obtained a bachelor's degree from an accredited college or university shall receive fifty dollars per month and each officer who has obtained a master's degree from an accredited college or university shall receive sixty dollars per month shall not be

abrogated, diminished, or restricted by any labor agreement negotiated pursuant to the Industrial Relations Act.".

(14)

AM2117

1. On page 2, strike lines 8 through 13 and insert the following new subsection:

"(2) Notwithstanding any prior history of bargaining concerning permissive or mandatory subjects of bargaining, the stipulation that the city provide for longevity pay in the amount of thirty dollars per month for employees who have completed seven years of service with the Police Division, sixty dollars per month for employees who have completed fourteen years of service with the Police Division, and ninety dollars per month for employees who have completed twenty-one years of service with the Police Division shall not be abrogated, diminished, or restricted by any labor agreement negotiated pursuant to the Industrial Relations Act.".

(15)

AM2118

1. On page 2, strike lines 8 through 13 and insert the following new subdivision:

"(2) Notwithstanding any prior history of bargaining concerning permissive or mandatory subjects of bargaining, the stipulation that the city initiate disciplinary action within thirty working days of the incident occasioning the disciplinary action shall not be abrogated, diminished, or restricted by any labor agreement negotiated pursuant to the Industrial Relations Act.".

(16)

AM2119

1. On page 2, strike lines 8 through 13 and insert the following new subdivision:

"(2) Notwithstanding any prior history of bargaining concerning permissive or mandatory subjects of bargaining, the stipulation that employees of the Police Division will not be subject to random drug testing shall not be abrogated, diminished, or restricted by any labor agreement negotiated pursuant to the Industrial Relations Act.".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 725, 725A, and 741.

Enrollment and Review Change to LB 725

The following changes, required to be reported for publication in the Journal, have been made:
ER7290

1. In the Standing Committee amendment, AM0856:

a. On page 4, lines 1 and 24, "(4)" has been inserted after "subdivision";

b. On page 8, line 10, "area" has been inserted after "government";

c. On page 21, line 23, "the" has been struck and shown as stricken; and

d. Section 18 has been renumbered as section 14.

2. In the Schellpeper amendment, AM1639, on page 2, line 18, "19" has been struck and "14" inserted.

3. In the E & R amendment, AM5447, on page 1, line 15, "77-27,189," has been inserted after the second comma.

4. The remaining sections have been renumbered accordingly.

Enrollment and Review Change to LB 741

The following changes, required to be reported for publication in the Journal, have been made:
ER7310

1. In the Hall amendment, AM2154:

a. On page 4, the matter beginning with "by" in line 20 through "wholesaler" in line 21 has been struck and shown as stricken; and

b. On page 8, line 16, "a" has been struck.

2. On page 1, the matter beginning with "health" in line 1 through line 4 and all amendments thereto have been struck and "alcoholic beverages; to amend sections 53-125, 53-160, and 53-164.01, Revised Statutes Supplement, 1992, and section 53-129, Revised Statutes Supplement, 1992, as amended by section 10, Legislative Bill 183, Ninety-third Legislature, First Session, 1993; to change provisions relating to conditions for issuance of a license, changes in premises, and taxes on alcoholic beverages; to harmonize provisions; to provide an operative date; and to repeal the original sections." inserted.

(Signed) Kurt Hohenstein, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on a Governor appointment.

Kliment, Susan M. - Nebraska Motor Vehicle Industry Licensing Board -- Transportation

(Signed) Timothy J. Hall, Chairperson
Legislative Council

Executive Board

NOTICE OF COMMITTEE HEARING
Transportation

Governor Appointment Thursday, June 3, 1993 12:00 p.m.
Susan M. Kliment - Motor Vehicle Industry Licensing Board

(Signed) Doug Kristensen, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 27, 1993, at 1:05 p.m., were the following bills: 121 and 121A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

VISITORS

Visitors to the Chamber were Jim Hergett; 90 sixth grade students, teacher, and sponsors from Prescott School, Lincoln; and sixth grade students and teachers from Washington Elementary, District #6, Omaha.

ADJOURNMENT

At 3:27 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Tuesday, June 1, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTY-SIXTH DAY - JUNE 1, 1993

LEGISLATIVE JOURNAL

EIGHTY-SIXTH DAY - JUNE 1, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

EIGHTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, June 1, 1993

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Moul presiding.

PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Chambers, Haberman, Hall, Kristensen, Moore, Pedersen, Robinson, Wesely, Will, Mmes. Rasmussen, Witek, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-fifth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 110A. Placed on Select File as amended.
E & R amendment to LB 110A:
AM5535
1. On page 2, line 2, after "Fund" insert "for FY1993-94".

Correctly Engrossed

The following bills were correctly engrossed: 139, 310, 447, 500, 500A, 627A, and 782.

Enrollment and Review Change to LB 310

The following changes, required to be reported for publication in the Journal, have been made:
ER7288

1. In the Will-Warner amendment, AM2250, on page 5, lines 12, 17, and 23, an underscored comma has been inserted after "taxes"; and in line 18 "shall represent" has been struck, shown as stricken, and "represents" inserted.

2. In the E & R amendment, AM5497, on page 1, line 2, "public power and irrigation" has been struck and "political subdivisions" inserted; in line 3 "13-504, 13-505, 13-506," has been inserted after "sections"; in line 5 "and 70-623.02" has been struck and ", 13-508, 70-623.02, 77-3438, and 79-3819" inserted; in line 9 "to authorize certain political subdivisions to collect and increase property taxes for reimbursements as prescribed;" has been inserted after the semicolon; and in line 11 "and" has been struck and "; and to declare an emergency" has been inserted before the period.

3. In the Standing Committee amendment, AM1345:

a. On page 3, line 3, "and" has been struck and shown as stricken; and

b. On page 7, line 17, ", 13-508" has been inserted after "13-501".

Enrollment and Review Change to LB 500

The following changes, required to be reported for publication in the Journal, have been made:
ER7289

1. Original section 56 and all amendments thereto have been struck and the following section inserted:

"Sec. 59. Sections 1 to 57 and 61 of this act shall become operative on January 1, 1994. The other sections of this act shall become operative on their effective date.".

2. In the E & R amendment, AM5484, on page 1, line 9, "state intent; to" has been struck; and the matter beginning with "to" in line 10 through the semicolon in line 11 has been struck.

3. In the Rasmussen amendment, AM1585, on page 1, line 13, "(a)" has been struck and "(1)" inserted; and in line 16 "(b)" has been struck and "(2)" inserted.

4. On page 1, line 1, "section" has been struck and "sections 43-1415 and" inserted; in line 2 "42-371," has been inserted after "sections"; in line 3 a comma has been inserted before "and"; in line 7 "to provide for subordination of liens of certain judgments as prescribed; to provide for acknowledgments of paternity in paternity actions;" has been inserted after the semicolon; and the matter beginning with "42-762" in line 9 through line 12 has been struck and "42-762, 42-764 to 42-772, 42-774 to 42-778, 42-780 to 42-791, 42-794 to 42-798, 42-7,100, and 42-7,102 to 42-7,104, Reissue Revised Statutes of Nebraska, 1943, sections 42-792, 42-793, and 42-7,101, Revised Statutes Supplement, 1992, and sections 42-763, 42-773, 42-779, and 42-799, Reissue Revised Statutes of Nebraska, 1943, as

amended by sections 4, 5, 6, and 7, respectively, Legislative Bill 523, Ninety-third Legislature, First Session, 1993." inserted.

5. On page 33, the matter beginning with "42-762" in line 17 through the second comma in line 20 has been struck and "42-762, 42-764 to 42-772, 42-774 to 42-778, 42-780 to 42-791, 42-794 to 42-798, 42-7,100, and 42-7,102 to 42-7,104, Reissue Revised Statutes of Nebraska, 1943, sections 42-792, 42-793, and 42-7,101, Revised Statutes Supplement, 1992, and sections 42-763, 42-773, 42-779, and 42-799, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 4, 5, 6, and 7, respectively, Legislative Bill 523, Ninety-third Legislature, First Session, 1993," inserted.

Enrollment and Review Change to LB 627A

The following changes, required to be reported for publication in the Journal, have been made:
ER7297

1. In the Abboud amendment, AM1907, on page 1, line 3, "That" has been struck and "The" inserted.

2. On page 1, the matter beginning with "appropriate" in line 1 through line 3 has been struck and "authorize construction pursuant to Legislative Bill 627, Ninety-third Legislature, First Session, 1993; and to appropriate funds." inserted.

(Signed) Kurt Hohenstein, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 259. Read. Considered.

LR 259 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 260. Read. Considered.

LR 260 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 261. Read. Considered.

LR 261 was adopted with 29 ayes, 0 nays, and 20 not voting.

LEGISLATIVE RESOLUTION 262. Read. Considered.

LR 262 was adopted with 23 ayes, 0 nays, and 26 not voting.

LEGISLATIVE RESOLUTION 263. Read. Considered.

LR 263 was adopted with 27 ayes, 0 nays, and 22 not voting.

GENERAL FILE

LEGISLATIVE BILL 320A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 90.

A BILL FOR AN ACT relating to public power districts; to amend section 70-610, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the payment of election expenses by districts as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Byars	Haberman	Lynch	Schimek
Ashford	Chambers	Hillman	McKenzie	Schmitt
Avery	Coordsen	Hohenstein	Moore	Vrtiska
Baack	Crosby	Horgan	Pedersen	Warner
Bernard-Stevens	Cudaback	Hudkins	Pirsch	Wehrbein
	Day	Janssen	Rasmussen	Wesely
Beutler	Dierks	Jones	Robak	Wickersham
Bohlke	Elmer	Landis	Robinson	Witek
Bromm	Fisher	Lindsay	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 2:

Hartnett Preister

Excused and not voting, 3:

Hall Kristensen Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 430.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-319, 28-516, and 28-707, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to sexual assault, unauthorized use of a propelled vehicle, and child abuse; to change and provide penalties; to require notice of alibi evidence as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Abboud	Chambers	Hillman	McKenzie	Schimek
Ashford	Coordsen	Hohenstein	Moore	Schmitt
Avery	Crosby	Horgan	Pedersen	Vrtiska
Baack	Cudaback	Hudkins	Pirsch	Warner
Bernard-Stevens	Day	Janssen	Preister	Wehrbein
Beutler	Dierks	Jones	Rasmussen	Wesely
Bohlke	Elmer	Landis	Robak	Wickersham
Bromm	Fisher	Lindsay	Robinson	Witek
Byars	Haberman	Lynch	Schellpeper	Withem
	Hartnett			

Voting in the negative, 0.

Excused and not voting, 3:

Hall	Kristensen	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 516 to Select File

Mr. Landis moved to return LB 516 to Select File for the following specific amendment:
AM2518

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 2. That section 10-140, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

10-140. Within thirty days after the initial issuance and delivery of all fully registered bonds, the issuer shall record the issuance in the office of the Auditor of Public Accounts by filing in the office of the Auditor of Public Accounts (1) the following information: ~~(1)~~ (a) The name of the issuer; ~~(2)~~ (b) the title or designation of the bonds; ~~(3)~~ (c) ~~the form or forms in which such bonds were~~

~~initially issued;~~ ~~(4)~~ the total principal amount of such bonds initially issued; ~~(5)~~ (d) the date or dates of maturity of principal and the amount of principal maturing on such date or dates; ~~(6)~~ (e) the interest rate or rates and the date or dates such interest is payable; ~~(7)~~ (f) the place or places where the principal of and interest on the bonds are payable; (g) the costs of issuance paid and to whom; and ~~(8)~~ (h) the principal purpose for which such bonds were issued and (2) a copy of the form filed for the bonds pursuant to section 149(e) of the Internal Revenue Code of 1986, as amended. No certificate or other evidence of such recording shall be required to be placed or endorsed on any fully registered bond. The issuer shall not be required to file a copy of the transcript of the issuance with the auditor. ~~Notwithstanding any other provision of law, no~~ No fully registered bond shall be required to be registered in any office of any public official except as required by section 10-201.".

2. On page 1, line 1, strike "volunteer departments" and insert "public and nontax funds" and strike "section" and insert "sections 10-140 and"; in line 5 after the semicolon insert "to provide for volunteer department trust funds as prescribed;"; and in line 6 after "funds" insert "and bonds".

3. On page 6, line 11, strike "section 35-511" and insert "sections 10-140 and 35-511".

4. Renumber the remaining sections accordingly.

The Landis motion to return prevailed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 516. The Landis specific amendment, AM2518, found in this day's Journal, was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 598.

A BILL FOR AN ACT relating to courts; to amend section 27-404, Reissue Revised Statutes of Nebraska, 1943; to change the admissibility of evidence of certain crimes, wrongs, or acts as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Abboud	Coordsen	Hillman	Lynch	Robinson
Baack	Crosby	Horgan	McKenzie	Schellpeper
Bernard-Stevens	Cudaback	Hudkins	Pedersen	Schimek
Beutler	Day	Janssen	Preister	Wehrbein
Bohlke	Dierks	Landis	Rasmussen	Wesely
Chambers	Fisher	Lindsay	Robak	Withem
	Hartnett			

Voting in the negative, 14:

Ashford	Byars	Hohenstein	Pirsch	Wickersham
Avery	Elmer	Jones	Schmitt	Witek
Bromm	Haberman	Kristensen	Vrtiska	

Present and not voting, 2:

Moore Warner

Excused and not voting, 2:

Hall Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 739.

A BILL FOR AN ACT relating to the Game and Parks Commission; to state intent; to provide powers and duties for the commission relating to recreational trails; and to create a fund.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Abboud	Beutler	Hartnett	Lindsay	Preister
Ashford	Bohlke	Hillman	Lynch	Rasmussen
Avery	Chambers	Hohenstein	McKenzie	Robak
Baack	Crosby	Horgan	Moore	Robinson
Bernard-Stevens	Day	Kristensen	Pedersen	Schimek
	Fisher	Landis	Pirsch	Warner

Wehrbein	Wesely	Wickersham	Witek	Withem

Voting in the negative, 13:

Bromm	Cudaback	Haberman	Jones	Schmitt
Byars	Dierks	Hudkins	Schellpeper	Vrtiska
Coordsen	Elmer	Janssen		

Excused and not voting, 2:

Hall Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 237. With Emergency.

A BILL FOR AN ACT relating to petroleum release remedial action; to amend sections 66-1519, 66-1523, 66-1525, 66-1529.02, and 81-15,124, Revised Statutes Supplement, 1992; to provide for certain reimbursement amounts as prescribed; to change an eligibility term; to provide for approval or disapproval of a remedial action plan by the Department of Environmental Quality; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	Chambers	Hillman	McKenzie	Schimek
Ashford	Coordsen	Hohenstein	Moore	Schmitt
Avery	Crosby	Horgan	Pedersen	Vrtiska
Baack	Cudaback	Hudkins	Pirsch	Warner
Bernard-Stevens	Day	Janssen	Preister	Wehrbein
	Dierks	Jones	Rasmussen	Wesely
Beutler	Elmer	Kristensen	Robak	Wickersham
Bohlke	Fisher	Landis	Robinson	Witek
Bromm	Haberman	Lindsay	Schellpeper	Withem
Byars	Hartnett	Lynch		

Voting in the negative, 0.

Excused and not voting, 2:

Hall Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 413. With Emergency.

A BILL FOR AN ACT relating to vehicles; to amend sections 75-110, 75-303, 75-349, and 75-353, Reissue Revised Statutes of Nebraska, 1943, section 75-352, Revised Statutes Supplement, 1992, and section 39-6,177, Revised Statutes Supplement, 1992, as amended by section 35, Legislative Bill 575, Ninety-third Legislature, First Session, 1993; to change exceptions from vehicle width restrictions for farm equipment dealers; to require rules and regulations for the single state insurance registration system for motor carriers provided for in federal law; to change provisions relating to regulation of carriers; to eliminate the Interstate Operating Authority Agreement Act; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections, and also sections 75-372 to 75-380, Revised Statutes Supplement, 1992; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Coordsen	Hohenstein	McKenzie	Schimek
Ashford	Crosby	Horgan	Moore	Schmitt
Avery	Cudaback	Hudkins	Pedersen	Vrtiska
Baack	Day	Janssen	Pirsch	Warner
Bernard-Stevens	Dierks	Jones	Preister	Wehrbein
	Elmer	Kristensen	Rasmussen	Wesely
Bohlke	Fisher	Landis	Robak	Wickersham
Bromm	Haberman	Lindsay	Robinson	Witek
Byars	Hartnett	Lynch	Schellpeper	Withem
Chambers	Hillman			

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 2:

Hall Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 697. With Emergency.

A BILL FOR AN ACT relating to public officers and employees; to amend sections 23-1112, 81-1323, and 81-1328, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1176, 81-1317, and 81-1317.01, Revised Statutes Supplement, 1992; to change reimbursement provisions for mileage traveled by county and state officers and employees; to authorize adjustments to terms and conditions of employment; to clarify the balancing date for certain accounts; to provide for leave for certain state employees for participation in specialized disaster relief services in Nebraska; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	Chambers	Hillman	McKenzie	Schimek
Ashford	Coordsen	Hohenstein	Moore	Schmitt
Avery	Crosby	Horgan	Pedersen	Vrtiska
Baack	Cudaback	Hudkins	Pirsch	Warner
Bernard-Stevens	Day	Janssen	Preister	Wehrbein
Beutler	Dierks	Jones	Rasmussen	Wesely
Bohlke	Elmer	Kristensen	Robak	Wickersham
Bromm	Fisher	Landis	Robinson	Witek
Byars	Haberman	Lindsay	Schellpeper	Withem
	Hartnett	Lynch		

Voting in the negative, 0.

Excused and not voting, 2:

Hall Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 50. With Emergency.

A BILL FOR AN ACT relating to the State Treasurer; to create a fund; to provide for its use; to authorize fees for certain services; to

provide powers to the State Treasurer; to authorize charges for returned checks; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Abboud	Chambers	Hillman	McKenzie	Schmitt
Ashford	Coordsen	Hohenstein	Moore	Vrtiska
Avery	Crosby	Horgan	Pedersen	Warner
Baack	Cudaback	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Day	Janssen	Preister	Wesely
Beutler	Dierks	Jones	Rasmussen	Wickersham
Bohlke	Elmer	Kristensen	Robak	Will
Bromm	Fisher	Landis	Robinson	Witek
Byars	Haberman	Lindsay	Schellpeper	Withem
	Hartnett	Lynch	Schimek	

Voting in the negative, 0.

Excused and not voting, 1:

Hall

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 321.

A BILL FOR AN ACT relating to historical sites; to amend sections 82-134, 82-136, 90-261, and 90-262, Revised Statutes Supplement, 1992; to transfer, change, and eliminate provisions relating to operation, administration, and acquisition of Joslyn Castle; to eliminate restrictions on the location of the Strategic Air Command Museum; to eliminate a fund; to harmonize provisions; and to repeal the original sections, and also sections 82-133 and 82-135, Revised Statutes Supplement, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Avery	Bernard-Stevens	Beutler	Bromm
Ashford	Baack		Bohlke	Byars

Chambers	Hartnett	Landis	Rasmussen	Warner
Coordsen	Hillman	Lindsay	Robak	Wehrbein
Crosby	Hohenstein	Lynch	Robinson	Wesely
Cudaback	Horgan	McKenzie	Schellpeper	Wickersham
Day	Hudkins	Moore	Schimek	Will
Dierks	Janssen	Pedersen	Schmitt	Witek
Fisher	Jones	Pirsch	Vrtiska	Withem
Haberman	Kristensen	Preister		

Voting in the negative, 0.

Present and not voting, 1:

Elmer

Excused and not voting, 1:

Hall

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 323. With Emergency.

A BILL FOR AN ACT relating to the University Facilities Fund; to amend section 85-1,113, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 9, Ninety-second Legislature, Third Special Session, 1992; to restate a project authorized for funding; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Abboud	Chambers	Hillman	McKenzie	Schmitt
Ashford	Coordsen	Hohenstein	Moore	Vrtiska
Avery	Crosby	Horgan	Pedersen	Warner
Baack	Cudaback	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Day	Janssen	Preister	Wesely
	Dierks	Jones	Rasmussen	Wickersham
Beutler	Elmer	Kristensen	Robak	Will
Bohlke	Fisher	Landis	Robinson	Witek
Bromm	Haberman	Lindsay	Schellpeper	Withem
Byars	Hartnett	Lynch	Schimek	

Voting in the negative, 0.

Excused and not voting, 1:

Hall

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 325. With Emergency.

A BILL FOR AN ACT relating to state employees; to amend section 84-1611, Revised Statutes Supplement, 1992, and section 84-1606, Revised Statutes Supplement, 1992, as amended by section 35, Legislative Bill 14, Ninety-second Legislature, Third Special Session, 1992; to change provisions relating to optional coverage and the state contribution for state employee health insurance; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Chambers	Hillman	McKenzie	Schmitt
Ashford	Coordsen	Hohenstein	Moore	Vrtiska
Avery	Crosby	Horgan	Pedersen	Warner
Baack	Cudaback	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Day	Janssen	Preister	Wesely
	Dierks	Jones	Rasmussen	Wickersham
Beutler	Elmer	Kristensen	Robinson	Will
Bohlke	Fisher	Landis	Schellpeper	Witek
Bromm	Haberman	Lindsay	Schimek	Withem
Byars	Hartnett			

Voting in the negative, 0.

Present and not voting, 2:

Lynch Robak

Excused and not voting, 1:

Hall

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 325A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 325, Ninety-third Legislature, First Session, 1993; to provide for transfers; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	Chambers	Hillman	Moore	Schmitt
Ashford	Coordsen	Hohenstein	Pedersen	Vrtiska
Avery	Crosby	Horgan	Pirsch	Warner
Baack	Cudaback	Hudkins	Preister	Wehrbein
Bernard-Stevens	Day	Janssen	Rasmussen	Wesely
Beutler	Dierks	Jones	Robak	Wickersham
Bohlke	Elmer	Kristensen	Robinson	Will
Bromm	Fisher	Landis	Schellpeper	Witek
Byars	Haberman	Lindsay	Schimek	Withem
	Hartnett	McKenzie		

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 1:

Hall

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 326. With Emergency.

A BILL FOR AN ACT relating to state employees; to provide for salary increases as prescribed; to define terms; to appropriate funds; to provide duties; to state intent; to provide for transfers; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	Chambers	Hillman	McKenzie	Schmitt
Ashford	Coordsen	Hohenstein	Moore	Vrtiska
Avery	Crosby	Horgan	Pedersen	Warner
Baack	Cudaback	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Day	Janssen	Preister	Wesely
Beutler	Dierks	Jones	Rasmussen	Wickersham
Bohlke	Elmer	Kristensen	Robak	Will
Bromm	Fisher	Landis	Schellpeper	Witek
Byars	Haberman	Lindsay	Schimek	Withem
	Hartnett	Lynch		

Voting in the negative, 0.

Present and not voting, 1:

Robinson

Excused and not voting, 1:

Hall

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 327. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for the fiscal years ending June 30, 1994, and June 30, 1995; to define terms; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Bromm	Elmer	Janssen	Pirsch
Ashford	Byars	Fisher	Jones	Preister
Avery	Chambers	Haberman	Kristensen	Rasmussen
Baack	Coordsen	Hartnett	Landis	Robak
Bernard-Stevens	Crosby	Hillman	Lindsay	Schellpeper
Beutler	Cudaback	Hohenstein	Lynch	Schimek
Bohlke	Day	Horgan	McKenzie	Schmitt
	Dierks	Hudkins	Pedersen	Vrtiska

Warner	Wesely	Will	Witek	Withem
Wehrbein	Wickersham			

Voting in the negative, 0.

Present and not voting, 2:

Moore Robinson

Excused and not voting, 1:

Hall

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 328. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY1993-94 and FY1994-95; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Chambers	Hartnett	Lynch	Schmitt
Ashford	Coordsen	Hillman	McKenzie	Vrtiska
Avery	Crosby	Hohenstein	Moore	Warner
Baack	Cudaback	Horgan	Pirsch	Wehrbein
Bernard-Stevens	Day	Hudkins	Preister	Wesely
	Dierks	Janssen	Rasmussen	Wickersham
Beutler	Elmer	Jones	Robak	Will
Bohlke	Fisher	Landis	Schellpeper	Witek
Bromm	Haberman	Lindsay	Schimek	Withem
Byars				

Voting in the negative, 0.

Present and not voting, 3:

Kristensen Pedersen Robinson

Excused and not voting, 1:

Hall

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 329. With Emergency.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Coordsen	Hillman	McKenzie	Schmitt
Ashford	Crosby	Hohenstein	Moore	Vrtiska
Avery	Cudaback	Horgan	Pedersen	Warner
Baack	Day	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Dierks	Janssen	Preister	Wesely
Beutler	Elmer	Jones	Rasmussen	Wickersham
Bohlke	Fisher	Kristensen	Robak	Will
Bromm	Haberman	Landis	Schellpeper	Witek
Chambers	Hartnett	Lindsay	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 3:

Byars	Lynch	Robinson

Excused and not voting, 1:

Hall

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 331. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1991, LB 843, section 61, Laws 1991, LB 847, sections 9 and 37, Laws 1991, LB 843, section 47, as amended by section 27, Legislative

Bill 1, Ninety-second Legislature, Third Special Session, 1992, and Laws 1992, LB 1022, sections 57 and 63, as amended by sections 54 and 60, respectively, Legislative Bill 1, Ninety-second Legislature, Third Special Session, 1992; to define terms; to change certain appropriations as prescribed; to provide for deficit appropriations; to change certain transfers; to appropriate funds for the expenses of state government, postsecondary education, and state aid; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Coordsen	Hillman	Lynch	Schimek
Ashford	Crosby	Hohenstein	McKenzie	Schmitt
Avery	Cudaback	Horgan	Moore	Vrtiska
Baack	Day	Hudkins	Pedersen	Warner
Bernard-Stevens	Dierks	Janssen	Pirsch	Wehrbein
Beutler	Elmer	Jones	Rasmussen	Wickersham
Bohlke	Fisher	Kristensen	Robak	Will
Bromm	Haberman	Landis	Robinson	Witek
Chambers	Hartnett	Lindsay	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 3:

Byars	Preister	Wesely

Excused and not voting, 1:

Hall

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 677 to Select File

Mr. Lindsay moved to return LB 677 to Select File for his specific amendment, AM2218, found in the Journal on page 2322.

The Lindsay motion to return prevailed with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 677. The Lindsay specific amendment, AM2218, found in the Journal on page 2322, was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendment to LB 220

Mr. Will withdrew his pending amendment, AM2069, found in the Journal on page 2154, to LB 220.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 220. With Emergency.

A BILL FOR AN ACT relating to limitations on property taxes; to amend sections 77-3437, 77-3438, and 77-3439, Revised Statutes Supplement, 1992; to define and redefine terms; to change provisions relating to and authorize increases in anticipated aggregate receipts from property taxes as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Ashford	Crosby	Horgan	Moore	Schmitt
Avery	Cudaback	Hudkins	Pedersen	Vrtiska
Baack	Day	Janssen	Pirsch	Warner
Bernard-Stevens	Dierks	Jones	Preister	Wehrbein
Bohlke	Elmer	Kristensen	Rasmussen	Wesely
Bromm	Fisher	Landis	Robak	Wickersham
Byars	Haberman	Lindsay	Robinson	Will
Chambers	Hartnett	Lynch	Schellpeper	Witek
Coordsen	Hillman	McKenzie	Schimek	Withem
	Hohenstein			

Voting in the negative, 0.

Present and not voting, 2:

Abboud Beutler

Excused and not voting, 1:

Hall

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 90, 430, 598, 739, 237, 413, 697, 50, 321, 323, 325, 325A, 326, 327, 328, 329, 331, and 220.

MOTION - Return LB 231 to Select File

Mr. Hohenstein moved to return LB 231 to Select File for his specific amendment, AM1927, found in the Journal on page 2048.

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The Hohenstein motion to return prevailed with 29 ayes, 3 nays, 15 present and not voting, and 2 excused and not voting.

SPEAKER BAACK PRESIDING

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 231. The Hohenstein specific amendment, AM1927, found in the Journal on page 2048, was considered.

Mrs. Pirsch and Mr. Withem asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Lindsay asked unanimous consent to print the following amendment to LB 782 in the Journal. No objections. So ordered.

AM2523

(Amendments to Final Reading copy)

1. On page 20, after line 4, insert the following new subsection:

"(c) Nothing in subdivision (a)(3) of this section or in any other part of this section shall be construed to alter the decision-making authority of an attorney in fact designated and authorized under sections 30-3401 to 30-3432 to make health care decisions pursuant to a power of attorney for health care.".

Mr. Coordsen asked unanimous consent to print the following amendment to LB 447 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM2508.)

Mr. Withem asked unanimous consent to print the following amendment to LB 839 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2496.)

RESOLUTION

LEGISLATIVE RESOLUTION 265. Introduced by Bernard-Stevens, 42.

WHEREAS, the Legislature recognizes the importance of our environment and the role recycling plays in saving our natural resources; and

WHEREAS, the fifth grade class from Sutherland, Nebraska, who will graduate from high school in the year 2000, have started their own recycling project in their community; and

WHEREAS, their goal is to make two thousand dollars through collecting solid wastes from the curbside throughout Sutherland and organizing and transporting the materials to be recycled in North Platte once a month; and

WHEREAS, the students are planning to use the money raised to visit Lincoln, Nebraska, learn more about the functions of state government, and see other tourist sites; and

WHEREAS, the parents, community, and education profession of Sutherland should also be recognized for supporting and contributing to the recycling project which teaches the students firsthand that they can make a difference in their community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature is proud of what Sutherland's class of 2000 is accomplishing and would like to encourage other students in our state to take a hand in cleaning up their community and environment.

2. That the Legislature looks forward to welcoming the students when they reach their goal and are able to visit the Capitol of their state.

3. That Sutherland's class of 2000 and their teachers, Mrs. Judith Johnson and Mrs. Susan Fleecs, receive a copy of this resolution.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 717. Placed on Select File as amended.
E & R amendment to LB 717:
AM5536

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 14-602, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-602. (1) The chief of police shall have the supervision and control of the police force of the city, subject to the orders of the superintendent of police. All orders relating to the direction of the police force shall be given through the chief of police or, in his or her absence, the officer in charge of the police force.

(2) Notwithstanding any prior history of bargaining concerning permissive or mandatory subjects of bargaining, the power and authority of the chief of police to supervise, control, and assign sworn law enforcement personnel to geographical areas of the city shall not be abrogated, diminished, or restricted by any labor agreement negotiated pursuant to the Industrial Relations Act.

(3) Nothing in subsection (2) of this section shall affect the terms and conditions of the current negotiated labor agreement.

Sec. 2. That section 15-326, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 390, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

15-326. (1) The marshal or chief of police shall have the immediate charge of the police, and he or she and his or her officers shall have the power and duty to arrest all offenders against the laws of the state or the ordinances of the city in the same manner as the sheriff and to keep such offenders in the city jail or other place to prevent their escape until a trial or examination may be had before a proper officer. The jurisdiction of the marshal or chief of police

and his or her officers in the service of process, in all criminal cases, and in cases for the violation of city ordinances shall be coextensive with the county.

(2) Notwithstanding any prior history of bargaining concerning permissive or mandatory subjects of bargaining, the power and authority of the marshal or chief of police to supervise, control, and assign sworn law enforcement personnel to geographical areas of the city shall not be abrogated, diminished, or restricted by any labor agreement negotiated pursuant to the Industrial Relations Act.

(3) Nothing in subsection (2) of this section shall affect the terms and conditions of the current negotiated labor agreement.

Sec. 3. That section 16-323, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-323. (1) The chief of police shall have the immediate superintendence of the police. He or she and the police officers shall have the power and the duty to arrest all offenders against the laws of the state or of the city, by day or by night, in the same manner as a sheriff and to keep such offenders in the city prison or other place to prevent their escape until a trial or examination may be had before the proper officer. The chief of police and police officers shall have the same power as the sheriff in relation to all criminal matters arising out of a violation of a city ordinance and all process issued by the county court in connection with a violation of a city ordinance.

(2) Notwithstanding any prior history of bargaining concerning permissive or mandatory subjects of bargaining, the power and authority of the chief of police to supervise, control, and assign sworn law enforcement personnel to geographical areas of the city shall not be abrogated, diminished, or restricted by any labor agreement negotiated pursuant to the Industrial Relations Act.

(3) Nothing in subsection (2) of this section shall affect the terms and conditions of the current negotiated labor agreement.

Sec. 4. That section 17-118, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-118. (1) The chief of police shall have the immediate superintendence of the police. The police officers of the city shall have the power to arrest all offenders against the laws of the state or of the city, by day or by night, in the same manner as the sheriff and to keep such offenders in the city prison or other place to prevent their escape until trial can be had before the proper officer.

(2) Notwithstanding any prior history of bargaining concerning permissive or mandatory subjects of bargaining, the power and authority of the chief of police to supervise,

control, and assign sworn law enforcement personnel to geographical areas of the city shall not be abrogated, diminished, or restricted by any labor agreement negotiated pursuant to the Industrial Relations Act.

(3) Nothing in subsection (2) of this section shall affect the terms and conditions of the current negotiated labor agreement.

Sec. 5. That section 17-213, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-213. (1) The marshal shall be chief of police~~,~~ and shall have the immediate superintendence of the police. He or she shall at all times have power to make or order an arrest with proper process~~,~~ for any offense against the laws of the state or ordinances of the village~~,~~ and bring the offender to trial before the proper officer. He or she may ~~and to~~ arrest without process in all cases ~~where~~ when any such offense ~~shall be~~ is committed or attempted to be committed in his or her presence.

(2) Notwithstanding any prior history of bargaining concerning permissive or mandatory subjects of bargaining, the power and authority of the chief of police to supervise, control, and assign sworn law enforcement personnel to geographical areas of the village shall not be abrogated, diminished, or restricted by any labor agreement negotiated pursuant to the Industrial Relations Act.

(3) Nothing in subsection (2) of this section shall affect the terms and conditions of the current negotiated labor agreement.

Sec. 6. That original sections 14-602, 16-323, 17-118, and 17-213, Reissue Revised Statutes of Nebraska, 1943, and section 15-326, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 390, Ninety-third Legislature, First Session, 1993, are repealed.".

2. On page 1, strike beginning with "of" in line 1 through line 5 and insert "and villages; to amend sections 14-602, 16-323, 17-118, and 17-213, Reissue Revised Statutes of Nebraska, 1943, and section 15-326, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 390, Ninety-third Legislature, First Session, 1993; to preserve the powers of a chief of police against certain labor agreement provisions as prescribed; and to repeal the original sections.".

Correctly Engrossed

The following bills were correctly engrossed: 330, 632, 804, and 804A.

Enrollment and Review Change to LB 632

The following changes, required to be reported for publication in the Journal, have been made:
ER7270

1. In the Kristensen et al. amendment, AM2404, on page 6, line 5, "he or she" has been struck and "the person" inserted.

2. On page 1, the matter beginning with "section" in line 1 through line 5 and all amendments thereto have been struck and "sections 18-1737 and 18-1740, Revised Statutes Supplement, 1992, and sections 18-1738 and 18-1738.01, Revised Statutes Supplement, 1992, as amended by sections 3 and 4, respectively, Legislative Bill 112, Ninety-third Legislature, First Session, 1993; to create the offense of handicapped parking infraction; to provide penalties and procedures applicable to the offense; to change provisions relating to issuance and duration of handicapped parking permits; to harmonize provisions; and to repeal the original sections." inserted.

Enrollment and Review Change to LB 804

The following changes, required to be reported for publication in the Journal, have been made:
ER7312

1. In the Wesely amendment, AM2478:

a. On page 4, line 7, "criterion" has been struck and "criteria" inserted, and in line 23 "medicaid" has been struck and "the medical assistance program" inserted; and

b. On page 5, line 4, "to 4" has been struck and "and 3" inserted.

2. On page 1, the matter beginning with "medical" in line 1 through the semicolon in line 3 and all amendments thereto have been struck and "public assistance; to amend section 68-1019, Reissue Revised Statutes of Nebraska, 1943; to authorize and require limits on services and goods for recipients under the medical assistance program; to require a report on initiatives for welfare reform; to provide powers and duties; to provide a termination date;" inserted.

(Signed) Kurt Hohenstein, Chairperson

VISITORS

Visitors to the Chamber were Kimberly Huntstiger from Omaha; and Mary Sendgraf and Joel Yelkin from Fremont.

RECESS

At 12:16 p.m., on a motion by Mr. Schellpeper, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Mrs. Crosby presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Haberman, Horgan, Kristensen, Lynch, Moore, Pedersen, Robinson, Will, Withem, and Mrs. Robak who were excused until they arrive.

SPEAKER BAACK PRESIDING

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 1, 1993, at 12:30 p.m., were the following bills: 90, 430, 598, 739, 237, 413, 697, 50, 321, 323, 325, 325A, 326, 327, 328, 329, 331, and 220.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

SELECT FILE

LEGISLATIVE BILL 231. The Hohenstein specific amendment, AM1927, found in the Journal on page 2048 and considered in this day's Journal, was renewed.

Mr. Byars moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Hohenstein specific amendment was adopted with 31 ayes, 3 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 259, 260, 261, 262, and 263.

MOTION - Return LB 231 to Select File

Mr. Chambers moved to return LB 231 to Select File for the following specific amendment:
FA283
Page 2 strike beginning with line 15, all language through line 1 on page 16.

The Chambers motion to return prevailed with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 231. The Chambers specific amendment, FA283, found in this day's Journal, was adopted with 25 ayes, 2 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 231 to Select File

Mr. Chambers moved to return LB 231 to Select File for the following specific amendment:
FA284
Add new section 3: "Such compact negotiations shall be conducted pursuant to the provisions of 25 U.S.C. 2710 of the Federal Indian Gaming Regulatory Act."

PRESIDENT MOUL PRESIDING

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Will moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chambers motion to return prevailed with 27 ayes, 5 nays, 15 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 231. The Chambers specific amendment, FA284, found in this day's Journal, was adopted with 29 ayes, 3 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 231 to Select File

Mr. Beutler moved to return LB 231 to Select File for the following specific amendment:
FA282
On line 8, page 2 change the word "without" to "with"
Reinstate Sec. 3 of the green copy of LB 231

Messrs. Landis, Bernard-Stevens, and Lindsay asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Beutler requested a roll call vote on his motion to return.

Mr. Moore requested the roll call vote be taken in reverse order.

Voting in the affirmative, 26:

Abboud	Bohlke	Jones	McKenzie	Warner
Ashford	Bromm	Kristensen	Moore	Wehrbein
Avery	Cudaback	Landis	Pirsch	Wesely
Bernard-Stevens	Dierks	Lindsay	Schimek	Witek
Beutler	Haberman	Lynch	Vrtiska	Withem
	Horgan			

Voting in the negative, 21:

Baack	Day	Hartnett	Janssen	Schellpeper
Byars	Elmer	Hillman	Pedersen	Schmitt
Chambers	Fisher	Hohenstein	Rasmussen	Wickersham
Coordsen	Hall	Hudkins	Robinson	Will
Crosby				

Present and not voting, 2:

Preister	Robak

The Beutler motion to return prevailed with 26 ayes, 21 nays, and 2 present and not voting.

SELECT FILE

LEGISLATIVE BILL 231. The Beutler specific amendment, FA282, found in this day's Journal, was considered.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Ashford	Dierks	Kristensen	Pedersen	Warner
Beutler	Haberman	Landis	Pirsch	Wehrbein
Bromm	Horgan	Lynch	Schimek	Wesely
Cudaback	Jones	Moore	Vrtiska	Witek

Withem

Voting in the negative, 27:

Abboud	Byars	Fisher	Janssen	Robinson
Avery	Chambers	Hall	Lindsay	Schellpeper
Baack	Coordsen	Hartnett	McKenzie	Schmitt
Bernard-Stevens	Crosby	Hillman	Rasmussen	Wickersham
Bohlke	Day	Hohenstein	Robak	Will
	Elmer	Hudkins		

Present and not voting, 1:

Preister

The Beutler specific amendment lost with 21 ayes, 27 nays, and 1 present and not voting.

Advanced to E & R for reengrossment.

Mr. Hall asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 815 to Select File

Mr. Warner moved to return LB 815 to Select File for his specific amendment, AM2501, found in the Journal on page 2528.

The Warner motion to return prevailed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 815. The Warner specific amendment, AM2501, found in the Journal on page 2528, was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Expedite LB 815

Mr. Warner asked unanimous consent to expedite LB 815. No objections. So ordered.

UNANIMOUS CONSENT - Members Excused

Messrs. Bernard-Stevens, Lynch, Moore, and Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 320A. Placed on Select File as amended.
E & R amendment to LB 320A:
AM5537

1. On page 1, line 2; page 6, lines 18 and 21; and page 11, line 8, strike "97" and insert "98".

2. On page 1, line 5, strike "and"; and in line 6 after "sections" insert "; and to declare an emergency".

3. On page 9, line 2, strike "1,650,158" and insert "1,650,058"; in line 7 strike "23,799,774" and insert "23,925,493" and strike "26,490,649" and insert "26,616,368"; in line 10 strike "24,082,682" and insert "24,390,401" and strike "26,955,557" and insert "27,081,276"; and in line 19 strike "16,678,988" and insert "13,678,988".

(Signed) Kurt A. Hohenstein, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 218 in the Journal. No objections. So ordered.

AM2520

(Amendments to Final Reading copy)

1. Strike section 9 and insert the following new sections:

"Sec. 9. That section 59-1722, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

59-1722. (1) Any transaction in which the seller has complied with the ~~F.T.C. rules,~~ Federal Trade Commission trade regulation rule titled Disclosure Requirements and Prohibition Concerning Franchises and Business Opportunity Ventures, 16 C.F.R. 436, shall be exempt from ~~sections 59-1701 to 59-1761~~ the Seller-Assisted Marketing Plan Act, except that such transactions shall be subject to subdivision (1)(d) of section 59-1757, those provisions regulating or prescribing the use of the phrase buy-back or secured investment or similar phrases as set forth in sections 59-1726 to 59-1728 and 59-1751, and all sections which provide for their enforcement. The exemption shall only apply if:

(a) The seller uses a disclosure document prepared in accordance with either the Federal Trade Commission trade regulation rule titled Disclosure Requirements and Prohibition Concerning Franchises and Business Opportunity Ventures, 16 C.F.R. 436 or the then current guidelines for the preparation of the Uniform Franchise Offering Circular adopted by the North American Securities Administration Association;

(b) Before placing any advertisement in a

Nebraska-based publication, offering for sale to any prospective purchaser in Nebraska, or making any representations in connection with such offer or sale to any prospective purchaser in Nebraska, the seller files a notice with the department which contains (i) the name, address, and telephone number of the seller and the name under which the seller intends to do business, and (ii) a brief description of the plan offered by the seller; and

(c) The seller pays a filing fee of one hundred dollars;

(2) Any seller which offers its exempt plans for sale in Nebraska on the effective date of this act shall file a notice with the department no later than November 1, 1993;

(3) The department may request a copy of the disclosure document upon receipt of a written complaint or inquiry regarding the seller or upon a reasonable belief that a violation of this act has occurred or may occur. The seller shall provide such copy within ten business days of receipt of the request; and

(4) All funds collected by the department under this section shall be remitted to the State Treasurer for credit to the Securities Act Cash Fund.

Sec. 10. That section 59-1724, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

59-1724. ~~The seller of any seller-assisted marketing plan shall file with the Department of Banking and Finance a copy of the disclosure statements required under sections 59-1732 to 59-1740, as well as a list of the names and resident addresses of those individuals who sell the seller-assisted marketing plan on behalf of the seller, prior to placing any advertisement or making any other representations to the purchaser. The disclosure statements on file shall be updated through a new filing whenever material changes occur, but at least once a year. The list of sales people shall be updated through a new filing every six months~~ (1)(a) Before placing any advertisement, making any other solicitation, making any sale, or making any representations to any prospective purchaser in Nebraska, the seller shall file with the Department of Banking and Finance a copy of a disclosure document prepared pursuant to sections 59-1733 to 59-1740 and pay a filing fee of one hundred dollars.

(b) The seller shall file an amended document with the department whenever a material change in the information occurs and shall pay a fee of fifty dollars for filing each such document.

(c) If the seller continues to solicit seller-assisted marketing plans in Nebraska, he or she shall annually file an updated disclosure document and pay a renewal

fee of fifty dollars on or before the anniversary date of the initial filing for the particular seller-assisted marketing plan.

(d) In addition to the disclosure document, the seller shall file a list of the names and resident addresses of those individuals who sell the seller-assisted marketing plan on behalf of the seller. The list of sales representatives shall be updated through a new filing every six months. No fee shall be required to be paid for any filing which includes only an updated list of sales representatives.

(2) All funds collected by the department under this section shall be remitted to the State Treasurer for credit to the Securities Act Cash Fund.".

2. On page 1, line 2, after the third comma insert "59-1722,"; and in line 6 after the second semicolon insert "to provide an exemption;".

3. On page 2, lines 1 and 2; and page 27, lines 14 and 15, strike ", and also section 59-1722, Reissue Revised Statutes of Nebraska, 1943".

4. On page 3, line 2, strike "11, 25, and 26" and insert "12, 26, and 27".

5. On page 24, line 20, strike "11" and insert "12".

6. On page 27, line 12, after the second comma insert "59-1722,".

7. Renumber the remaining sections accordingly.

ATTORNEY GENERAL'S OPINION

Opinion No. 93043

DATE: June 1, 1993

SUBJECT: State Boat Act

REQUESTED BY: Senator Jan McKenzie
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Linda L. Willard, Assistant Attorney General

You have inquired about the definition of "waters of this state" as defined in the State Boat Act, Neb. Rev. Stat. §§ 37-1201 through 37-1274 (1988 and 1992 Cum. Supp.). Specifically, you ask if the definition of "waters of this state," as provided in the State Boat Act, includes waters contained by structures, earthen or of other material, created by a private individual, on private property for private use, and secondly, whether the requirement for numbering and registration

includes motorboats and vessels used on private property. Our answer to both of your questions is yes.

The State Boat Act defines "waters of this state" to mean "any waters within the territorial limits of Nebraska" (Neb. Rev. Stat. § 37-1206 (1988)). In Kuester v. State, 191 Neb. 680, 217 N.W.2d 180 (1974), the plaintiff sought to have the State Boat Act declared unconstitutional in its application to certain property owned by him. The plaintiff in Kuester owned property on which was situated a lake wholly located within the confines of the property and accessible only over roads owned and controlled by the plaintiff. The State Boat Act as it existed in 1974 was in all relevant respects the same as the current State Boat Act. In Kuester, the Nebraska Supreme Court stated:

> Implicit in the trial court's order is a finding that the State Boat Act, . . . was applicable to the use and operation of boats upon the plaintiff's privately owned lake. This we believe is correct. An examination of the Act shows that it was clearly the legislative intention to apply it to the operation of boats upon private as well as public waters. Section 81-815.02 (4), R. R. S. 1943, defines waters of the state as "any waters within the territorial limits of Nebraska." The purpose of the Act as well as the use of similar language in related legislation indicates rather clearly the intention of the legislature. Any other construction would largely defeat the legislative purposes. The right of an owner to use his property is subject to reasonable regulations, restrictions, and control by the State in the legislative exercise of the police power of the State.

191 Neb. at 685, 217 N.W.2d at 183 (citations omitted). Section 81-815.02(4) referenced in the above citation is identical to § 37-1206 of the current State Boat Act.

Therefore, based on the Nebraska Supreme Court holding in Kuester, it is our determination that under the State Boat Act, as it is currently written, "waters of this state" include all waters of the state whether public or private or whether contained by structures and created by private individuals on private property for private use.

Neb. Rev. Stat. § 37-1211 (1988) states that with the exceptions noted "every motorboat on the waters of this state shall be numbered. No person shall operate or give permission for the operation of any vessel on such waters unless the vessel is numbered" as set out in the statute, and the certificate of number is in full force and effect and the number is displayed and legible. These statutes currently provide no exception for motorboats or vessels operated on waters situated on private property. Therefore, it is our determination that, based on the definition of "waters of this state," any motorboat or vessel operated on private or public property must comply with the requirements for numbering and registration contained in the State Boat Act.

Sincerely,
DON STENBERG
Attorney General
(Signed) Linda L. Willard

Assistant Attorney General

28-02-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 345 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2489.)

SELECT FILE

LEGISLATIVE BILL 110. Mr. Chambers renewed his pending amendment, AM1613, found in the Journal on page 2187 and considered on page 2343.

Mrs. Bohlke offered the following amendment to the Chambers pending amendment:
AM2243

(Amendments to E & R amendments, AM5473)

1. Strike amendments 1 and 2 and insert the following new amendments:

"1. Strike the original sections and all amendments thereto and insert the following new sections:

'Section 1. That section 28-326, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-326. For purposes of ~~As used in~~ sections 28-325 to 28-345 and section 3 of this act, unless the context otherwise requires:

(1) Abortion shall mean an act, procedure, device, or prescription administered to a woman known by the person so administering to be pregnant and performed with the intent and result of producing the premature expulsion, removal, or termination of the human life within the womb of the pregnant woman, except that in cases in which the unborn child's viability is threatened by continuation of the pregnancy, early delivery after viability shall not be construed as an abortion for the purposes of sections 28-325 to 28-345;

(2) Hospital shall mean those institutions licensed by the Department of Health pursuant to sections 71-2017 to 71-2029;

(3) Physician shall mean any person licensed to practice medicine in this state as provided in sections 71-102 to 71-110;

(4) Pregnant shall mean that condition of a woman who has unborn human life within her as the result of

conception;

(5) Conception shall mean the fecundation of the ovum by the spermatozoa;

(6) Viability shall mean that stage of human development when the unborn child is potentially able to live more than merely momentarily outside the womb of the mother by natural or artificial means;

(7) Emergency situation shall mean a condition exists that in the sound medical judgment of the physician the abortion should be performed without delay so as not to adversely affect the best physical or mental health of the woman;

(8) Probable gestational age of the fetus shall mean what will with reasonable probability, in the judgment of the person giving the information, be the gestational age of the fetus at the time the abortion is planned to be performed;

(9) Informed consent shall mean a written statement, voluntarily entered into by the person upon whom an abortion is to be performed, whereby she specifically consents to such abortion. Such consent shall be deemed to be an informed consent only if it affirmatively appears in the written statement that the requirements in subsection (2) of section 28-327 have been met. ~~the person upon whom the abortion is to be performed has been advised (a) of possible alternatives to abortion, including childbirth and adoption, and that there are agencies and services available to assist her to carry her pregnancy to a natural term, (b) of the abortion procedures to be used, (c) of the particular risks associated with the abortion procedures to be employed in her case, and (d) that there are agencies and services available for prevention of future unintended pregnancies. The person providing the information specified in subdivision (8) of this section to the person upon whom the abortion is to be performed shall be deemed qualified to so advise and provide such information only if, at a minimum, he or she has had training in each of the following subjects: Sexual and reproductive health, abortion technology, contraceptive technology, short-term counseling skills, community resources and referral, and informed consent.~~ Such statement shall bear the signature of the person upon whom the abortion is to be performed; and ~~and be signed by the attending physician; and~~

~~(9)~~ (10) The word signature includes the mark of a person unable to write her name. A mark shall have the same effect as a signature when the name is written by some other person and the mark is made near thereto by the person unable to write her name.

Sec. 2. That section 28-327, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-327. (1) No abortion shall be performed on any

woman in the absence of an informed consent, except that an abortion may be performed if, in the sound medical judgment of the physician, an emergency endangers the life or health of the woman and the woman is unable to give informed consent. When an emergency compels the performance of an abortion, the physician shall inform the woman, prior to the abortion if possible, of the medical indications supporting his or her judgment that an abortion is necessary to avert the woman's death or to prevent harm to her health.

(2) Except in the case of an emergency situation, consent to an abortion is voluntary and informed only if the woman is offered the following information by the physician who is to perform the abortion, by the referring physician, by an agent of either physician, by the Department of Health or by personnel at a licensed health care facility at least twenty-four hours before the abortion:

(a) The medical risks associated with abortion procedures commonly used, including, when medically accurate, the risks of infection and hemorrhage;

(b) The probable gestational age of the fetus at the time the abortion is to be performed;

(c) The medical risks associated with completing the pregnancy and giving birth; and

(d) That the woman has the right to receive additional information over the phone or printed materials described in subdivisions (1)(a) and (b) of section 3 of this act. The woman shall be informed that the printed materials have been provided by the Department of Health and that they include information on the gestational development of the fetus, the medical assistance benefits that may be available for prenatal care, childbirth, and neonatal care and list agencies which offer alternatives to abortion. If the woman chooses to review the printed materials, the printed materials shall either be given to her or faxed to a location of her choice or obtained at locations identified by the department as required in section 3 of this act or mailed to her by her method of choice, including first-class mail, registered mail, or certified mail, restricted delivery to addressee, which means the postal employee can only deliver the mail to the addressee or she shall be advised that she may call the toll-free number at the Department of Health to receive information.

(3) The physician, his or her agent, the Department of Health, or personnel at a licensed health care facility may provide this information by telephone without conducting a physical examination or tests of the patient, in which case the information required to be supplied may be based on facts supplied by the patient and whatever other relevant information is reasonably available to the physician, agent,

or personnel.

Sec. 3. (1) The Department of Health shall cause to be published, within sixty days after the effective date of this act, the following easily comprehensible printed materials:

(a) Geographically indexed materials designed to inform the public of public and private agencies and services which may be available to assist a woman through pregnancy, upon childbirth, and while the child is dependent, including adoption agencies, agencies and services for prevention of unintended pregnancies, and agencies and services through which the materials described in subdivision (b) of this subsection can be obtained. The materials shall include a comprehensive list of the agencies available, a description of the services they offer, and a description of the manner, including telephone numbers and addresses, in which such agencies may be contacted and shall include information on any income eligibility requirements to obtain assistance or service; and

(b) Materials designed to inform the woman of the probable anatomical, physiological, and neurological characteristics of the fetus at two-week gestational increments from the time when a woman can be known to be pregnant to full term. The materials shall be objective, nonjudgmental, and designed to convey only accurate scientific information about the fetus at the various gestational increments. The material shall also contain objective information describing the methods of abortion procedures commonly employed, the medical risks commonly associated with each such procedure, the medical risks commonly associated with abortion, and the medical risks commonly associated with completing a pregnancy and giving birth.

The materials shall be printed in a clearly legible form and shall be printed in English and other languages that the department determines are the primary languages of a significant number of state residents.

(2) The department shall cause the materials required in subdivision (1)(b) of this section to be published only after it consults with the Nebraska section of the American College of Obstetricians and Gynecologists and the Nebraska Obstetricians and Gynecologic Society relative to the scientific and medical accuracy of the printed materials.

(3) The materials required under this section shall be available at no cost to the woman and at the cost of printing and postage to any other person, facility, agency or hospital from the department upon request and in the appropriate quantities.

(4) The department shall establish a toll-free telephone number which may be called to orally obtain the

information described in subdivision (1)(a) and (b) of this section or the caller may request that written materials be faxed immediately to the location of her choice or mailed immediately by the method of her choice, including first-class mail, registered mail, or certified mail restricted delivery to addressee by the department.

(5) The department shall identify agencies and facilities in the state which are appropriately geographically dispersed for the maintenance of the materials described in subdivision (1)(a) and (b) of this section and shall make available to identified locations sufficient materials to meet the anticipated and established need.

(6) The Department of Health in cooperation with the Department of Social Services shall prepare and conduct a public information program to inform the public of the programs and services described in subdivision (1)(a) of this section and the materials described in subdivision (1)(b) of this section. The public information program shall include: (a) Publication of the Department of Health's toll-free number in phone books and in other appropriate materials; and (b) public service announcements.

(7) Compliance with the requirements of subsection (2) of section 28-347 shall be waived until the department has published and made available the written materials.

Sec. 4. That sections 28-326 and 28-327, Reissue Revised Statutes of Nebraska, 1943, are repealed.'.".

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BAACK PRESIDING

Mrs. Bohlke withdrew her amendment.

Mr. Chambers withdrew his pending amendment, AM1613.

Mr. Chambers withdrew his pending amendments, FA90, FA91, FA92, FA94, AM1614, AM1615, AM1616, and AM1617, found in the Journal on pages 1562, 1563, 1575, and 2187.

Mr. Lindsay withdrew his pending amendments, AM2175 and AM2187, found in the Journal on page 2248.

Mr. Landis withdrew his pending amendment, AM2180, found in the Journal on page 2249.

Messrs. Lindsay, Chambers, and Mrs. Rasmussen offered the following amendment:
AM2548

(Amendments to E & R amendments, AM5473)

1. On page 4, line 14, after "by" insert "a licensed physician assistant or registered nurse who is"; and in line 24 before "The" insert "The person providing the information specified in this subdivision to the person upon whom the abortion is to be performed shall be deemed qualified to so advise and provide such information only if, at a minimum, he or she has had training in each of the following subjects: Sexual and reproductive health; abortion technology; contraceptive technology; short-term counseling skills; community resources and referral; and informed consent.".

2. On page 7, line 2, strike ", at the option of the department,".

3. On page 8, strike beginning with "That" in line 11 through the period in line 16; and in line 16 strike "criminal penalty or".

4. On page 9, strike beginning with "or" in line 19 through "proceeding" in line 20.

5. On page 10, lines 19 and 20, strike ", 28-327, and 28-328" and insert "and 28-327"; and in line 20 after the third comma insert "and also section 28-328, Reissue Revised Statutes of Nebraska, 1943,".

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Lindsay-Chambers-Rasmussen amendment was adopted with 43 ayes, 0 nays, and 6 present and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 110A. E & R amendment, AM5535, found in the Journal on page 2564, was adopted.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 815 and 815A.

Enrollment and Review Change to LB 815

The following changes, required to be reported for publication in the Journal, have been made:

ER7315

1. In the Warner amendment, AM2472, on page 1, line 3, "federal" has been inserted before "Health" and "Finance Authority" has been struck and "Financing Administration" inserted.

(Signed) Kurt Hohenstein, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 345 in the Journal. No objections. So ordered.

AM2544

(Amendments to AM2157)

1. Strike amendments 1 and 2 and insert the following new amendments:

"1. Insert the following new sections:

'Sec. 66. That section 77-27,142, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,142. (1) ~~Any~~ Except for a city of the metropolitan class, any incorporated municipality by ordinance of its governing body, is hereby authorized to impose a sales and use tax of one-half percent, one percent, or one and one-half percent upon the same transactions within such incorporated municipality on which the State of Nebraska is authorized to impose a tax pursuant to the Nebraska Revenue Act of 1967, as amended from time to time. No sales and use tax shall be imposed pursuant to this section until an election has been held and a majority of the qualified electors have approved such tax pursuant to sections 77-27,142.01 and 77-27,142.02.

~~(2) A city of the metropolitan class is hereby authorized to increase any city sales and use tax existing on January 1, 1978, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city and the voters by a majority vote approve such increase. The question of such increase shall be submitted to the voters at the primary or general election in 1980 if the city council shall submit a certified copy of a resolution to that effect to the election commissioner not later than forty-one days prior to the primary or general election. Notwithstanding the provisions of section 77-27,143, if the increase is approved by the voters at the primary or general election in 1980, the election commissioner shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held. If the increase is not approved by the voters at the primary or general election in 1980, no tax increased pursuant to this~~

~~section shall remain in effect after December 31, 1980.~~

~~(3)~~ (2) A city of the primary class is hereby authorized to increase any city sales and use tax existing on January 1, 1985, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city and the voters by a majority vote approve such increase. The question of such increase shall be submitted to the voters at the next primary or general election or at a special election if the city council shall submit a certified copy of a resolution proposing the tax increase to the election commissioner within a reasonable time prior to the primary, general, or special election. If the increase is approved by the voters at the primary, general, or special election, the election commissioner shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held. If the voters of a city of the primary class have not approved such an increase by December 31, 1987, the question of such an increase shall not be submitted thereafter to the voters and there shall be no increase in the city sales and use tax.

~~(4)~~ (3) A city of the first or second class or village is hereby authorized to increase any city sales and use tax existing on January 1, 1986, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city or village and the voters by a majority vote approve such increase. The question of such increase shall be submitted to the voters at any primary or general election or at a special election if the city council or village board shall submit a certified copy of a resolution proposing the tax increase to the election commissioner or county clerk within a reasonable time prior to the primary, general, or special election. If the increase is approved by the voters at the primary, general, or special election, the election commissioner shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held.

(4) Any sales and use tax imposed by a city of metropolitan class shall terminate on the effective date of this act.

Sec. 67. That section 77-27,142.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,142.01. The governing body of any incorporated municipality authorized to impose a sales and use tax pursuant to section 77-27,142 which, after January 1, 1978, and prior to February 14, 1978, authorizes a sales and use tax pursuant to section 77-27,142, shall submit the question of continuing such tax at the first regular city,

county, or state election held within such incorporated municipality after such tax is imposed. If a majority of those voting on the question shall be opposed to such tax, the governing body of the incorporated municipality shall immediately discontinue the tax.

Sec. 68. That section 77-27,142.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,142.03. Whenever, at least forty-five days prior to any city, county, or state election, the qualified electors of any municipality authorized to impose a sales and use tax pursuant to section 77-27,142, equal in number to ten percent of the votes cast at the last preceding municipal election, shall petition the governing body to submit such question, it shall be the duty of the governing body to submit the question at the next primary, general, or special election. The question of imposing a sales and use tax shall not be submitted to the electors of an incorporated municipality more often than once every twenty-three months.

Sec. 69. That section 77-27,142.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,142.05. Any incorporated municipality authorized to impose a sales and use tax pursuant to section 77-27,142 which had, prior to January 1, 1978, authorized a sales and use tax pursuant to section 77-27,142, may continue the tax without submitting the question of continuing such tax to a vote of the qualified electors.'.

2. Correct the operative date provision and repealer so that sections 77-27,142, 77-27,142.01, 77-27,142.03, and 77-27,142.05 become operative three calendar months after the adjournment of this legislative session.".

Mr. Withem asked unanimous consent to print the following amendment to LR 74 in the Journal. No objections. So ordered.

AM2270

1. Strike the first and second "RESOLVED" paragraphs and insert the following new "RESOLVED" paragraphs:

"1. That the United States recognizes that Croatia and Bosnia-Hercegovina have the right to self-defense as provided under article 51 of the Charter of the United Nations. The United States should encourage the lifting of the international arms embargo as it applies to Croatia and Bosnia-Hercegovina, thus enabling Croatia and Bosnia-Hercegovina to uphold the right of self-defense.

2. That the United States should assemble a multinational coalition to:

(a) Ensure that irregular forces in Croatia and Bosnia-Hercegovina either withdraw or be disbanded and disarmed with their weapons placed under effective

international monitoring;

(b) Ensure the immediate, effective, and unimpeded delivery of humanitarian aid to all civilian populations in Croatia and Bosnia-Hercegovina in keeping with international commitments; and

(c) Ensure unimpeded access to all camps, prisons, and detention centers in Bosnia-Hercegovina by the International Committee of the Red Cross and other international humanitarian organizations and facilitate the release of all detainees from such facilities.

3. That the Legislature believes that the preservation and respect for human life should cause people to look beyond cultural and political differences in an effort to peacefully resolve this conflict. The Legislature condemns all forces which have committed serious war crimes against humanity and encourages the hostilities to cease and the continuation of diplomatic efforts to resolve the conflict.".

2. Renumber the remaining paragraphs accordingly.

Mr. Wickersham asked unanimous consent to print the following amendment to LB 348 in the Journal. No objections. So ordered.

AM2539

(Amendments to AM1541)

1. Insert the following new section:

"Sec. 14. The Class VI school system levy shall apply only if the school house of a Class I school district is located within fifteen miles on a dustless-surfaced highway from a school house in the affected school district.".

2. On page 6, line 26; page 7, line 26; and page 8, line 8, after "13" insert "and 14".

3. Correct the operative date provision so that section 14 added by this amendment becomes operative on the same date as section 13 added by AM1541.

4. Renumber the remaining sections and correct internal references accordingly.

Mr. Wickersham asked unanimous consent to print the following amendment to LB 348 in the Journal. No objections. So ordered.

AM2540

(Amendments to AM1541)

1. Insert the following new section:

"Sec. 14. The funds raised by the Class VI school system levy shall include only those for (1) ordinary upkeep and maintenance of existing school buildings, appurtenances, and utilities, (2) textbooks but no other instructional materials or equipment, (3) teacher salaries and benefits if the teacher-pupil ratio in the Class I school district is

greater than one teacher to twelve students, and (4) any additional costs approved by fifty percent of those individuals voting for a proposed expenditure at an election held within the Class VI school system conducted following a recommendation of the school board of the Class I school district. The county clerk or election commissioner shall call for a special election on the issue within fifteen days of the receipt of such recommendation. The election shall be held pursuant to the provisions of Chapter 32 governing special elections, and all costs of the election shall be paid by the Class I school district.".

2. On page 6, line 26; page 7, line 26; and page 8, line 8, after "13" insert "and 14".

3. Correct the operative date provision so that section 14 added by this amendment becomes operative on the same date as section 13 added by AM1541.

4. Renumber the remaining sections and correct internal references accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 817 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2541.)

RESOLUTION

LEGISLATIVE RESOLUTION 266. Introduced by Fisher, 35.

WHEREAS, the Reverend Frances Figueroa of Grand Island has been selected as the Hispanic Woman of the Year by the Mexican Fiesta Committee and the Commission on Mexican-Americans; and

WHEREAS, Reverend Figueroa has an outstanding record of leadership in women's groups and volunteerism as an interpreter for Mexican-Americans; and

WHEREAS, Reverend Figueroa will be honored in North Platte on June 11th at the annual Mexican Fiesta.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Reverend Frances Figueroa on her achievements and well-deserved honor.

2. That a copy of this resolution be sent to the Reverend Frances Figueroa.

Laid over.

SELECT FILE

LEGISLATIVE BILL 429. E & R amendment, AM5485, found in the Journal on page 1737, was adopted.

Mr. Kristensen withdrew his pending amendment, AM1732, found in the Journal on page 1783.

Mr. Kristensen renewed his pending amendment, AM1895, found in the Journal on page 2090.

MR. HALL PRESIDING

The Kristensen amendment was adopted with 33 ayes, 0 nays, and 16 present and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 235. E & R amendment, AM5482, printed separately from the Journal and referred to on page 1730, was adopted.

Mrs. Pirsch renewed her pending amendment, AM1696, found in the Journal on page 1813.

The Pirsch amendment was adopted with 27 ayes, 0 nays, and 22 present and not voting.

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler renewed his pending amendment, AM1941, found in the Journal on page 2548.

The Beutler amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Ms. Schimek renewed her pending amendment, AM2073, found in the Journal on page 2175.

The Schimek amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mr. Beutler renewed his pending amendment, AM2144, found in the Journal on page 2548.

Mr. Wickersham offered the following amendment to the Beutler pending amendment:
FA285
Amend AM2144
Line 18 beginning at there strike through the period after Fund in line 19

Line 23 strike Fund insert Trail Development Assistance Fund

Mr. Wickersham withdrew his amendment.

The Beutler amendment was adopted with 26 ayes, 0 nays, and 23 present and not voting.

Mr. Janssen offered the following amendment:
AM2182

(Amendments to E & R amendments, AM5482)

1. Insert the following new sections:

"Sec. 19. That section 37-420, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-420. It shall be unlawful within the boundaries of the state game refuges designated in sections 37-412 and 37-418 for any person ~~or persons at any time~~ (1) to hunt, kill, capture, or chase with dogs, any game birds, game animals, or other birds or animals of any kind or description whatever, ~~or~~ (2) to carry firearms of any kind, or (3) from October 15 through January 15 each year to operate a motorboat as defined in section 37-1204. This section ~~within the limits of said game refuges, as designated in section 37-418; PROVIDED, this~~ shall not prevent ~~anyone carrying~~ highway or railroad transport of firearms or dogs across the ~~preserve at any point on said refuge, nor shall it prevent any person~~ refuge, retrieval of game birds lawfully killed from such refuge, or the taking of fur-bearing animals by the use of traps during lawful open seasons on the refuge. This section shall not ~~same, nor shall it~~ prevent the Game and Parks Commission from issuing such permits as may be ~~deemed~~ necessary for the killing of animal or bird predators that may endanger game birds or game animals or the domestic property of adjacent landowners or from issuing permits as provided in section 37-215 for the taking of deer from such refuges whenever the number of deer on such refuges is deemed ~~to be~~ detrimental to habitat conditions on the refuges or to adjacent privately owned real or personal property. This section shall not prevent the owners of land or dwellings or their relatives or invitees from operating any motorboat within the boundaries of the refuge for purposes of access by the most direct route to and from such land or dwellings.

Sec. 20. That section 37-421, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-421. Any person who ~~shall violate~~ violates any of the provisions of ~~sections 37-418 to~~ section 37-420, shall be guilty of a Class ~~III~~ I misdemeanor.".

2. On page 58, line 15, after the third comma insert "37-420, 37-421"; and in line 20 after the last comma insert "and also section 37-414, Reissue Revised Statutes of

Nebraska, 1943, and section 37-413, Revised Statutes Supplement, 1992,".

3. Renumber the remaining sections and internal references accordingly.

Mr. Beutler offered the following amendment to the Janssen pending amendment:
FA286
Amend AM2182
On page 2, line 13 change Class I misdemeanor to Class III misdemeanor

The Beutler amendment was adopted with 26 ayes, 0 nays, and 23 present and not voting.

The Janssen amendment, as amended, was adopted with 27 ayes, 0 nays, and 22 present and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Messrs. Fisher, Schmitt, and Horgan asked unanimous consent to print the following amendment to LB 724 in the Journal. No objections. So ordered.

AM2511

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 15. That section 81-2025, Revised Statutes Supplement, 1992, be amended to read as follows:

81-2025. (1) Every officer who has been in the employ of the state as such and who becomes disabled and physically unfit to perform the duties of an officer shall be entitled to retire and receive an annuity as provided by law.

(2) Every officer who has been in the employ of the state as such for twenty years or more, as calculated in section 81-2033, and has attained the age of fifty years or more shall be entitled to retire and receive an annuity as provided by law. The right to retire at the age of fifty years shall be at the option of the officer but such retirement shall be mandatory upon the officer attaining the age of sixty years.

(3) Any officer who has attained the age of sixty years upon his or her separation from state service but who has not been in the employ of the state for twenty years as such shall be entitled to the annuity as provided for in sections 81-2014 to ~~81-2034~~ 81-2036.

(4) Every officer who has been in the employ of the state as such for twenty-five years or more, as calculated in section 81-2033, and has attained the age of fifty years shall

be entitled to retire and receive an annuity as provided by law. The right to retire at the age of fifty years with twenty-five years of service or more shall be at the option of the officer but such retirement shall be mandatory upon the officer attaining the age of sixty years.

(5) Payment of any benefit provided under sections 81-2014 to ~~81-2034~~ 81-2036 may not be deferred later than the sixtieth day after the end of the year in which the officer has both attained at least age seventy and one-half years and terminated his or her employment with the Nebraska State Patrol.

~~(5)~~ (6) The effective date of retirement payments shall be the first day of the month following (a) the date a member qualifies for retirement as provided in this section or (b) the date upon which a member's request for retirement is received on an application form provided by the system, whichever is later. An application may be filed no more than ninety days in advance of qualifying for retirement.

Sec. 16. That section 81-2026, Revised Statutes Supplement, 1992, be amended to read as follows:

81-2026. (1) Any officer qualified for an annuity as provided in section 81-2025 for reasons other than disability shall be entitled to receive a monthly annuity for the remainder of the officer's life. The amount of the annuity shall be a percentage of the officer's final average monthly compensation. For retirement on or after the fifty-fifth birthday of the member or on or after the fiftieth birthday of a member who has been in the employ of the state for twenty-five years, as calculated in section 81-2033, the percentage shall be three percent multiplied by the number of years of service, as calculated in section 81-2033, except that the percentage shall never be greater than seventy-five percent.

For retirement pursuant to subsection (2) of section 81-2025 on or after the fiftieth birthday of the member but prior to the fifty-fifth birthday of the member who has been in the employ of the state for less than twenty-five years, as calculated in section 81-2033, the annuity which would apply if the member were age fifty-five at the date of retirement shall be reduced by five-ninths of one percent for each month by which the early retirement date precedes age fifty-five or for each month by which the early retirement date precedes the date upon which the member has served for twenty-five years, whichever is earlier. Any officer who has completed thirty years of service with the Nebraska State Patrol shall have retirement benefits computed as if the officer had reached age fifty-five.

For purposes of this computation, final average monthly compensation shall mean the sum of the officer's total

compensation during the final three years of service as an officer divided by thirty-six, and for any officer employed on or before January 4, 1979, the officer's total compensation shall include payments received for unused vacation and sick leave and compensatory time accumulated during the final three years of service.

(2) Any officer qualified for an annuity as provided in section 81-2025 for reasons of disability shall be entitled to receive a monthly annuity for the remainder of the period of disablement as provided in sections 81-2028 to 81-2030. The amount of the annuity shall be fifty percent of the officer's monthly compensation at the date of disablement if the officer has completed seventeen or fewer years of service. If the officer has completed more than seventeen years of service, the amount of the annuity shall be three percent of the final monthly compensation at the date of disablement multiplied by the total years of service but not to exceed seventy-five percent of the final average monthly compensation as defined in subsection (1) of this section. The date of disablement shall be the date on which the benefits as provided in section 81-2028 have been exhausted.

(3) Upon the death of an officer after retirement for reasons other than disability, the officer's surviving spouse, if married to the officer on the date of retirement, shall continue to receive seventy-five percent of the amount of such officer's annuity for the remainder of the surviving spouse's life or until the surviving spouse remarries. If the surviving spouse has a dependent child or children under the age of nineteen years in his or her care, the benefit shall be one hundred percent of the amount of such officer's annuity until such time as the youngest such dependent child attains the age of nineteen years, after which time the benefit shall be reduced to seventy-five percent of the amount of such officer's annuity. If there is no surviving spouse living at the date of the officer's death, the officer's child or children, if any, shall continue to receive seventy-five percent of the amount of such officer's annuity until such time as the youngest such child attains the age of nineteen years. If there is more than one such child under the age of nineteen years at such time, the amount thereof shall be divided equally among such children under such age and, as they attain the age of nineteen years, only the other child or children under such age shall participate therein. If there is no surviving spouse or no child under the age of nineteen years at the date of the officer's death, the amount of annuities such officer has received under sections 81-2014 to 81-2036 shall be computed. If such amount is less than the contributions to the State Patrol Retirement Fund made by such officer, plus regular interest, the difference shall be paid

to the officer's designated beneficiary or estate. Upon the death of an officer after retirement for reasons of disability, benefits shall be provided as if the officer had retired for reasons other than disability. Upon the death of an officer before retirement, benefits shall be provided as if the officer had retired for reasons of disability on the date of such officer's death as follows: (a) To the surviving spouse and dependent child or children under the age of nineteen years in such spouse's care, the benefit shall be one hundred percent of the amount of such officer's annuity until such time as the youngest dependent child attains the age of nineteen years after which time the benefit shall be reduced to seventy-five percent of the officer's annuity for the remainder of his or her life or until he or she remarries; (b) if there is no spouse living at the date of the officer's death, his or her child or children, if any, shall continue to receive seventy-five percent of the amount of such officer's annuity until such time as the youngest child attains the age of nineteen years; (c) if there is more than one child under the age of nineteen years at the date of the officer's death, the benefit shall be divided equally among such children and, as they attain the age of nineteen years, only the child or children under the age of nineteen years shall participate therein; and (d) if there is no child or children under the age of nineteen years living at the date of the officer's death, the surviving spouse shall receive seventy-five percent of the amount of such officer's annuity for the remainder of his or her life or until he or she remarries. If no benefits are paid to a surviving spouse or dependent children, benefits will be paid as described in subsection (1) of section 81-2031.

(4) Any benefits provided in subsections (1), (2), and (3) of this section shall apply only to retirements, disabilities, and deaths occurring on or after September 2, 1977. No benefits being paid under the system on September 2, 1977, shall be modified, in any way, by the enactment of Laws 1977, LB 347.

(5) Notwithstanding anything to the contrary in sections 81-2014 to 81-2036, the annual benefit payable under such sections shall not at any time exceed the lesser of (a) ninety thousand dollars, as adjusted for cost-of-living adjustments announced by the Internal Revenue Service for each calendar year in which the adjustment is announced, actuarially reduced to reflect distributions prior to age sixty-two, or (b) one hundred percent of the member's average annual compensation for the three consecutive calendar years of service during which the member received his or her highest compensation and was an active member in the Nebraska State Patrol Retirement System. The maximum amount shall be

adjusted, when necessary, as follows: (i) When the annual benefit is payable under this system to a member in a form other than a straight life annuity or the joint and survivor annuity described by subsections (1) and (3) of this section, the maximum amount shall be adjusted to the equivalent of a straight life annuity beginning at the same age on the basis of actuarial assumptions recommended by the actuary, approved by the board, and kept on file with the board; and (ii) when the annual benefit is payable under this system to a member who has less than ten years of service under the system, the maximum amount shall be multiplied by a fraction, the numerator of which is the member's number of years of service under the system and the denominator of which is ten.

Sec. 17. That section 81-2033, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2033. In computing length of service under sections 81-2014 to ~~81-2034~~ 81-2036, such service shall include ~~any~~ the years of service with the Nebraska State Patrol, permanent force, as established by the ~~act~~ law creating the Nebraska State Patrol computed to the nearest one-twelfth year and shall only include such years during which the person was a member of the Nebraska State Patrol Retirement System. Length of service shall also include credit for time served in the armed forces pursuant to section 81-2034.

Sec. 18. Sections 15 to 19 and 21 of this act shall become operative on their effective date. The other sections of this act shall become operative three calendar months after the adjournment of this legislative session.

Sec. 19. That original section 81-2033, Reissue Revised Statutes of Nebraska, 1943, and sections 81-2025 and 81-2026, Revised Statutes Supplement, 1992, are repealed.

Sec. 21. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, strike beginning with "firefighter" in line 1 through line 10 and insert "retirement; to amend sections 16-1021, 16-1023, 16-1024, 16-1025, 16-1028, 16-1031, 16-1033, 16-1038, 16-1042, and 81-2033, Reissue Revised Statutes of Nebraska, 1943, and sections 16-1027, 16-1029, 16-1030, 16-1034, 16-1036, 81-2025, and 81-2026, Revised Statutes Supplement, 1992; to change provisions relating to the firefighters' retirement systems for cities of the first class and the Nebraska State Patrol Retirement System; to define and redefine terms; to change contributions and benefit provisions; to change funding provisions; to change provisions relating to payment of benefits; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.".

3. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 536 and 536A.

Enrollment and Review Change to LB 536

The following changes, required to be reported for publication in the Journal, have been made:
ER7287

1. In the E & R amendments, AM5415:

a. Amendments 10, 20, and 21 and all amendments thereto have been struck; and

b. On page 4, the matter beginning with "3" in line 3 through line 4 and all amendments thereto have been struck; and in line 5 a comma has been inserted after "28".

2. In lieu of the Bromm amendment, FA240, and the Will amendment, FA239, in the Wesely amendment, FA235, on page 5, line 25, "providing services in a long-term care facility or in a hospital with a licensed bed capacity of fifty beds or less" has been inserted after "nurse".

3. In the Wesely amendment, FA235:

a. On page 7, line 10 "insertion of a" has been struck; and in line 11, "insertion" has been inserted after "tube"; and

b. On page 11, line 8, "Nurse" has been struck.

4. In the Wesely amendment, FA236, sections 45 and 46 have been struck and in lieu thereof, in the Hartnett amendment, AM1315, sections 19 and 20 have been struck and in lieu thereof the following new sections inserted:

"Sec. 51. That section 71-1,147.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,147.09. ~~The~~ To protect the health, safety, and welfare of the public, to ensure to the greatest extent possible the accurate, efficient, and safe practice of pharmacy, to ensure that prescription drugs and devices conform to the orders authorizing their dispensing or administration, and to implement sections 28-1437 to 28-1439.01, 71-1,142 to 71-1,147.33, 71-2401 to 71-2405, and 71-2501 to 71-2512, the Mail Service Prescription Drug Act, the Nebraska Drug Product Selection Act, and the Uniform Controlled Substances Act, the department, upon the recommendation of the board, ~~is hereby authorized to~~ shall adopt and promulgate rules and regulations:

(1) For the enforcement of sections 71-1,142~~, 71-1,143, and 71-1,147 to 71-1,147.14~~ to 71-1,147.33 and sections 49 and 55 to 58 of this act;

(2) To establish minimum requirements regarding adequate facilities for the safe storage of narcotic drugs and other drugs requiring refrigeration or other special storage;

(3) For equipment, facilities, and utilities for the prescription department;

(4) To establish minimum standards governing sanitation, orderliness, cleanliness, library requirements, ventilation, and prescription and other record keeping;

(5) To establish minimum standards governing the definition and application of computers or other electronic record systems in pharmacy;

(6) To establish minimum standards for the practice of nuclear pharmacy;

(7) To establish minimum standards for the dispensing of drugs or ~~medicinal substances~~ devices in unit-dose or unit-of-use containers;

(8) To establish minimum standards for compounding, ~~and~~ dispensing, and administering sterile ~~parenteral~~ products; ~~and~~

(9) To establish minimum standards governing the inspection of pharmacies to demonstrate compliance with sections ~~28-401 to 28-445,~~ 28-1437 to 28-1439.01, 71-1,142 to 71-1,147.33 and sections 49 and 55 to 58 of this act, 71-2401 to 71-2405, and 71-2501 to 71-2512, ~~and~~ the Nebraska Drug Product Selection Act, and the Uniform Controlled Substances Act and such rules and regulations as are adopted and promulgated by the department pursuant to such sections and ~~act~~ acts. Such standards shall include, but not be limited to: (a) Criteria for successful completion of an opening inspection; (b) criteria for successful completion of an annual inspection; and (c) criteria for the issuance of a written warning notice listing specific violations to which the permittee shall respond in writing to the department, by the date stated on the warning notice, stating that the violations listed in the warning notice have been corrected;

(10) To establish minimum standards governing patient counseling, patient information, and communications to a patient;

(11) To establish minimum standards for the terms and provisions of the written control procedures and guidelines required by subsection (4) of section 71-1,147.33 as they relate to the qualifications, on-site training, functions, and supervision of supportive pharmacy personnel;

(12) To establish standards and guidelines for the identification of supportive pharmacy personnel as such while they are performing duties in a pharmacy; and

(13) To establish minimum standards and guidelines for the documentation of the verification of the acts, tasks, or functions of supportive pharmacy personnel.

The minimum standards and requirements for the practice of pharmacy and for public or private hospital pharmacies licensed by the department shall be consistent with ~~and no more or less stringent than~~ the minimum requirements and standards established by the department under sections 71-2017 to 71-2029.

Sec. 52. That section 71-1,147.10, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,147.10. (1) The department shall deny an application for a permit to conduct a pharmacy, revoke or suspend a permit to conduct a pharmacy, ~~or~~ refuse renewal of a permit to conduct a pharmacy, deny an application for a license to operate a hospital, revoke or suspend the license of a hospital, or refuse renewal of a hospital license on any of the following grounds:

(a) Conviction of any crime involving moral turpitude;

(b) Obtaining a pharmacy permit or an inspection certificate by false representation or fraud;

(c) Operating a pharmacy or hospital pharmacy without a ~~registered~~ licensed pharmacist responsible for the practice of pharmacy;

(d) The compounding and dispensing of drugs ~~and medicines~~ or devices or the filling of a prescription by a person other than a ~~registered~~ licensed pharmacist or by an intern in pharmacy, without the presence of and the immediate personal supervision of a ~~registered~~ licensed pharmacist except as provided in section 71-1,147.33;

(e) A conviction of a violation of ~~any of the provisions of~~ sections 71-1,142~~, 71-1,143, and 71-1,147 to 71-1,147.14~~ to 71-1,147.33 and sections 49 and 55 to 58 of this act or of a felony or, if a natural person, the revocation or suspension of a license to practice pharmacy in this state;

(f) Unprofessional conduct~~,~~ which ~~is hereby defined to~~ shall include, but not be limited to: (i) Misrepresentation or fraud in the conduct of a pharmacy or hospital pharmacy; (ii) aiding or abetting an unlicensed person to practice pharmacy; (iii) the dispensing over the counter without a prescription of a drug or device which under state or federal law or regulation is prohibited from being dispensed without a prescription or the renewal of such a prescription without the authorization of the prescriber; (iv) the dispensing of a different drug or device in place of the drug or device ordered or prescribed without the express permission of the person ordering or prescribing the same; ~~or~~ (v) any fraudulent act in drug product selection whereby the purchaser is charged for the prescribed brand rather than the selected product which is deemed to be chemically and therapeutically equivalent; (vi) failure to account for significant, substantial shortages or overages of controlled substances; or (vii) use of supportive pharmacy personnel in violation of section 71-1,147.33;

(g) Violation of the rules and regulations governing the practice of pharmacy as adopted and promulgated under authority of section 71-1,147.09 by the department; and

(h) Suggesting, soliciting, ordering, assisting, or abetting a pharmacist in the violation of any of the offenses set forth in sections 71-147 and 71-148.

(2) Nothing contained in this section shall be construed to prohibit any hospital~~,~~ licensed by the department~~,~~ from establishing rules and

regulations regarding the method by which medical staff members shall agree to order or prescribe drugs ~~and medicines~~ or devices for patients of such hospitals.

(3) If the department determines to deny, revoke, suspend, or refuse renewal of the license of a hospital pursuant to this section, the procedures for such action in sections 71-2023 to 71-2029 shall be followed.

~~(3)~~ (4) If the department determines to deny~~,~~ an application for a permit to or to revoke, suspend, or refuse renewal of a permit to conduct a pharmacy, it shall send to the applicant or permittee, by certified mail, a notice setting forth the particular reasons for the determination. The denial, suspension, revocation, or refusal of renewal shall become final thirty days after the mailing of the notice unless the applicant or permittee, within such thirty-day period, requests a hearing in writing. The applicant or permittee shall be given a fair hearing before the department and may present such evidence as may be proper. On the basis of such evidence the determination involved shall be affirmed or set aside, and a copy of such decision setting forth the finding of facts and the particular reasons upon which it is based shall be sent by certified mail to the applicant or permittee. The decision shall become final thirty days after a copy of such decision is mailed unless the applicant or permittee within such thirty-day period appeals the decision pursuant to section 71-1,147.12. The procedure governing hearings authorized by this section shall be in accordance with rules and regulations adopted and promulgated by the department. A full and complete record shall be kept of all proceedings. Witnesses may be subpoenaed by either party and shall be allowed a fee at a rate prescribed by the rules and regulations adopted and promulgated by the department.

~~(4)~~ (5) The proceeding shall be summary in its nature and triable as an equity action. Affidavits may be received in evidence in the discretion of the Director of Health. The department shall have the power to administer oaths, to subpoena witnesses and compel their attendance, and to issue subpoenas duces tecum and require the production of books, accounts, and documents in the same manner and to the same extent as the district courts of the state. Depositions may be used by either party. Upon the completion of any hearing, the director shall have the authority through entry of an order to exercise in his or her discretion any or all of the following powers:

(a) Issue a censure or reprimand against the permittee;

(b) Suspend judgment;

(c) Place the permittee on probation;

(d) Place a limitation or limitations on the permit and upon the right of the permittee to operate a pharmacy to the extent, scope, or type of operation for such time and under such conditions as the director finds necessary and proper. The director shall consult with the board in all instances prior to issuing an order of limitation;

(e) Impose a civil penalty not to exceed ten thousand dollars;

(f) Enter an order of suspension of the permit;

(g) Enter an order of revocation of the permit; and

(h) Dismiss the action.

~~(5)~~ (6) The permittee shall not operate a pharmacy after a permit is revoked or during the time for which ~~it~~ the permit is suspended. If a permit is suspended, the suspension shall be for a definite period of time to be fixed by the director. Such permit shall be automatically reinstated upon the expiration of such period if the current renewal fees have been paid. If such permit is revoked, such revocation shall be permanent, except that at any time after the expiration of two years, application may be made for reinstatement of any permittee whose permit shall have been revoked. Such application shall be addressed to the director but may not be received or filed by him or her unless accompanied by a written recommendation of reinstatement by the board. The amount of the civil penalty, if any, shall be based on the severity of the violation. If any violation is a repeated or continuing violation, each violation or each day a violation continues shall constitute a separate violation for the purpose of computing the applicable civil penalty, if any. The department may adopt and promulgate the necessary rules and regulations concerning notice and hearing of such application.

~~(6)~~ (7) Any civil penalty assessed and unpaid under this section shall constitute a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the district court of the county in which the violator resides or owns property. The department shall within thirty days ~~from~~ after receipt ~~transmit~~ remit any collected civil penalty to the State Treasurer for ~~deposit in~~ credit to the permanent school fund.

(8) The Attorney General, upon the recommendation of the board, shall initiate criminal proceedings pursuant to section 71-167 against supportive pharmacy personnel who knowingly perform tasks or functions which require the expertise or professional judgement of a pharmacist. When appropriate, the Attorney General, upon the recommendation of the board, shall initiate corresponding criminal charges against pharmacists, pharmacy owners, or other persons who knowingly permit supportive pharmacy personnel to perform professional duties which require the expertise or professional judgement of a pharmacist.".

5. In the Wesely amendment, FA237:

a. On page 28, line 3, the second comma has been struck and shown as stricken; and

b. On page 36, line 9, the comma has been struck and shown as stricken.

6. In the Wesely amendment, FA238, on page 37, line 15, "parents or guardian are" has been struck, shown as stricken, and "parent or guardian is" inserted.

7. In the Wesely amendment, FA241, on page 38, lines 13 and 14, "96 and 113" has been struck and "109 to 112 and 127" inserted.

8. In the Hartnett amendment, AM1315:

a. On page 13, line 16, "the" has been struck;

b. On page 23, line 6, the comma has been struck; and in line 20 "and" has been inserted after the semicolon; and

c. On page 31, line 23, "certified" has been inserted after the first "or".

9. Original section 70 and all amendments thereto have been struck and the following new section inserted:

"Sec. 128. That original sections 71-1,147, 71-1,147.09, 71-1,147.10, 71-1,147.13, 71-1,147.33, 71-1,232, 71-646, 71-647, 71-1717, 71-1721.04, 71-1721.06, 71-1722, 71-1724, 71-1724.01, 71-1735, 71-1743, 71-1753, 71-1755, 71-1757, 71-1758, 71-1759, 71-2407, 71-3501, 71-3503, 71-3507, 71-3508.03, 71-4603, 71-4604, 71-4606, 71-4608 to 71-4611, 71-4613, 71-4614, 71-4616 to 71-4620, 71-6201, and 71-6203, Reissue Revised Statutes of Nebraska, 1943, and sections 71-101, 71-147, 71-148, 71-168.01, 71-1,142, 71-602, 71-604.05, 71-612, 71-648, 71-2017.01, 71-4604.01, 71-5668, 71-7101, 81-642 to 81-645, 81-647 to 81-649, 81-655, 81-656, 81-659, and 81-660, Revised Statutes Supplement, 1992, and Laws 1990, LB 551, section 32, as amended by Laws 1992, LB 1019, section 127, and also sections 71-1713, 71-1718, 71-1719, 71-1720, and 71-6230, Reissue Revised Statutes of Nebraska, 1943, and sections 71-525 and 81-649.01, Revised Statutes Supplement, 1992, are repealed.".

10. On page 1, the matter beginning with the second "to" in line 1 through line 16 and all amendments thereto have been struck and "to amend sections 71-1,132.47, 71-1,147, 71-1,147.09, 71-1,147.10, 71-1,147.13, 71-1,147.33, 71-1,232, 71-646, 71-647, 71-1717, 71-1721.04, 71-1721.06, 71-1722, 71-1724, 71-1724.01, 71-1735, 71-1743, 71-1753, 71-1755, 71-1757, 71-1758, 71-1759, 71-2407, 71-3501, 71-3503, 71-3507, 71-3508.03, 71-4603, 71-4604, 71-4606, 71-4608 to 71-4611, 71-4613, 71-4614, 71-4616 to 71-4620, 71-6201, and 71-6203, Reissue Revised Statutes of Nebraska, 1943, and sections 71-101, 71-147, 71-148, 71-168.01, 71-1,142, 71-602, 71-604.05, 71-612, 71-648, 71-2017.01, 71-4604.01, 71-5668, 71-7101, 79-444.01, 81-642 to 81-645, 81-647 to 81-649, 81-655, 81-656, 81-659, and 81-660, Revised Statutes Supplement, 1992, and Laws 1990, LB 551, section 32, as amended by Laws 1992, LB 1019, section 127; to provide for release of medical record and health information as prescribed; to adopt the Childhood Lead Poisoning Prevention Act and the Licensed Practical Nurse-Certified Act; to provide, change, and eliminate definitions; to change and provide penalties; to provide for and change provisions relating to fees, coverage of prescription drugs, refilling of prescriptions, pharmacists and supportive pharmacy personnel, disciplinary actions relating to pharmacy permits, licensees, certificate holders, and registrants, investigational records and reports, prospective drug utilization review, pharmacy patient counseling, temporary certificates to practice respiratory care, confidentiality and release of information on certificates filed with or issued by the Bureau of Vital Statistics, charges for review of such certificates, the birth defects registry, nurse practitioners, certified registered nurse

anesthetists, certified nurse midwives, the Council of Certified Nurse Midwifery, radiation control, manufactured homes, recreational vehicles, payments for practice in a designated medical profession shortage area, the cancer registry, the brain injury registry, and immunization requirements; to provide for licensing of persons and businesses engaged in radon measurement and mitigation, directed review under the Nebraska Regulation of Health Professions Act, and confidentiality of certain information under the Critical Incident Stress Debriefing Act; to provide duties for the Department of Health; to eliminate provisions relating to certain laboratory reports, preceptorship programs for nurse practitioners, a termination date, and a penalty; to provide for and change operative dates and a termination date; to harmonize provisions;" inserted.

11. On page 2, lines 1 through 12 and all amendments thereto have been struck; in line 13 "harmonize" through "and" and all amendments thereto have been struck; and in line 17 "; and to declare an emergency" has been inserted before the period.

12. On page 17, line 14, "section 71-1,231" has been struck and "such section" inserted.

13. On page 38, line 7, the underscored comma has been struck.

14. On page 49, line 22, "to" has been struck and shown as stricken.

15. On page 52, line 28; and page 68, line 17, "the purpose" has been struck, shown as stricken, and "purposes" inserted.

16. Sections have been renumbered and internal references corrected accordingly.

(Signed) Kurt Hohenstein, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wickersham asked unanimous consent to print the following amendment to LB 345 in the Journal. No objections. So ordered.

AM2545

(Amendments to E & R amendments, AM5490)

1. Insert the following new section:

"Sec. 52. That section 77-2708.01, Revised Statutes Supplement, 1992, as amended by section 29, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, be amended to read as follows:

77-2708.01. (1)(a) Any purchaser of depreciable agricultural machinery or equipment purchased on or after January 1, 1992, and before January 1, 1993, for use in commercial agriculture may apply for a refund of all of the Nebraska sales or use taxes and all of the local option sales or use taxes paid on the machinery or equipment.

(b) On or after January 1, 1993, any purchaser of depreciable repairs or parts for agricultural machinery or

equipment used in commercial agriculture may apply for a refund of all of the Nebraska sales or use taxes and all of the local option sales or use taxes paid on the repairs or parts.

(2) The purchaser shall file a claim within three years after the date of purchase with the Tax Commissioner pursuant to section 77-2708. The information provided on a tax refund claim allowed under this section may be disclosed to any other tax official of this state.".

2. Correct the operative date provision and repealer so that the section added by this amendment becomes operative on its effective date.

3. Renumber the remaining sections and correct internal references accordingly.

SELECT FILE

LEGISLATIVE BILL 235. Mr. Chambers offered the following amendment:
FA287

P. 42, line 19, strike "fifteen" and insert "14", line 24, strike "three dollars" and insert "2.50"

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Preister asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Abboud	Bohlke	Dierks	Jones	Robak
Ashford	Byars	Elmer	Kristensen	Schimek
Baack	Chambers	Hartnett	Landis	Wehrbein
Bernard-Stevens	Coordsen	Hohenstein	McKenzie	Wesely
Beutler	Crosby	Horgan	Pedersen	Withem

Voting in the negative, 21:

Bromm	Haberman	Janssen	Pirsch	Schmitt
Cudaback	Hall	Lindsay	Rasmussen	Vrtiska
Day	Hillman	Lynch	Robinson	Warner
Fisher	Hudkins	Moore	Schellpeper	Wickersham

Witek

Present and not voting, 1:

Avery

Excused and not voting, 2:

Preister Will

The Chambers amendment was adopted with 25 ayes, 21 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctely Reengrossed

The following bill was correctly reengrossed: 516.

Correctly Engrossed

The following bill was correctly engrossed: 239.

Enrollment and Review Change to LB 239

The following changes, required to be reported for publication in the Journal, have been made:
ER7314

1. In the Withem amendment, AM2421:

a. On page 1, line 5, "81-966" has been struck and "85-966" inserted;

b. On page 2, line 8, "one-" has been struck, shown as stricken, and "one-year" inserted;

c. On page 4, line 20, "college areas" has been struck, shown as stricken, and "colleges" inserted; and

d. On page 8, line 15, "and section 9 of this act" has been inserted after "85-966".

2. In the E & R amendment, AM5505:

a. On page 9, line 6, "section 20" has been struck and "sections 9 and 33" inserted;

b. On page 29, line 27, "10 to 49" has been struck and "9 and 23 to 62" inserted; and

c. On page 56, line 4, the new matter has been struck, the stricken ", the" has been reinstated, and "For each fiscal year" has been inserted before the reinstated comma.

3. On page 1, line 4, "and" has been struck and "85-918, 85-926, 85-927, and 85-964," has been inserted after the last comma; in line 8 "85-921, 85-935, 85-952, 85-960.01, 85-960.02, 85-962, 85-966, 85-1413," has been inserted after the second comma; and in line 10 "to change instructional and service priorities;" has been inserted after the second semicolon.

(Signed) Kurt Hohenstein, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Kristensen, Bromm, Hohenstein, Schellpeper, and Mrs. Crosby asked unanimous consent to print the following amendment to LB 137 in the Journal. No objections. So ordered.

AM2161

(Amendments to E & R amendments, AM5500)

1. Strike section 1 and insert the following new sections:

"Section 1. That section 25-224, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-224. (1) All product liability actions as defined in section 25-21,180, except one governed by subsection (5) of this section, shall ~~be commenced~~ commence within four years ~~next~~ after the date on which the death, injury, or damage complained of occurs.

(2) Notwithstanding subsection (1) of this section or any other statutory provision to the contrary, any product liability action, except one governed by section 2-725, Uniform Commercial Code or by subsection (5) of this section, shall ~~be commenced~~ commence within ten years after the date when the product which allegedly caused the personal injury, death, or damage was first sold or leased for use or consumption.

The ten-year time limitation in this subsection shall not apply (a) if the manufacturer intentionally misrepresented or concealed any known defect which is a proximate cause of the injury or death or (b) if the product liability action involves the manufacture, construction, design, or assembly of medical implants, prosthetics, appliances, or other devices surgically placed on or within the human body.

(3) The limitations contained in subsection (1), (2), or (5) of this section shall not be applicable to indemnity or contribution actions brought by a manufacturer or seller of a product against a person who is or may be liable

to such manufacturer or seller for all or any portion of any judgment rendered against a manufacturer or seller.

(4) Notwithstanding ~~the provisions of~~ subsections (1) and (2) of this section, any cause of action or claim which any person may have on July 22, 1978, may be brought not later than two years following such date.

(5) Any action to recover damages based on injury allegedly resulting from exposure to asbestos composed of chrysotile, amosite, crocidolite, tremolite, anthrophyllite, actinolite, or any combination thereof, shall ~~be commenced~~ commence within four years after the injured person has been informed of discovery of the injury by competent medical authority and that such injury was caused by exposure to such asbestos, ~~as described herein,~~ or within four years after the discovery of facts which would reasonably lead to such discovery, whichever is earlier. No action commenced under this subsection based on the doctrine of strict liability in tort shall be commenced or maintained against any seller of a product which is alleged to contain or possess a defective condition unreasonably dangerous to the buyer, user, or consumer unless such seller is also the manufacturer of such product or the manufacturer of the part thereof claimed to be defective. Nothing in this subsection shall be construed to permit an action to be brought based on an injury described in this subsection discovered more than two years prior to August 30, 1981.

Sec. 2. The total amount recoverable under the State Tort Claims Act for claims arising out of an occurrence on or after the effective date of this act shall be limited to (1) one million dollars for any one person for any number of claims arising out of a single occurrence and (2) five million dollars for all claims arising out of a single occurrence.

Sec. 3. That section 81-8,235, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,235. Sections 81-8,209 to 81-8,235 and section 2 of this act shall be known and may be cited as the State Tort Claims Act.".

2. On page 5, line 16, strike "section 25-224" and insert "sections 25-224 and 81-8,235"; and in line 17 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 757. E & R amendment, AM5491, found in the Journal on page 1904, was adopted.

Mr. Landis renewed his third pending amendment, FA98, found in the Journal on page 1690 and considered on page 1721.

Mr. Abboud renewed his pending amendment, AM2493, found in the Journal on page 2550, to the Landis pending amendment.

SPEAKER BAACK PRESIDING

The Abboud amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Messrs. Landis and Chambers offered the following amendment to the Landis pending amendment:
AM2549

(Amendments to AM2493)

1. On page 3, line 18, after the semicolon insert "in line 4 after 'binding' insert 'unless the employee was not given fair and adequate notice of all rights relinquished by the agreement at the time the agreement was made in a form and manner established by the compensation court or unless the agreement to the use of a medical examiner was procured by fraud or coercion';".

The Landis-Chambers amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

The third Landis amendment, as amended, was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Pending.

UNANIMOUS CONSENT - Add Cointroducer

Mrs. McKenzie asked unanimous consent to have her name added as cointroducer to LR 175. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 137 in the Journal. No objections. So ordered.

AM2215

(Amendments to E & R amendments, AM5500)

1. On page 2, line 7, strike "a preponderance of the" and insert "clear and convincing".
2. On page 3, strike beginning with "The" in line 20 through line 27.
3. On page 4, strike lines 1 through 10; and in line 11 strike "(7)" and insert "(6)".
4. On page 5, strike lines 4 through 11.

Mr. Kristensen asked unanimous consent to print the following amendment to LB 137 in the Journal. No objections. So ordered.

AM2216

(Amendments to E & R amendments, AM5500)

1. On page 2, line 7, strike "a preponderance of the" and insert "clear and convincing".

2. On page 4, strike lines 5 through 10; and in line 11 strike "(7)" and insert "(6)".

3. On page 5, strike lines 4 through 11.

VISITORS

Visitors to the Chamber were Mark Leeper; Senator Lindsay's mother, Mary Lindsay, and Merrilleen Tippery from Omaha; Mark Hunt from Wallace; and Senator Vrtiska's daughter, Lori, and Brian.

MOTION - Adjournment

Mr. Wesely moved to adjourn until 9:00 a.m., Wednesday, June 2, 1993. The motion prevailed with 24 ayes, 13 nays, and 12 not voting, and at 10:23 p.m., the Legislature adjourned until 9:00 a.m., Wednesday, June 2, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTY-SEVENTH DAY - JUNE 2, 1993

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

EIGHTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, June 2, 1993

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Chambers, Hall, Kristensen, Lindsay, Pedersen, Mmes. Bohlke, Robak, and Ms. Schimek who were excused until they arrive.

PRESIDENT MOUL PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-sixth day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 267. Introduced by Abboud, 12; Robinson, 16; Bromm, 23; Witek, 31; Ashford, 6; Wehrbein, 2; Rasmussen, 20; Withem, 14; Bohlke, 33; Horgan, 4; Preister, 5; Pedersen, 39; Hudkins, 21; Pirsch, 10; Lindsay, 9; Hall, 7.

WHEREAS, 1993 is a landmark year for the Kellogg Company as the company is celebrating fifty years of producing quality breakfast cereal products at the Omaha, Nebraska plant which is one of the five Kellogg Company manufacturing plants in the United States; and

WHEREAS, in 1943 the Kellogg Company purchased the factory located at 26th and Center Streets in Omaha, Nebraska, and in 1965 the current plant located at 9601 F Street in Omaha was built; and

WHEREAS, the Omaha plant consists of fifty-eight and three-quarters acres of property and the building is nine hundred thousand square feet of floor space under a common roof and there are approximately six hundred fifty hourly employees and nearly one-hundred salaried employees at the Omaha plant; and

WHEREAS, the Omaha plant has the capacity to manufacture seventeen products in family-size and individual-size package and in every day of operations the Omaha plant produces enough one-ounce servings of breakfast cereal to feed each of Omaha's four hundred thousand resident thirty-four times.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Kellogg Company on the fifty successful years of operation of the Omaha manufacturing plant.

2. That a copy of this resolution be delivered to Rick L. Kelly, general plant manager of the Omaha plant of the Kellogg Company.

Laid over.

LEGISLATIVE RESOLUTION 268. Introduced by Schellpeper, 18.

WHEREAS, the community of Laurel, Nebraska, located in southeastern Cedar County, was founded on May 15th, 1893; and

WHEREAS, Laurel, Nebraska, exists today as an active community of nine hundred eighty-one residents; and

WHEREAS, on June 11th, 12th, and 13th, 1993, the Centennial of Laurel, Nebraska, will be celebrated; and

WHEREAS, the citizens are proud of their community history and are committed to and optimistic about building an even brighter future.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends the fine community of Laurel, Nebraska, for its efforts and success in providing a quality place to live.

2. That the Legislature further congratulates the community on the one hundredth anniversary of its incorporation.

3. That a copy of this resolution be sent to the community of Laurel, Nebraska.

Laid over.

REPORT

Received quarterly report from the Nebraska Investment Finance Authority (NIFA) on use of the proceeds of the 1992 A-D Single Family Issue pursuant to NEB. REV. STAT. § 58-270(4).

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Approve Appointments

Mr. Abboud moved the adoption of the report of the Business and Labor Committee for the following Governor appointment found in the Journal on page 2457: Robert W. Allen - Boiler Safety Advisory Code Committee.

Voting in the affirmative, 25:

Abboud	Crosby	Hohenstein	McKenzie	Vrtiska
Avery	Day	Horgan	Moore	Wehrbein
Bromm	Dierks	Janssen	Preister	Wesely
Byars	Hartnett	Landis	Rasmussen	Wickersham
Coordsen	Hillman	Lynch	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 14:

Ashford	Cudaback	Hudkins	Robinson	Will
Baack	Elmer	Jones	Schmitt	Witek
Bernard-Stevens	Fisher	Pirsch	Warner	

Excused and not voting, 10:

Beutler	Chambers	Hall	Lindsay	Robak
Bohlke	Haberman	Kristensen	Pedersen	Schimek

The appointment was confirmed with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Schellpeper moved the adoption of the report of the General Affairs Committee for the following Governor appointments found in the Journal on page 2498: Sheila Hawes - Nebraska Arts Council and Nancy McGinley - Nebraska Liquor Control Commission.

Voting in the affirmative, 25:

Abboud	Hartnett	Janssen	Preister	Warner
Crosby	Hillman	Jones	Rasmussen	Wehrbein
Day	Hohenstein	Landis	Robinson	Wesely
Dierks	Horgan	Lynch	Schellpeper	Wickersham
Fisher	Hudkins	Moore	Vrtiska	Withem

Voting in the negative, 0.

Present and not voting, 15:

Ashford	Bernard-Stevens	Bromm	Cudaback	Pirsch
Avery	Beutler	Byars	Elmer	Schmitt
Baack		Coordsen	McKenzie	Will
				Witek

Excused and not voting, 9:

Bohlke	Haberman	Kristensen	Pedersen	Schimek
Chambers	Hall	Lindsay	Robak	

These appointments were confirmed with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointments found in the Journal on page 2498: Faye Schellpeper, Michael Steckler, Michael Myers, Rebecca Petersen, and Margaret Cavanaugh Boyer - Rural Health Advisory Commission; Patricia Lanphier and Elaine Lashkajani - Child Abuse Prevention Trust Fund Board; and Marian Reyburn - Commission for the Hearing Impaired.

Voting in the affirmative, 28:

Abboud	Day	Horgan	Moore	Warner
Avery	Dierks	Janssen	Pedersen	Wehrbein
Baack	Fisher	Jones	Preister	Wesely
Byars	Hartnett	Kristensen	Schellpeper	Witek
Coordsen	Hillman	Landis	Vrtiska	Withem
Crosby	Hohenstein	Lynch		

Voting in the negative, 0.

Present and not voting, 14:

Ashford	Beutler	Elmer	Pirsch	Schmitt
Bernard-Stevens	Bromm	Hudkins	Rasmussen	Wickersham
	Cudaback	McKenzie	Robinson	Will

Excused and not voting, 7:

Bohlke	Haberman	Lindsay	Robak	Schimek
Chambers	Hall			

These appointments were confirmed with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 670.

A BILL FOR AN ACT relating to severance tax funds; to amend section 57-705, Revised Statutes Supplement, 1992; to increase the statutory authority for an appropriation to the State Energy Office Cash Fund; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud	Coordsen	Hillman	McKenzie	Schmitt
Ashford	Crosby	Hohenstein	Moore	Vrtiska
Avery	Cudaback	Horgan	Pedersen	Warner
Baack	Day	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Dierks	Janssen	Preister	Wesely
Beutler	Elmer	Jones	Rasmussen	Wickersham
Bohlke	Fisher	Kristensen	Robinson	Will
Bromm	Haberman	Landis	Schellpeper	Witek
Byars	Hartnett	Lynch	Schimek	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Chambers	Hall	Lindsay	Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 841.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-302.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 17, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, section 60-106, Revised Statutes Supplement, 1992, as amended by section 6, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, and section 2, Legislative Bill 340, Ninety-third Legislature, First Session, 1993, and section 60-112, Revised Statutes

Supplement, 1992, as amended by section 11, Legislative Bill 112, Ninety-third Legislature, First Session, 1993; to provide for computerizing titling and registration of motor vehicles by a certain date; to require development and submission of implementation plans and periodic reports regarding the computer system for titling and registration purposes; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Byars	Hartnett	Lynch	Vrtiska
Ashford	Coordsen	Hillman	Moore	Warner
Avery	Crosby	Hohenstein	Pedersen	Wehrbein
Baack	Cudaback	Horgan	Pirsch	Wesely
Bernard-Stevens	Day	Hudkins	Robinson	Wickersham
Beutler	Dierks	Janssen	Schellpeper	Will
Bohlke	Elmer	Jones	Schimek	Witek
Bromm	Fisher	Kristensen	Schmitt	Withem
	Haberman	Landis		

Voting in the negative, 0.

Present and not voting, 3:

McKenzie	Preister	Rasmussen

Excused and not voting, 4:

Chambers	Hall	Lindsay	Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 841A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 841, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Byars	Hartnett	Lynch	Schmitt
Ashford	Coordsen	Hillman	Moore	Vrtiska
Avery	Crosby	Hohenstein	Pedersen	Warner
Baack	Cudaback	Horgan	Pirsch	Wehrbein
Bernard-Stevens	Day	Hudkins	Preister	Wesely
	Dierks	Janssen	Rasmussen	Wickersham
Beutler	Elmer	Jones	Robinson	Will
Bohlke	Fisher	Kristensen	Schellpeper	Witek
Bromm	Haberman	Landis	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 1:

McKenzie

Excused and not voting, 4:

Chambers	Hall	Lindsay	Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 842.

A BILL FOR AN ACT relating to real estate appraisers; to amend section 76-2249, Revised Statutes Supplement, 1992; to eliminate a requirement for publication of a directory of appraisers; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Byars	Hartnett	Lynch	Schimek
Ashford	Coordsen	Hillman	Moore	Schmitt
Avery	Crosby	Hohenstein	Pedersen	Vrtiska
Baack	Cudaback	Horgan	Pirsch	Warner
Bernard-Stevens	Day	Hudkins	Preister	Wehrbein
	Dierks	Janssen	Rasmussen	Wesely
Beutler	Elmer	Jones	Robak	Wickersham
Bohlke	Fisher	Kristensen	Robinson	Witek
Bromm	Haberman	Landis	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 2:

McKenzie Will

Excused and not voting, 3:

Chambers Hall Lindsay

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 541. With Emergency.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 1995; to transfer funds; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	Chambers	Hartnett	Moore	Schmitt
Ashford	Coordsen	Hillman	Pedersen	Vrtiska
Avery	Crosby	Hohenstein	Pirsch	Warner
Baack	Cudaback	Horgan	Preister	Wehrbein
Bernard-Stevens	Day	Janssen	Rasmussen	Wesely
	Dierks	Jones	Robak	Wickersham
Beutler	Elmer	Kristensen	Robinson	Will
Bohlke	Fisher	Landis	Schellpeper	Witek
Bromm	Haberman	Lynch	Schimek	Withem
Byars	Hall	McKenzie		

Voting in the negative, 0.

Excused and not voting, 2:

Hudkins Lindsay

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 543. With Emergency.

A BILL FOR AN ACT relating to the intergovernmental data services; to amend sections 81-2301, 81-2304, 81-2306, and 81-2307, Reissue Revised Statutes of Nebraska, 1943, section 81-1107, Revised Statutes Supplement, 1992, as amended by section 2, Legislative Bill 544, Ninety-third Legislature, First Session 1993, and section 81-1108, Reissue Revised Statutes of Nebraska, 1943, as amended by section 8, Legislative Bill 14, Ninety-second Legislature, Third Special Session, 1992; to create a division and a fund; to define terms; to provide powers and duties for the division; to provide for a statewide intergovernmental data services system; to provide duties for the Director of Administrative Services; to change and provide powers and duties and change membership provisions of the Intergovernmental Data Communications Advisory Council; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Abboud	Chambers	Hartnett	McKenzie	Schmitt
Ashford	Coordsen	Hillman	Moore	Vrtiska
Avery	Crosby	Hohenstein	Pedersen	Warner
Baack	Cudaback	Horgan	Pirsch	Wehrbein
Bernard-Stevens	Day	Hudkins	Preister	Wesely
	Dierks	Janssen	Rasmussen	Wickersham
Beutler	Elmer	Jones	Robak	Will
Bohlke	Fisher	Kristensen	Robinson	Witek
Bromm	Haberman	Landis	Schellpeper	Withem
Byars	Hall	Lynch	Schimek	

Voting in the negative, 0.

Excused and not voting, 1:

Lindsay

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 657. With Emergency.

A BILL FOR AN ACT relating to appropriations; to state intent; to appropriate funds for payments to depositors of Commonwealth Savings Company, State Security Savings, and American Savings Company; to authorize payment of claims; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 26:

Ashford	Coordsen	Hartnett	McKenzie	Vrtiska
Avery	Crosby	Hohenstein	Moore	Warner
Baack	Day	Horgan	Pedersen	Wehrbein
Beutler	Dierks	Landis	Preister	Wesely
Byars	Hall	Lynch	Schimek	Will
Chambers				

Voting in the negative, 18:

Abboud	Cudaback	Hillman	Pirsch	Wickersham
Bernard-Stevens	Elmer	Janssen	Rasmussen	Witek
Bromm	Fisher	Jones	Robinson	Withem
	Haberman	Kristensen	Schellpeper	

Present and not voting, 4:

Bohlke	Hudkins	Robak	Schmitt

Excused and not voting, 1:

Lindsay

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 25:

Ashford	Chambers	Hall	McKenzie	Vrtiska
Avery	Coordsen	Hartnett	Moore	Warner
Baack	Crosby	Hohenstein	Pedersen	Wehrbein
Beutler	Day	Landis	Preister	Wesely
Byars	Dierks	Lynch	Schimek	Will

Voting in the negative, 19:

Abboud	Cudaback	Hillman	Kristensen	Schellpeper
Bernard-Stevens	Elmer	Horgan	Pirsch	Wickersham
Bromm	Fisher	Janssen	Rasmussen	Witek
	Haberman	Jones	Robinson	Withem

Present and not voting, 4:

Bohlke	Hudkins	Robak	Schmitt

Excused and not voting, 1:

Lindsay

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

UNANIMOUS CONSENT - Member Excused

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Return LB 838 to Select File

Mr. Bernard-Stevens moved to return LB 838 to Select File for the following specific amendment:
FA288
After Sec. 1 (3) insert the following new subsection:
(4) An option student who subsequently chooses to attend a private or parochial school shall not be required to submit an attendance application and shall be automatically accepted to return to either the resident or option school district upon the completion of the grade levels offered at the private or parochial school.

Mr. Bernard-Stevens requested a roll call vote on his motion to return.

Voting in the affirmative, 29:

Abboud	Chambers	Hartnett	Lindsay	Robinson
Ashford	Crosby	Hillman	Lynch	Schimek
Baack	Cudaback	Horgan	McKenzie	Schmitt
Bernard-Stevens	Day	Hudkins	Pedersen	Wehrbein
	Elmer	Kristensen	Preister	Will
Beutler	Hall	Landis	Rasmussen	Withem

Voting in the negative, 8:

Bromm	Coordsen	Moore	Wickersham	Witek
Byars	Dierks	Warner		

Present and not voting, 11:

Avery	Hohenstein	Jones	Robak	Vrtiska
Fisher	Janssen	Pirsch	Schellpeper	Wesely
Haberman				

Excused and not voting, 1:

Bohlke

The Bernard-Stevens motion to return prevailed with 29 ayes, 8 nays, 11 present and not voting, and 1 excused and not voting.

Mrs. Rasmussen and Mr. Will asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 838. The Bernard-Stevens specific amendment, FA288, found in this day's Journal, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Mr. Hall asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for reengrossment.

MOTION - Return LB 838 to Select File

Mr. Moore moved to return LB 838 to Select File for the following specific amendment:
AM2320
1. On page 2, line 13, after "the" insert "mandatorily established".

The Moore motion to return prevailed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 838. The Moore specific amendment, AM2320, found in this day's Journal, was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 839 to Select File

Mr. Withem moved to return LB 839 to Select File for his specific amendment, AM2496, printed separately from the Journal and referred to on page 2584.

Messrs. Landis, Lindsay, Warner, and Avery asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Jones moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Withem requested a roll call vote on his motion to return.

Voting in the affirmative, 25:

Abboud	Chambers	Hartnett	Lynch	Robinson
Ashford	Crosby	Hillman	Pedersen	Schimek
Baack	Cudaback	Hohenstein	Pirsch	Wesely
Bernard-Stevens	Day	Horgan	Preister	Will
Beutler	Hall	Lindsay	Rasmussen	Withem

Voting in the negative, 20:

Bohlke	Elmer	Jones	Moore	Vrtiska
Bromm	Haberman	Kristensen	Robak	Wehrbein
Coordsen	Hudkins	Landis	Schellpeper	Wickersham
Dierks	Janssen	McKenzie	Schmitt	Witek

Present and not voting, 2:

Byars Fisher

Excused and not voting, 2:

Avery Warner

The Withem motion to return prevailed with 25 ayes, 20 nays, 2 present and not voting, and 2 excused and not voting.

Messrs. Landis, Vrtiska, and Schmitt asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 839. The Withem specific amendment, AM2496, printed separately from the Journal and referred to on page 2584, was considered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 657.

Correctly Reengrossed

The following bills were correctly reengrossed: 231 and 677.

Enrollment and Review Change to LB 231
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER7317

1. In the Chambers amendment, FA284, "section 3:" has been struck and "subsection:
(3)" inserted.

2. In the Chambers amendment, FA283, "16" has been struck and "3" inserted.

3. On page 2, line 1, "(1)" has been inserted after the period; in line 10 "Sec. 2." has been struck and "(2)" inserted; in line 11 "section 1 of this act shall:" has been struck and "this section shall" inserted; in lines 12 and 13 the paragraphing has been struck; in line 12 "(1) Protect" has been struck and "(a) protect" inserted and the semicolon has been struck and "and" inserted; in line 13 "(2) Promote" has been struck and "(b) promote" inserted; and in line 14 the semicolon has been struck and a period inserted.

4. On page 3, line 6, the period has been struck; and in line 7 "3" has been struck and "2" inserted.

Enrollment and Review Change to LB 677
(Final Reading second)

The following changes, required to be reported for publication in the Journal, have been made:
ER7316

1. In the Lindsay amendment, AM2218:

a. On page 1, line 7, "who" has been struck and shown as stricken;

b. On page 2, line 12 "the" has been struck; and

c. On page 3, line 8, "act" has been struck and "Nebraska Probation Administration Act" inserted; and the stricken matter in lines 9 to 12 has been reinstated.

2. On page 1, line 1, "parole" has been struck and "probation, parole," inserted; in line 7 "to change provisions relating to the restoration of civil rights;" has been inserted after the semicolon; and in line 11 "to change provisions relating to applications for pardons;" has been inserted after the semicolon.

(Signed) Kurt Hohenstein, Chairperson

EXPLANATIONS OF VOTES

Had I been present, I would have voted aye on LB 541.

(Signed) Carol Hudkins

Had I been present, I would have voted aye on LBs 670, 841, and 841A.

(Signed) Jennie Robak

MESSAGE FROM THE GOVERNOR

June 2, 1993

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 121 and 121A were received in my office on May 27, 1993.

These bills were signed by me on June 2, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

UNANIMOUS CONSENT - Print in Journal

Messrs. Hohenstein, Abboud, Will, and Mrs. Crosby asked unanimous consent to print the following amendment to LB 124 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2550.)

VISITORS

Visitors to the Chamber were 40 fourth grade students, Senator Will's nephew, Andrew Hotz, and sponsors from West Gate School, Omaha.

RECESS

At 12:11 p.m., on a motion by Mr. Haberman, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Beutler, Byars, Lindsay, Ms. Day, and Mrs. Rasmussen who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 110, 110A, and 429.

Enrollment and Review Change to LB 110

The following changes, required to be reported for publication in the Journal, have been made:
ER7318

1. In the E & R amendments, AM5473:

a. On page 1, line 6, ", 4, 6, and" has been struck and "to" inserted;

b. On page 9, lines 20 and 21, "or section 28-328" has been struck;

c. On page 10, line 23, the first comma has been struck and "and" inserted and "and 28-328," has been struck; and

d. On page 11, line 1, "to eliminate a penalty;" has been inserted after the semicolon; and in line 2 ", and also section 28-328, Reissue Revised Statutes of Nebraska, 1943" has been inserted after "sections".

Enrollment and Review Change to LB 429

The following changes, required to be reported for publication in the Journal, have been made:
ER7319

1. On page 1, line 3, ", and section 71-101, Revised Statutes Supplement, 1992" has been inserted after "1943" and "to require a certain standard of care by licensed optometrists;" has been inserted before the second "to".

(Signed) Kurt Hohenstein, Chairperson

SELECT FILE

LEGISLATIVE BILL 839. The Withem specific amendment, AM2496, printed separately from the Journal and referred to on page 2584 and considered in this day's Journal, was renewed.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Withem specific amendment was adopted with 25 ayes, 21 nays, 2 present and not voting, and 1 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 839 to Select File

Mr. Wickersham moved to return LB 839 to Select File for the following specific amendment:
AM2553

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 2. That section 79-1303, Revised Statutes Supplement, 1992, be amended to read as follows:

79-1303. (1) In making the apportionment under section 79-1302, the Commissioner of Education shall distribute from the school fund for school purposes, to any and all school districts and to the nonresident high school tuition fund of counties in which there are situated school lands which have not been sold and transferred by deed or saline lands owned by the state, an amount in lieu of tax money that would be raised if such lands were taxable, to be ascertained in accordance with subsection (2) of this section, except that for Class I districts or portions thereof which are affiliated and in which there are situated school or saline lands, 38.6207 percent of the in lieu of land tax money calculated pursuant to subsection (2) of this section, based on the affiliated school system tax levy computed pursuant to section 79-438.12, shall be distributed to the affiliated high school district and the remainder shall be distributed to the Class I district.

(2) The county superintendents shall certify to the Commissioner of Education the tax levy for school purposes of each school district and the nonresident high school tuition levy of the county in which the school land or saline land is located and the last appraised value of such school land, which value shall be ~~one hundred forty-three percent of the appraised value~~ the same percentage of the appraised value as the percentage of the assessed value is of market value in section 77-1360.01 for the purpose of applying the applicable tax levy for each district and for the nonresident high school tuition fund in determining the distribution to the districts and to the nonresident high school tuition fund of the counties of such amounts. The board of any school district,

~~wherein there~~ in which is located any leased or undeeded school land or saline land subject to the provisions of this section, may appeal to the Board of Educational Lands and Funds for a reappraisement of such school land if such school board deems the land not appraised in proportion to the value of adjoining land of the same or similar value. The Board of Educational Lands and Funds shall proceed to investigate the facts involved in such appeal and, if the contention of the school board is correct, make the proper reappraisement. The value calculation in this subsection shall be used by the Commissioner of Education for making distributions in the 1992-93 school year and every year thereafter.

Sec. 4. That original section 79-1303, Revised Statutes Supplement, 1992, is repealed.".

2. On page 1, line 2, after "1943" insert ", and section 79-1303, Revised Statutes Supplement, 1992"; in line 8 after the first semicolon insert "to change provisions relating to valuation of school or saline lands;"; in line 9 strike "an operative date;" and insert "operative dates;"; and in line 10 strike "section" and insert "sections".

3. On page 2, line 19, strike "This" and insert "Sections 1 and 5 of this"; and in line 19 after the period insert "The other sections of this act shall become operative on their effective date.".

4. Renumber the remaining sections accordingly.

The Wickersham motion to return prevailed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 839. The Wickersham specific amendment, AM2553, found in this day's Journal, was adopted with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 839 to Select File

Mr. Withem moved to return LB 839 to Select File for the following specific amendment:
AM2568

(Amendments to AM2496)

1. On page 4, line 7, strike "1993-94" and insert "1995-96".

2. On page 6, line 15, strike "school year" and insert ", 1993-94, and 1994-95 school years"; and in line 23 strike "1993-94" and insert "1995-96".

3. On page 6, line 26; page 7, line 26; and page 8,

line 8, strike "13" and insert "2".

4. On page 8, line 16, reinstate the stricken "which value shall be".

5. On page 10, line 19, strike "1993-94" and insert "1995-96".

The Withem motion to return prevailed with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Mr. Elmer asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 839. The Withem specific amendment, AM2568, found in this day's Journal, was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Mr. Wickersham moved to indefinitely postpone LB 839.

Mr. Withem requested a ruling of the Chair on whether the Wickersham motion is in order.

The Chair ruled the Wickersham motion is out of order.

Advanced to E & R for reengrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 840. With Emergency.

A BILL FOR AN ACT relating to health care; to amend section 71-5837, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to certificate of need application fees; to provide an operative date; to repeal the original section; and to declare emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

Abboud	Bernard-Stevens	Byars	Day	Hall
Ashford	Beutler	Chambers	Dierks	Hartnett
Avery	Bohlke	Coordsen	Elmer	Hillman
Baack	Bromm	Crosby	Fisher	Hohenstein
		Cudaback	Haberman	Horgan

Hudkins	Lynch	Preister	Schimek	Wesely
Janssen	McKenzie	Rasmussen	Schmitt	Wickersham
Jones	Moore	Robak	Vrtiska	Will
Kristensen	Pedersen	Robinson	Warner	Witek
Landis	Pirsch	Schellpeper	Wehrbein	Withem
Lindsay				

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 840A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 840, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

Abboud	Chambers	Hartnett	Lynch	Schimek
Ashford	Coordsen	Hillman	McKenzie	Schmitt
Avery	Crosby	Hohenstein	Moore	Vrtiska
Baack	Cudaback	Horgan	Pedersen	Warner
Bernard-Stevens	Day	Hudkins	Pirsch	Wehrbein
Beutler	Dierks	Janssen	Preister	Wesely
Bohlke	Elmer	Jones	Rasmussen	Wickersham
Bromm	Fisher	Kristensen	Robak	Will
Byars	Haberman	Landis	Robinson	Witek
	Hall	Lindsay	Schellpeper	Withem

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 843. With Emergency.

A BILL FOR AN ACT relating to engineers and architects; to amend sections 81-849 and 81-851, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to seals; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Abboud	Coordsen	Hillman	McKenzie	Schmitt
Ashford	Crosby	Hohenstein	Moore	Vrtiska
Baack	Cudaback	Horgan	Pedersen	Warner
Bernard-Stevens	Day	Hudkins	Pirsch	Wehrbein
Beutler	Dierks	Janssen	Preister	Wesely
Bohlke	Elmer	Jones	Rasmussen	Wickersham
Bromm	Fisher	Kristensen	Robak	Will
Byars	Haberman	Landis	Robinson	Witek
Chambers	Hall	Lindsay	Schellpeper	Withem
	Hartnett	Lynch	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Avery

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 670, 841, 841A, 842, 541, 543, 657, 840, 840A, and 843.

MOTION - Return LB 218 to Select File

Mr. Landis moved to return LB 218 to Select File for his specific amendment, AM2520, found in the Journal on page 2593.

Mmes. McKenzie, Bohlke, Messrs. Avery, and Bernard-Stevens asked unanimous consent to be excused until they return. No objections. So ordered.

The Landis motion to return prevailed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 218. The Landis specific amendment, AM2520, found in the Journal on page 2593, was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 724 to Select File

Mr. Fisher moved to return LB 724 to Select File for the Fisher-Schmitt-Horgan specific amendment, AM2511, found in the Journal on page 2610.

MR. HALL PRESIDING

Mr. Withem requested a ruling of the Chair on whether the Fisher et al. amendment is germane to the bill.

The Chair ruled the Fisher et al. amendment is not germane to the bill.

Mr. Fisher challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Fisher withdrew his motion to overrule the Chair.

MOTION - Suspend Rules

Mr. Withem moved to suspend Rule 7, Sec. 3(d) to permit consideration of AM2511 to LB 724.

Mr. Withem requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 31:

Avery	Byars	Haberman	Jones	Schellpeper
Baack	Coordsen	Hartnett	Kristensen	Schmitt
Bernard-Stevens	Crosby	Hohenstein	Landis	Vrtiska
Beutler	Cudaback	Horgan	Pedersen	Wehrbein
Bohlke	Day	Hudkins	Robak	Wickersham
Bromm	Elmer	Janssen	Robinson	Withem
	Fisher			

Voting in the negative, 10:

Abboud	Hall	Moore	Warner	Will
Ashford	Lindsay	Pirsch	Wesely	Witek

Present and not voting, 6:

Chambers	Lynch	Preister	Rasmussen	Schimek
Hillman				

Excused and not voting, 2:

Dierks	McKenzie

The Withem motion to suspend the rules prevailed with 31 ayes, 10 nays, 6 present and not voting, and 2 excused and not voting.

MOTION - Return LB 724 to Select File

Mr. Fisher renewed his pending motion, found in this day's Journal, to return LB 724 to Select File for the Fisher et al. specific amendment, AM2511, found in the Journal on page 2610.

Messrs. Withem and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Fisher motion to return prevailed with 28 ayes, 8 nays, 12 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 724. The Fisher et al. specific amendment, AM2511, found in the Journal on page 2610, was considered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Fisher requested a roll call vote on the Fisher et al. amendment.

Voting in the affirmative, 33:

Avery	Bromm	Day	Hohenstein	Kristensen
Baack	Byars	Elmer	Horgan	Lynch
Bernard-Stevens	Coordsen	Fisher	Hudkins	McKenzie
	Crosby	Haberman	Janssen	Pedersen
Bohlke	Cudaback	Hartnett	Jones	Pirsch

Preister	Robinson	Schmitt	Wehrbein	Witek
Robak	Schellpeper	Vrtiska	Wickersham	

Voting in the negative, 13:

Ashford	Dierks	Landis	Warner	Will
Beutler	Hall	Lindsay	Wesely	Withem
Chambers	Hillman	Moore		

Present and not voting, 3:

Abboud	Rasmussen	Schimek

The Fisher et al. specific amendment was adopted with 33 ayes, 13 nays, and 3 present and not voting.

Advanced to E & R for reengrossment.

STANDING COMMITTEE REPORTS

Agriculture

The Committee on Agriculture desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Kent Vossler - Nebraska Dry Bean Commission
Mary C. Weyers - Nebraska Dry Bean Commission

VOTE: Aye: Senators Cudaback, Dierks, Haberman, Hudkins, and Schellpeper. Nay: none. Pass: none. Absent: Senators Chambers, Elmer, and Vrtiska.

(Signed) Merton L. Dierks, Chairperson

General Affairs

The Committee on General Affairs desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Anne Rismiller - Nebraska Arts Council

VOTE: Aye: Senators Cudaback, Elmer, Haberman, Hartnett, Hudkins, Robinson, Schellpeper, and Will. Nay: none. Absent: none.

(Signed) Stan Schellpeper, Chairperson

PROPOSED RULE CHANGE

Mr. Will asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Amend Rule 2 as follows:

Section 3(e) No one shall be permitted to be seated beside members of the Legislature except members of their immediate families upon permission from the chair. When bills are being read on Final Reading, no one other than members of the Legislature shall be permitted on the floor of the Legislature, except for employees of the Clerk of the Legislature's office or as provided in section 3(h) of this rule.

Section 3(h) Members shall remain in their seats during Final Reading of a bill and until the vote thereon has been announced, except when excused by the President. During discussion of amendments or motions offered pursuant to Rule 6, Section 8, officers and employees of the Legislature shall be permitted on the floor of the Legislature and members may move about the legislative environs subject to a quorum call request by any member pursuant to Rule 7, Section 5. For purposes of this rule, legislative environs shall mean the Legislative Chamber, the Senator Lounge, and the hallway connecting those areas.

Referred to the Rules Committee.

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 2, 1993, at 3:20 p.m., were the following bills: 670, 841, 841A, 842, 541, 543, 657, 840, 840A, and 843.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

REPORT OF THE EXECUTIVE BOARD

1993 Resolutions Calling For a Study

87 To study the disciplinary system in Nebraska for health care professionals
Health and Human Services

94 To study the extent of childhood environmental lead poisoning
Health and Human Services

95 To study proposals dealing with increases in the weekly unemployment benefit amount
Business and Labor

100 To reestablish the task force on mental health services created by LR405
Executive Board

101 To study circumstances surrounding unwanted pregnancies
Executive Board

102 To study the effects of the closing and sale of mobile home parks on the residents of the parks
Judiciary

103 To study the health and regulatory needs of alternative livestock or exotic animal raising
Agriculture

104 To study the need for possible alternatives to the current method of redrawing legislative districts
Government, Military and Veterans Affairs

105 To study the Campaign Finance Limitation Act
Government, Military and Veterans Affairs

106 To study the need for limiting the number of bills introduced by members and committees of the Legislature
Rules

107 To study the need for enacting ethics legislation
Government, Military and Veterans Affairs

108 To study the procedures, costs, and operation of the Commission of Industrial Relations and the Industrial Relations Act
Business and Labor

109 To study the advantages and disadvantages of biennial legislative sessions
Government, Military and Veterans Affairs

110 To study laws concerning the regulation of retail liquor sales
General Affairs

111 To study the need to create the position of legal counsel to the Legislature
Executive Board

112 To study changes in the Model Business Corporation Act
Banking, Commerce and Insurance

113 To study the feasibility of enhancing Nebraska's vital statistics statutes
Health and Human Services

114 To examine states which permit their highest court to issue advisory opinions on questions of law, including pending legislation
Judiciary

116 To study the state's current practice and policies for printing materials through the DAS print shop
Appropriations

117 To study problems involving child abuse and services for children and families
Health and Human Services

118 To study the issue of liability insurance and bonding for chemical applicators
Agriculture

119 To study the need for a state poultry inspection program
Agriculture

120 To study results of allowing legislators to participate in an existing or separate retirement plan
Nebraska Retirement Systems

121 To study the computer hardware and software needs of the Legislature
Executive Board

122 To study issues relating to the management of paleontological fossils on state controlled lands
Government, Military and Veterans Affairs

123 To study changes in Article 9 of the Uniform Commercial Code to provide for recording of security interests with respect to copyrights and patents
Banking, Commerce and Insurance

124 To study the feasibility of the value-added tax, the gross receipts tax, and the transaction tax
Revenue

125 To study the role and priority accorded applied technology or vocational technical education
Appropriations/Education

127 To study state boards, commissions, and other similar entities
Government, Military and Veterans Affairs

128 To study sources and levels of funding of remedial-developmental foundations education
Appropriations/Education

129 To study the current in lieu of tax system used by the Game and Parks Commission
Revenue

130 To study the administration and composition of agencies and boards authorized to oversee implementation of the retirement system and funds
Nebraska Retirement Systems

131 To study the concept of incentives for early retirement
Nebraska Retirement Systems

132 To study the potential for developing apprenticeship programs
Education

133 To study the process used by the Comm. of Industrial Relations in its resolution of cases
Business and Labor

134 To study requirements and standards established by the Motor Carrier Safety Regulations and the Hazardous Material Regulations
Transportation

135 To study legislation which proposed the establishment of specialty license plates for active National Guard members and collegiate license plates
Transportation

136 To study the formula and rationale for distribution of the county portion of the highway allocation fund
Transportation

137 To study laws which govern requirements relative to lighting equipment for motor vehicles and trailers
Transportation

138 To study centralization trends in state and federal government
Government, Military and Veterans Affairs

139 To study the educational enrollment-tier structure
Education

140 To study the current library system with emphasis on funding and accessibility
General Affairs

141 To study issues relating to radioactive waste
Natural Resources

142 To study the feasibility of developing alternative energy sources
Natural Resources

143 To study the structure of the public power industry in Nebraska
Natural Resources

144 To study the Nebraska Litter Reduction and Recycling Act and policies relating to waste reduction and recycling
Natural Resources

145 To study water related issues in connection with the state's natural resources districts
Natural Resources

146 To study the issue of water contamination in Nebraska
Natural Resources

147 To study Nebraska governmental entities overseeing natural resources
Natural Resources

148 To study the occurrence of ground water and surface water transfers in the state
Natural Resources

149 To study the issue of integrated management of ground water and surface water in Nebraska
Natural Resources

150 To study agriculture equipment liens and other rural issues and their impact on agriculture in Nebraska
Agriculture

151 To study the amount of building projects planned for state-owned buildings
Building Maintenance

152 To study the feasibility, cost effectiveness, and availability of wind energy in Nebraska

Natural Resources

153 To study establishment of a task force to study alternative means of funding capital improvements for school districts
Revenue

154 To study the practices of judicial nominating commissions
Judiciary

155 To study the impact of having the Governor appoint the Commissioner of Education
Education

156 To study LB 76, 1993, known as the election law and the federal motor voter bill
Government, Military and Veterans Affairs

157 To study the productivity and performance of the North Omaha Business Development Corporation
Banking, Commerce and Insurance

158 To study the possibility of dividing the Department of Social Services into functional areas with emphasis on a division to handle childrens' issues
Health and Human Services

159 To study the current state aid to the K-12 school funding formula and related state policies
Education

160 To study the feasibility of raising the compulsory school attendance age to eighteen
Education

161 To study issues requiring persons who possess illegal pornography to pay a tax
Judiciary

162 To study the adequacy of the criminal record investigations available to fire departments when making employment decisions
Judiciary

163 To study changes in Nebraska's statutes regarding uninsured and underinsured motor vehicles
Banking, Commerce and Insurance

164 To study changes in the Motor Vehicle Safety Responsibility Act

Transportation/Banking, Commerce and Insurance

165 To study the criminal statutes concerning assaults
Judiciary

166 To study the current method of financing the Highway Trust Fund
Revenue

167 To study the financial needs of political subdivisions related to the closure of solid waste landfills
Natural Resources

168 To study the implementation of a surcharge against convicted defendants
Judiciary

169 To study statutes governing the public bidding process
Government, Military and Veterans Affairs

170 To study the addition of appointed regents to the Board of Regents of the University of Nebraska
Education

171 To study issues which the privatization of government services and goods encompasses
Government, Military and Veterans Affairs

172 To study the need for and alternatives to the method of providing clerk's offices for the trial courts
Judiciary

173 To study and collect data on criminal penalties prescribed by statute and to examine the classification of those penalties
Judiciary

175 To study all aspects of the state and local tax system
Revenue

176 To study changes to the statute of limitations controlling the filing of civil suits
Judiciary

177 To study the groups and organizations participating in Nebraska's school restructuring efforts
Education

178 To study issues surrounding the efficient operation of Nebraska's public schools and the distribution of state aid for education
Education

179 To study the new University of Nebraska admissions policy to determine the impact on the restructuring efforts of Nebraska's K-12 school districts
Education

180 To study strategies for fostering positive interaction between the University of Nebraska and the business community
Education

181 To study and gather information regarding education-related technology initiatives being undertaken at both the K-12 and postsecondary levels
Education

182 To study the issues of student discipline in Nebraska's schools
Education

183 To study the guidelines regulating the integrity and thoroughness of preplacement and postplacement adoptive homestudies
Health and Human Services

184 To study the role and mission of the Nebraska Ethanol Board in promoting the use and production of ethanol using agricultural products grown in Nebr.
Natural Resources

186 To study the rules of the Legislature
Rules

187 To study license fees, occupation taxes, and hours of operation of retail liquor establishments
General Affairs

188 To study methods of improving the financial viability of horseracing in Nebraska
General Affairs

189 To study the state's rights and responsibilities with regard to the Indian Gaming Regulatory Act
General Affairs

190 To study the funding and scope of the authority of the State Racing Commission

General Affairs

191 To study rewriting and updating Nebraska's statutes regarding interest rates
Banking, Commerce and Insurance

192 To study and compare and contrast the Rules of the Nebraska Unicameral Legislature with the rules of the legislatures of other states
Rules

193 To study the impact of municipal annexation on rural and suburban fire protection districts
Urban Affairs

194 To study the programs, services, and general operation of the Dept. of Public Institutions
Health and Human Services

195 To study the general licensure laws governing the various Boards of Examiners within the Dept. of Health
Health and Human Services

196 To study the need for child care programs and ways to improve the child care system in Nebraska
Health and Human Services

197 To study the need for independent living centers in Nebraska
Education

198 To study the need for a state housing trust fund
Health and Human Services

199 To study problems and concerns regarding adoption in Nebraska
Health and Human Services

200 To study various types of volunteer services and the need for liability protection
Judiciary

201 To study the state regulation of bank card interest rates, costs, and fees
Banking, Commerce and Insurance

202 To study programs and services for children and families in Nebraska
Health and Human Services

203 To study the role of county government in providing human services to the people of Nebraska
Health and Human Services

204 To study the need for consumer protection legislation in the physical exercise club industry
Banking, Commerce and Insurance

205 To study annexation, the existing situation in the Chalco area, and how to provide municipal services to residents of the area
Urban Affairs

206 To study the statutes governing the operation and management of municipal volunteer fire departments and fire protection districts
Urban Affairs

207 To study municipal proprietary function budgeting, finance, and rate-setting issues
Urban Affairs

208 To study statutes on the granting of municipal franchises to private corporations for the provision of natural gas
Urban Affairs

209 To provide a forum for municipalities to present issues to the Urban Affairs Committee for future consideration
Urban Affairs

210 To study the fiscal rates of return and impact of the Employment and Investment Growth Act, Laws 1987, LB 775
Revenue

211 To study the avenues available to the state of Nebraska which would stimulate development of our economy
Executive Board

212 To study health care reform issues
Health and Human Services

213 To study ways to provide for welfare reform in Nebraska
Health and Human Services

214 To study human service programs and the health status of the citizens of Nebraska
Health and Human Services

215 To study issues relating to the Legislature's current and future computer needs

Executive Board

216 To study the process, method, and procedure for referencing legislative bills, resolutions, and appointments
Executive Board

217 To study a consolidation of all state legal resources into the office of the Attorney General
Judiciary

218 To study the audit function of state government
Appropriations

219 To study the fiscal impact exhibited by the Nebr. Crime Control Act of 1993, contained in LB 627
Appropriations/Judiciary

220 To study the statutes relating to the authority of the Governor to direct certain persons to furnish the Policy Research Office with certain information
Appropriations

221 To study the differences and similarities of the foster care reviews conducted by the Dept. of Social Services and the Foster Care Review Board
Health and Human Services/Appropriations

222 To study the formula used to fund programs for persons with developmental disabilities
Appropriations

223 To study the effectiveness and operation of the Equal Opportunity Commission
Business and Labor/Appropriations

224 To study the possibility of closing selected National Guard armories in response to the down-sizing of the Nebr. Army National Guard
Government, Military and Veterans Affairs/Appropriations

225 To study the feasibility of implementing the Mental Health Roadmap Plan developed by the Depts. of Public Institutions and Social Services
Health and Human Services/Appropriations

226 To study and determine the most cost effective method for state agencies to procure legal services
Judiciary/Appropriations

227 To study existing medical programming administered by the Dept. of Correctional Services
Judiciary/Appropriations

228 To study the role of the Office of Dispute Resolution and to evaluate its effectiveness
Judiciary/Appropriations

229 To study the roles of the Nebr. Commission on the Status of Women, the Commission on Indian Affairs, and the Commission on Mexican-Americans
Government, Military and Veterans Affairs/Appropriations

230 To study the need to statutorily address the issue of the battered spouse syndrome
Judiciary

231 To study the financial feasibility of the state's participation in managed health care plans
Appropriations

232 To study whether the administration of the Div. on Alcoholism and Drug Abuse & the Office of Community Mental Health should be consolidated within DPI
Health and Human Services

233 To study possible legislation regarding property and casualty insurance fraud
Banking, Commerce and Insurance

234 To study and consider updating and rewriting Nebraska law regarding credit life insurance and credit health and accident insurance
Banking, Commerce and Insurance

235 To study various types of charitable gaming and the allocation of the revenue
General Affairs

236 To study the duties and purposes of Natural Resources Districts, the Game and Parks Commission, and the Travel and Tourism Division of the Dept. of Econ. Dev.
Natural Resources

237 To study Nebraska's system for filling judicial vacancies
Judiciary

238 To study issues related to the response, investigation, and cleanup of environmental hazards

Natural Resources

239 To study the operating structure and legal authority of the Game and Parks Commission
Natural Resources

240 To study issues related to abandoned water wells in the state
Natural Resources

241 To study laws and policies relating to instream appropriations of water
Natural Resources

242 To study state laws and policies relating to environmental education
Natural Resources

243 To study recreation in the state of Nebraska
Natural Resources

244 To study the factors contributing to the escalating costs of workers' compensation insurance
Business and Labor

245 To study the growth of the number of state employees over the last ten years
Appropriations/Nebraska Retirement Systems/
Government, Military and Veterans Affairs

246 To study the cost structure of public power districts
Natural Resources

(Signed) Timothy J. Hall, Chairperson
Executive Board

SELECT FILE

LEGISLATIVE BILL 757. The fourth Landis amendment is as follows:
FA99

6. On page 19, line 10, after "(1)(a)" insert "(i)"; and strike the new matter in lines 12 through 17 and insert:

"

(ii) Commencing June 1, 1994, the maximum weekly income benefit under sections 48-121 and 48-122 shall be three hundred ten dollars.

(iii) Commencing January 1, 1995, the maximum weekly income benefit under sections 48-121 and 48-122 shall be three

hundred fifty dollars.

(b) Commencing January 1, 1996, and each January 1 thereafter, the maximum weekly income benefit under sections 48-121 and 48-122 shall be one hundred percent, computed to the next higher whole dollar, of the state average weekly wage determined pursuant to section 6 of this act, except that for the purposes of calendar years commencing after 1996, the Governor may not later than November 15, 1996, and not later than each November 15 thereafter, conduct a public hearing after not less than thirty days' notice to consider whether he or she should issue an order to suspend the effectiveness of the change in the maximum weekly income benefit otherwise required by this subdivision for the ensuing calendar year. In order to make his or her decision, the Governor shall consider such factors as recent trends in economic conditions in the state, general wage levels, workers' compensation benefit levels, and workers' compensation premium levels. After such hearing but not later than November 30 immediately thereafter, the Governor may issue an order to suspend the effectiveness of the change in the maximum weekly income benefit otherwise required by this subdivision for the ensuing calendar year.".

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The fourth Landis amendment was adopted with 25 ayes, 2 nays, 21 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
FA289

Page 10, line 27, after the period, add:

"None of the limitations, restrictions or prohibitions provided in this section relative to the selection of a physician by an employee, shall be applicable to any employee whose hourly rate of pay is less than ten dollars at the time an injury is sustained.

Messrs. Elmer and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BAACK PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The Chambers amendment lost with 5 ayes, 32 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Moore withdrew his pending amendment, AM1362, found in the Journal on page 1451.

Mr. Hall renewed his pending amendment, AM1272, found in the Journal on page 1467.

Mrs. Witek and Mr. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Baack	Hall	Lindsay	Moore	Wesely
Chambers	Hartnett	Lynch	Schimek	Will

Voting in the negative, 32:

Abboud	Coordsen	Haberman	Landis	Schmitt
Ashford	Crosby	Hillman	McKenzie	Vrtiska
Bernard-Stevens	Cudaback	Horgan	Pirsch	Warner
	Day	Hudkins	Rasmussen	Wehrbein
Bohlke	Dierks	Janssen	Robak	Wickersham
Bromm	Elmer	Jones	Schellpeper	Witek
Byars	Fisher	Kristensen		

Present and not voting, 5:

Beutler	Hohenstein	Preister	Robinson	Withem

Absent and not voting, 1:

Avery

Excused and not voting, 1:

Pedersen

The Hall amendment lost with 10 ayes, 32 nays, 5 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Abboud withdrew his pending amendment, AM1247, found in the Journal on page 1349 and considered on page 1604.

Mr. Hall withdrew his pending amendment, AM1250, found in the Journal on page 1466.

Mr. Hall renewed his pending amendment, AM1246, found in the Journal on page 1471.

MR. KRISTENSEN PRESIDING

Mr. Hall withdrew his amendment.

Mr. Will withdrew his pending amendment, AM1586, found in the Journal on page 1648.

Mr. Lindsay withdrew his pending amendments, FA117 and AM1703, found in the Journal on pages 1691 and 1725.

Mr. Abboud withdrew his pending amendments, AM2275 and AM2412, found in the Journal on pages 2420 and 2465.

Messrs. Landis and Chambers offered the following amendment: AM2564

1. On page 6, line 24, before "If" insert "If the employer has exercised the right to select a physician pursuant to this subsection and if the compensation court subsequently orders reasonable medical services previously refused to be furnished to the employee by the physician selected by the employer, the compensation court shall allow the employee to select another physician to furnish further medical services.".

2. On page 14, line 4, after the underscored period insert "If the compensation court subsequently orders reasonable medical services previously refused to be furnished to the employee by a physician who is a member of the managed care plan, the compensation court shall allow the employee to select another physician to furnish further medical services if the physician so selected complies with all rules, terms, and conditions of the managed care plan and refers the employee to the managed care plan for any other treatment that the employee may require.".

The Landis-Chambers amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Messrs. Hall and Landis offered the following amendment:
FA290

Amend AM2493 p.1, line 24 add the following:

"The compensation court shall distribute a current copy of existing Rules and Regulations and any updates to those Rules and Regulations once adopted, to the state library and to each county law library or the largest public library in each county."

The Hall-Landis amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 757A. Mr. Landis renewed his pending amendment, AM1707, found in the Journal on page 1941.

The Landis amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

PROPOSED RULE CHANGES

Ms. Schimek asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Amend Rule 4 Sec 5 as follows:

Sec. 5 **Vote Required for Adoption.** All resolutions shall be adopted, individually or in groups, by an affirmative vote of a majority of the members present and voting except for those specified in Section 2; Provided, upon the request of any members prior to the commencement of the vote, a resolution shall require an affirmative vote of a majority of the elected members. Resolutions specified in Section 2 shall be considered and adopted in the same manner as bills.

Referred to the Rules Committee.

Ms. Schimek asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Strike Rule 4 Section 5 and insert:

Sec. 5 **Adoption of Resolutions.** All resolutions except those specified in Section 2 and those referred to a committee pursuant to sections 3 and 8 of this rule shall be deemed adopted by the members three days following printing in the Legislative Journal. Any member may request an affirmative vote of the majority of elected members within three days of the printing of the resolution in the Legislative Journal.

Resolutions specified in Section 2 shall be considered and adopted in the same manner as bills. Resolutions referred to a committee pursuant to sections 3 and 8 shall be adopted by an affirmative vote of the elected members.

Referred to the Rules Committee.

Ms. Schimek asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Amend Rule 4 by inserting a new section:

The motion to adopt any resolution except those specified in Section 2 and those referred to a committee pursuant to sections 3 and 8 of this rule shall not be debatable.

Referred to the Rules Committee.

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 570 in the Journal. No objections. So ordered.

AM2502

1. Strike original section 11 and insert the following new section:

"Sec. 5. That section 81-1502, Revised Statutes Supplement, 1992, be amended to read as follows:

81-1502. For purposes of the Environmental Protection Act, unless the context otherwise requires:

(1) Air contaminant or air contamination shall mean the presence in the outdoor atmosphere of any dust, fume, mist, smoke, vapor, gas, other gaseous fluid, or particulate substance differing in composition from or exceeding in concentration the natural components of the atmosphere;

(2) Air pollution shall mean the presence in the outdoor atmosphere of one or more air contaminants or combinations thereof in such quantities and of such duration as are or may tend to be injurious to human, plant, or animal life, property, or the conduct of business;

(3) Chairperson shall mean the chairperson of the Environmental Quality Council and council shall mean the Environmental Quality Council;

(4) Complaint shall mean any charge, however informal, to or by the council, that any person or agency, private or public, is polluting the air, land, or water or is violating the Environmental Protection Act or any rule or regulation of the department in respect thereof;

(5) Control and controlling shall include

prohibition and prohibiting as related to air, land, or water pollution;

(6) Department shall mean the Department of Environmental Quality, which department is hereby created;

(7) Director shall mean the Director of Environmental Quality, which position is hereby established;

(8) Disposal system shall mean a system for disposing of wastes, including hazardous wastes, either by surface or underground methods, and includes sewerage systems and treatment works, disposal wells and fields, and other systems;

(9) Emissions shall mean releases or discharges into the outdoor atmosphere of any air contaminant or combination thereof;

(10) Person shall mean any individual; ~~,~~ partnership; ~~,~~ association; ~~,~~ public or private corporation; ~~,~~ trustee; ~~,~~ receiver; ~~,~~ assignee; ~~,~~ agent; ~~,~~ municipality or other governmental subdivision; ~~,~~ public agency; other legal entity, or any ~~,~~ officer or governing or managing body of any public or private corporation, municipality, governmental subdivision, ~~or~~ public agency, or ~~any~~ other legal entity;

(11) Rule or regulation shall mean any rule or regulation of the department;

(12) Sewerage system shall mean pipelines, conduits, pumping stations, force mains, and all other constructions, devices, appurtenances, and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal;

(13) Treatment works shall mean any plant or other works used for the purpose of treating, stabilizing, or holding wastes;

(14) Wastes shall mean sewage, industrial waste, and all other liquid, gaseous, solid, radioactive, or other substances which may pollute or tend to pollute any air, land, or waters of the state;

(15) Refuse shall mean putrescible and nonputrescible solid wastes, except body wastes, and includes garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and solid market and industrial wastes;

(16) Garbage shall mean rejected food wastes, including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetables, and dead animals rejected by rendering plants;

(17) Rubbish shall mean nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of

any kind that will be a detriment to the public health and safety;

(18) Junk shall mean old scrap, copper, brass, iron, steel, rope, rags, batteries, paper, trash, rubber debris, waste, dismantled or wrecked automobiles, or parts thereof, and other old or scrap ferrous or nonferrous material;

(19) Land pollution shall mean the presence upon or within the land resources of the state of one or more contaminants or combinations of contaminants, including, but not limited to, refuse, garbage, rubbish, or junk, in such quantities and of such quality as will or are likely to (a) create a nuisance, (b) be harmful, detrimental, or injurious to public health, safety, or welfare, (c) be injurious to plant and animal life and property, or (d) be detrimental to the economic and social development, the scenic beauty, or the enjoyment of the natural attractions of the state;

(20) Water pollution shall mean the manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of water;

(21) Waters of the state shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state;

(22) Point source shall mean any discernible confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or vessel or other floating craft from which pollutants are or may be discharged;

(23) Effluent limitation shall mean any restriction, including a schedule of compliance, established by the council on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into waters of the state;

(24) Schedule of compliance shall mean a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an effluent limitation, other limitation, prohibition, or standard;

(25) Hazardous waste shall mean a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness or (b) pose a substantial present or potential hazard to human or animal health or the environment when improperly treated,

stored, transported, disposed of, or otherwise managed;

(26) Solid waste shall mean any garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, and mining operations and from community activities, but solid waste shall not include solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Clean Water Act, as amended, 33 U.S.C. 1251 et seq., or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 68 Stat. 923;

(27) Storage, when used in connection with hazardous waste, shall mean the containment of hazardous waste, either on a temporary basis or for a period of years, in such manner as not to constitute disposal of such hazardous waste;

(28) Manifest shall mean the form used for identifying the quantity, composition, origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage;

(29) Processing shall mean to treat, detoxify, neutralize, incinerate, biodegrade, or otherwise process a hazardous waste to remove such waste's harmful properties or characteristics for disposal in accordance with regulations established by the council;

(30) Well shall mean a bored, drilled, or driven shaft or a dug hole, the depth of which is greater than the largest surface dimension of such shaft or hole;

(31) Injection well shall mean a well into which fluids are injected;

(32) Fluid shall mean a material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or other form or state;

(33) Mineral production well shall mean a well drilled to promote extraction of mineral resources or energy, including, but not limited to, a well designed for (a) mining of sulfur by the Frasch process, (b) solution mining of sodium chloride, potash, phosphate, copper, uranium, or any other mineral which can be mined by this process, (c) in situ combustion of coal, tar sands, oil shale, or any other fossil fuel, or (d) recovery of geothermal energy for the production of electric power. Mineral production well shall not include any well designed for conventional oil or gas production, for use of fluids to promote enhanced recovery of oil or natural gas, or for injection of hydrocarbons for storage purposes;

(34) Mineral exploration hole shall mean a hole bored, drilled, driven, or dug in the act of exploring for a

mineral other than oil and gas;

(35) Solution mining shall mean the use of an injection well and fluids to promote the extraction of mineral resources;

(36) Uranium shall mean tri-uranium octoxide; and

(37) Solid waste management facility shall mean a facility as defined in section 13-2010.".

2. On page 29, strike beginning with "Federal" in line 4 through "1972" in line 5 and insert "Clean Water Act"; and in line 6 after "adopted" insert "and promulgated".

3. On page 31, lines 2 through 28, reinstate the stricken matter; and in lines 6, 10, and 20 after the reinstated "adopted" insert "and promulgated".

4. On page 35, line 27; page 36, line 10; and page 39, line 28, strike "9 to 11" and insert "10 and 11".

5. On page 37, strike line 5 and insert "Protection Act or the Integrated Solid Waste Management Act by knowingly and willfully committing any of the"; in line 11 strike "act" and insert "Environmental Protection Act or the Integrated Solid Waste Management Act"; and in lines 24 and 27 strike beginning with "act" through "regulations" and insert "Environmental Protection Act or the Integrated Solid Waste Management Act or the rules or regulations adopted and promulgated pursuant to such acts".

6. On page 38, lines 2 and 12, strike "act" and insert "Environmental Protection Act or the Integrated Solid Waste Management Act"; in line 12 after "regulation" insert "adopted and"; in line 13 strike "the act" and insert "such acts"; strike beginning with "If" in line 16 through the second "officers" in line 17 and insert "Any person who"; and in line 18 strike "violate" and insert "violates" and strike the comma.

7. On page 39, strike beginning with the comma in line 3 through "regulations" in line 4 and insert "or the Integrated Solid Waste Management Act or the rules or regulations adopted and promulgated pursuant to such acts"; and in lines 7, 11, and 13, strike "the act" and insert "such acts".

8. On page 40, line 5, after the first comma insert "81-1502,".

9. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 717. E & R amendment, AM5536, found in the Journal on page 2585, was adopted.

Mr. Hall renewed his pending amendment, AM2104, found in the Journal on page 2557.

Mr. Hall offered the following amendment to his pending amendment:
FA291

(Amendments to AM2104)

Strike the contents of AM2104 and

1. Insert the following new section:

"Sec. 66. That section 77-27,142, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,142. (1) Any incorporated municipality by ordinance of its governing body is hereby authorized to impose a sales and use tax of one-half percent, one percent, or one and one-half percent upon the same transactions within such incorporated municipality on which the State of Nebraska is authorized to impose a tax pursuant to the Nebraska Revenue Act of 1967, as amended from time to time. No sales and use tax shall be imposed pursuant to this section until an election has been held and a majority of the qualified electors have approved such tax pursuant to sections 77-27,142.01 and 77-27,142.02.

(2) A city of the metropolitan class is hereby authorized to increase any city sales and use tax existing on January 1, 1978, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city and the voters by a majority vote approve such increase. The question of such increase shall be submitted to the voters at the primary or general election in 1980 if the city council shall submit a certified copy of a resolution to that effect to the election commissioner not later than forty-one days prior to the primary or general election. Notwithstanding the provisions of section 77-27,143, if the increase is approved by the voters at the primary or general election in 1980, the election commissioner shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held. If the increase is not approved by the voters at the primary or general election in 1980, no tax increased pursuant to this section shall remain in effect after December 31, 1980.

(3) A city of the primary class is hereby authorized to increase any city sales and use tax existing on January 1, 1985, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city and the voters by a majority vote approve such increase. The question of such increase shall be submitted to the voters at the next primary or general election or at a special election if the city council shall submit a certified copy of a resolution proposing the tax increase to the election commissioner within a reasonable time prior to the primary, general, or special

election. If the increase is approved by the voters at the primary, general, or special election, the election commissioner shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held. If the voters of a city of the primary class have not approved such an increase by December 31, 1987, the question of such an increase shall not be submitted thereafter to the voters and there shall be no increase in the city sales and use tax.

(4) A city of the first or second class or village is hereby authorized to increase any city sales and use tax existing on January 1, 1986, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city or village and the voters by a majority vote approve such increase. The question of such increase shall be submitted to the voters at any primary or general election or at a special election if the city council or village board shall submit a certified copy of a resolution proposing the tax increase to the election commissioner or county clerk within a reasonable time prior to the primary, general, or special election. If the increase is approved by the voters at the primary, general, or special election, the election commissioner or county clerk shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held.

(5) A city of the metropolitan class is hereby authorized to increase for no more than twelve consecutive months any city sales and use tax existing on the effective date of this act imposed pursuant to this section by an amount not to exceed one-half of one percent if the governing body of the city adopts an ordinance approving such increase. The proceeds from the tax imposed by this subsection shall be placed in a fund for improvements to and renovations of city-owned entertainment, convention, and sports facilities. This subsection shall terminate on October 1, 1994.".

2. Correct the operative date provision and repealer so that section 77-27,142 becomes operative three calendar months after the adjournment of this legislative session.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Chambers requested a ruling of the Chair on whether the Hall amendment is germane to the Hall pending amendment.

The Chair ruled the Hall amendment is not germane to the Hall pending amendment.

Mr. Hall withdrew his pending amendment, AM2104.

Mr. Hall withdrew his pending amendments, AMs 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, and 2119, found in the Journal on pages 2557, 2558, 2559, 2560, and 2561.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Hall requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 22:

Abboud	Chambers	Elmer	Horgan	Moore
Ashford	Coordsen	Hartnett	Kristensen	Robak
Baack	Crosby	Hillman	Landis	Schimek
Beutler	Day	Hohenstein	McKenzie	Wesely
Bohlke	Dierks			

Voting in the negative, 21:

Bernard-Stevens	Fisher	Lindsay	Robinson	Wehrbein
	Haberman	Lynch	Schellpeper	Will
Bromm	Hall	Pirsch	Schmitt	Witek
Byars	Hudkins	Rasmussen	Warner	Withem
Cudaback	Janssen			

Present and not voting, 5:

Avery	Jones	Preister	Vrtiska	Wickersham

Excused and not voting, 1:

Pedersen

Failed to advance to E & R for engrossment with 22 ayes, 21 nays, 5 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 302. E & R amendment, AM5492, found in the Journal on page 1975, was adopted.

Mr. Wickersham renewed his pending amendment, AM2063, found in the Journal on page 2154.

The Wickersham amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

SPEAKER BAACK PRESIDING

LEGISLATIVE BILL 302A. Mr. Wickersham offered the following amendment:
AM2189
1. Insert the following new section:
"Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The Wickersham amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 421. E & R amendment, AM5493, printed separately from the Journal and referred to on page 1975, was adopted.

Mr. Schellpeper withdrew his pending amendments, AM1666 and AM2223, found in the Journal on pages 1871 and 2478.

Mr. Wehrbein withdrew his pending amendment, AM2015, found in the Journal on page 2111.

Messrs. Kristensen and Withem renewed their pending amendment, AM2296, found in the Journal on page 2549.

The Kristensen-Withem amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Mrs. Pirsch asked unanimous consent to bracket LB 421 until January 5, 1994. No objections. So ordered.

LEGISLATIVE BILL 152. Considered.

Ms. Schimek requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 27 ayes, 1 nay, 20 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 152A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 137. E & R amendment, AM5500, found in the Journal on page 2013, was adopted.

Mr. Kristensen asked unanimous consent to replace his pending amendment, AM1286, found in the Journal on page 1951, with a substitute amendment. No objections. So ordered.

Mr. Kristensen withdrew his pending amendment, AM1286, found in the Journal on page 1951.

Mr. Kristensen renewed the Kristensen-Bromm-Hohenstein-Schellpeper-Crosby pending substitute amendment, AM2161, found in the Journal on page 2624.

Mr. Kristensen requested a division of the question on the Kristensen et al. amendment.

The Chair sustained the division of the question.

The first Kristensen et al. amendment is as follows:
FA292

(Amendments to E & R amendments, AM5500)

1. Strike section 1 and insert the following new sections:

"Section 1. That section 25-224, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-224. (1) All product liability actions as defined in section 25-21,180, except one governed by subsection (5) of this section, shall ~~be commenced~~ commence within four years ~~next~~ after the date on which the death, injury, or damage complained of occurs.

(2) Notwithstanding subsection (1) of this section or any other statutory provision to the contrary, any product liability action, except one governed by section 2-725, Uniform Commercial Code or by subsection (5) of this section, shall ~~be commenced~~ commence within ten years after the date when the product which allegedly caused the personal injury, death, or damage was first sold or leased for use or consumption.

The ten-year time limitation in this subsection shall not apply (a) if the manufacturer intentionally misrepresented or concealed any known defect which is a proximate cause of the injury or death or (b) if the product liability action involves the manufacture, construction,

design, or assembly of medical implants, prosthetics, appliances, or other devices surgically placed on or within the human body.

(3) The limitations contained in subsection (1), (2), or (5) of this section shall not be applicable to indemnity or contribution actions brought by a manufacturer or seller of a product against a person who is or may be liable to such manufacturer or seller for all or any portion of any judgment rendered against a manufacturer or seller.

(4) Notwithstanding ~~the provisions of~~ subsections (1) and (2) of this section, any cause of action or claim which any person may have on July 22, 1978, may be brought not later than two years following such date.

(5) Any action to recover damages based on injury allegedly resulting from exposure to asbestos composed of chrysotile, amosite, crocidolite, tremolite, anthrophyllite, actinolite, or any combination thereof, shall ~~be commenced~~ commence within four years after the injured person has been informed of discovery of the injury by competent medical authority and that such injury was caused by exposure to such asbestos, ~~as described herein,~~ or within four years after the discovery of facts which would reasonably lead to such discovery, whichever is earlier. No action commenced under this subsection based on the doctrine of strict liability in tort shall be commenced or maintained against any seller of a product which is alleged to contain or possess a defective condition unreasonably dangerous to the buyer, user, or consumer unless such seller is also the manufacturer of such product or the manufacturer of the part thereof claimed to be defective. Nothing in this subsection shall be construed to permit an action to be brought based on an injury described in this subsection discovered more than two years prior to August 30, 1981.

MR. HALL PRESIDING

Mr. Will asked unanimous consent to bracket LB 137 until January 1, 1994. No objections. So ordered.

LEGISLATIVE BILL 348. E & R amendment, AM5471, printed separately from the Journal and referred to on page 1688, was adopted.

Pending.

VISITORS

Visitors to the Chamber were Senator Day's daughter-in-law, Lisa Walters, and daughter, Molly.

MOTION - Adjournment

Speaker Baack moved to adjourn until 8:00 a.m., Thursday, June 3, 1993. The motion prevailed with 20 ayes, 14 nays, 14 present and not voting, and 1 excused and not voting, and at 8:36 p.m., the Legislature adjourned until 8:00 a.m., Thursday, June 3, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTY-EIGHTH DAY - JUNE 3, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

EIGHTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, June 3, 1993

Pursuant to adjournment, the Legislature met at 8:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Rod Wilmoth, St. Paul Methodist Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Bromm, Byars, Chambers, Hall, Kristensen, Landis, Lindsay, Moore, Preister, Robinson, Vrtiska, Wehrbein, Wesely, Will, Withem, Mmes. Bohlke, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-seventh day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 269. Introduced by Schellpeper, 18.

WHEREAS, the village of Magnet located in Southwestern Cedar County Nebraska was founded in 1893; and

WHEREAS, Magnet exists today as an active community of sixty-nine residents; and

WHEREAS, on July 16, 17, and 18, 1993, the Centennial of Magnet will be celebrated; and

WHEREAS, the citizens are proud of their community history and are committed to and optimistic about building an even brighter future; and

WHEREAS, the citizens have endured hardship with a determination and cooperation that truly defines the sense of community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends the fine community of Magnet for its efforts and its success in providing a quality place to live.

2. That the Legislature further congratulates the community on the 100th anniversary of its incorporation.

3. That a copy of the resolution be sent to the village of Magnet.

Laid over.

LEGISLATIVE RESOLUTION 267. Read. Considered.

LR 267 was adopted with 25 ayes, 0 nays, and 24 not voting.

MRS. CROSBY PRESIDING

MOTION - Approve Appointments

Mr. Dierks moved the adoption of the report of the Agriculture Committee for the following Governor appointments found in the Journal on page 2651: Kent Vossler and Mary C. Weyers - Nebraska Dry Bean Commission.

Voting in the affirmative, 25:

Abboud	Coordsen	Hartnett	Jones	Schellpeper
Ashford	Crosby	Hillman	Lynch	Schimek
Avery	Dierks	Hohenstein	Pedersen	Warner
Baack	Elmer	Hudkins	Pirsch	Witek
Beutler	Fisher	Janssen	Rasmussen	Withem

Voting in the negative, 0.

Present and not voting, 8:

Bernard-Stevens	Cudaback	Haberman	McKenzie	Wickersham
	Day	Horgan	Schmitt	

Excused and not voting, 16:

Bohlke	Hall	Lindsay	Robak	Wehrbein
Bromm	Kristensen	Moore	Robinson	Wesely
Byars	Landis	Preister	Vrtiska	Will
Chambers				

These appointments were confirmed with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Mr. Schellpeper moved the adoption of the report of the General Affairs Committee for the following Governor appointment found in the Journal on page 2651: Anne Rismiller - Nebraska Arts Council.

Voting in the affirmative, 26:

Abboud	Crosby	Hohenstein	Pedersen	Schmitt
Avery	Dierks	Hudkins	Pirsch	Warner
Baack	Elmer	Janssen	Robinson	Wickersham
Beutler	Fisher	Jones	Schellpeper	Witek
Bohlke	Hartnett	Kristensen	Schimek	Withem
Coordsen				

Voting in the negative, 0.

Present and not voting, 10:

Ashford	Cudaback	Haberman	Horgan	McKenzie
Bernard-Stevens	Day	Hillman	Lynch	Rasmussen

Excused and not voting, 13:

Bromm	Hall	Moore	Vrtiska	Wesely
Byars	Landis	Preister	Wehrbein	Will
Chambers	Lindsay	Robak		

The appointment was confirmed with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 587A. Mr. Baack renewed his pending amendment, AM2454, found in the Journal on page 2551.

The Baack amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

SPEAKER BAACK PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 643.

A BILL FOR AN ACT relating to students with hearing impairments; to state intent; to provide duties for the State Board of Education; to provide for an advisory steering committee; and to require a plan.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

Abboud	Byars	Hartnett	Landis	Schmitt
Ashford	Coordsen	Hillman	Lynch	Vrtiska
Avery	Crosby	Hohenstein	McKenzie	Warner
Baack	Cudaback	Horgan	Pirsch	Wehrbein
Bernard-Stevens	Dierks	Hudkins	Rasmussen	Wickersham
Bohlke	Elmer	Janssen	Robinson	Witek
Bromm	Fisher	Jones	Schellpeper	Withem
	Haberman	Kristensen	Schimek	

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Day	Pedersen

Excused and not voting, 8:

Chambers	Lindsay	Preister	Wesely	Will
Hall	Moore	Robak		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 491. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-505.02, Reissue Revised Statutes of Nebraska, 1943, sections 39-669.16, 60-311.10, 60-311.11, 60-483, 60-4,100, 60-4,115, 60-4,126, 60-4,171, and 60-4,181, Revised Statutes Supplement, 1992, sections 60-311.12, 60-311.13, and 60-315.01, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 23, 24, and 27, respectively, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, and sections 60-115, 60-302, and 60-326.01, Revised Statutes Supplement, 1992, as amended by sections 13, 16, and 32, respectively, Legislative Bill 112, Ninety-third Legislature, First Session, 1993; to provide and change fees relating to certificates of title, operator's licenses, motor vehicle licensing and registration, certified abstracts of operating

records, and state identification cards; to rename and change provisions relating to personalized prestige license plates; to change the distribution of the proceeds of certain fees; to change and transfer provisions relating to funds; to state findings and intent regarding the use of certain proceeds; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Ashford	Coordsen	Horgan	McKenzie	Schmitt
Avery	Crosby	Hudkins	Moore	Vrtiska
Baack	Cudaback	Janssen	Pedersen	Warner
Bernard-Stevens	Elmer	Jones	Pirsch	Wehrbein
Bohlke	Fisher	Kristensen	Rasmussen	Wickersham
Bromm	Hartnett	Landis	Schellpeper	Witek
Byars	Hillman	Lynch	Schimek	Withem
	Hohenstein			

Voting in the negative, 4:

Abboud	Chambers	Haberman	Robinson

Present and not voting, 3:

Beutler	Day	Dierks

Excused and not voting, 6:

Hall	Preister	Robak	Wesely	Will
Lindsay				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 491A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 491, Ninety-third Legislature, First Session, 1993; to reduce appropriations; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Abboud	Byars	Hohenstein	McKenzie	Schmitt
Ashford	Coordsen	Horgan	Moore	Vrtiska
Avery	Crosby	Hudkins	Pedersen	Warner
Baack	Cudaback	Janssen	Pirsch	Wehrbein
Bernard-Stevens	Elmer	Jones	Rasmussen	Wickersham
Bohlke	Fisher	Kristensen	Schellpeper	Witek
Bromm	Hartnett	Landis	Schimek	Withem
	Hillman	Lynch		

Voting in the negative, 3:

Chambers	Haberman	Robinson

Present and not voting, 3:

Beutler	Day	Dierks

Excused and not voting, 6:

Hall	Preister	Robak	Wesely	Will
Lindsay				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 832. With Emergency.

A BILL FOR AN ACT relating to courts; to create a fund; to provide for administration and use of the fund; to establish a court automation fee; to provide duties for the Supreme Court; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Ashford	Bernard-Stevens	Bromm	Cudaback	Fisher
Avery	Beutler	Byars	Day	Hartnett
Baack	Bohlke	Coordsen	Dierks	Hillman
		Crosby	Elmer	Hohenstein

Horgan	Landis	Pirsch	Schimek	Wehrbein
Hudkins	Lynch	Rasmussen	Schmitt	Wickersham
Janssen	McKenzie	Robak	Vrtiska	Witek
Jones	Moore	Robinson	Warner	Withem
Kristensen	Pedersen	Schellpeper		

Voting in the negative, 3:

Abboud	Chambers	Haberman

Excused and not voting, 5:

Hall	Lindsay	Preister	Wesely	Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 832A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 832, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Ashford	Crosby	Horgan	Moore	Schmitt
Avery	Cudaback	Hudkins	Pedersen	Vrtiska
Baack	Day	Janssen	Pirsch	Warner
Bernard-Stevens	Dierks	Jones	Rasmussen	Wehrbein
	Elmer	Kristensen	Robak	Wesely
Bohlke	Fisher	Landis	Robinson	Wickersham
Bromm	Hartnett	Lynch	Schellpeper	Witek
Byars	Hillman	McKenzie	Schimek	Withem
Coordsen	Hohenstein			

Voting in the negative, 3:

Abboud	Chambers	Haberman

Present and not voting, 1:

Beutler

Excused and not voting, 4:

Hall	Lindsay	Preister	Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Horgan asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 835. With Emergency.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to approve certain claims; to provide for payment of the claims; to authorize certain write-offs as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud	Chambers	Haberman	Lynch	Schimek
Ashford	Coordsen	Hartnett	McKenzie	Vrtiska
Avery	Crosby	Hillman	Moore	Warner
Baack	Cudaback	Hudkins	Pedersen	Wehrbein
Bernard-Stevens	Day	Janssen	Pirsch	Wesely
Bohlke	Dierks	Jones	Rasmussen	Wickersham
Bromm	Elmer	Kristensen	Robak	Witek
Byars	Fisher	Landis	Schellpeper	Withem

Voting in the negative, 1:

Hohenstein

Present and not voting, 3:

Beutler	Robinson	Schmitt

Excused and not voting, 5:

Hall	Horgan	Lindsay	Preister	Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 798.

A BILL FOR AN ACT relating to the medical assistance program; to state intent that the Department of Social Services apply for a waiver from the federal government relating to transfer of assets as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Byars	Hartnett	Lynch	Schellpeper
Ashford	Coordsen	Hillman	McKenzie	Schimek
Avery	Crosby	Hohenstein	Moore	Schmitt
Baack	Cudaback	Horgan	Pedersen	Vrtiska
Bernard-Stevens	Day	Hudkins	Pirsch	Warner
Beutler	Dierks	Janssen	Preister	Wehrbein
Bohlke	Elmer	Jones	Rasmussen	Wesely
Bromm	Fisher	Kristensen	Robak	Witek
	Haberman	Landis	Robinson	Withem

Voting in the negative, 0.

Present and not voting, 1:

Wickersham

Excused and not voting, 4:

Chambers	Hall	Lindsay	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 798A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 798, Ninety-third Legislature, First Session, 1993; to reduce an appropriation; and to state intent.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Coordsen	Hillman	McKenzie	Schimek
Ashford	Crosby	Hohenstein	Moore	Schmitt
Avery	Cudaback	Horgan	Pedersen	Vrtiska
Baack	Day	Hudkins	Pirsch	Warner
Bernard-Stevens	Dierks	Janssen	Preister	Wehrbein
Beutler	Elmer	Jones	Rasmussen	Wesely
Bohlke	Fisher	Kristensen	Robak	Wickersham
Bromm	Haberman	Landis	Robinson	Witek
Byars	Hartnett	Lynch	Schellpeper	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Chambers	Hall	Lindsay	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 799.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-2017.07, Revised Statutes Supplement, 1992; to change provisions relating to waiver of staffing requirements for nursing facilities and long-term care hospitals; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Coordsen	Hillman	McKenzie	Schimek
Ashford	Crosby	Hohenstein	Moore	Schmitt
Avery	Cudaback	Horgan	Pedersen	Vrtiska
Baack	Day	Hudkins	Pirsch	Warner
Bernard-Stevens	Dierks	Janssen	Preister	Wehrbein
Beutler	Elmer	Jones	Rasmussen	Wesely
Bohlke	Fisher	Kristensen	Robak	Wickersham
Bromm	Haberman	Landis	Robinson	Witek
Byars	Hartnett	Lynch	Schellpeper	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Chambers	Hall	Lindsay	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 799A.

A BILL FOR AN ACT relating to appropriations; to reduce an appropriation relating to the provisions of Legislative Bill 799, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Coordsen	Hillman	McKenzie	Schimek
Ashford	Crosby	Hohenstein	Moore	Schmitt
Avery	Cudaback	Horgan	Pedersen	Vrtiska
Baack	Day	Hudkins	Pirsch	Warner
Bernard-Stevens	Dierks	Janssen	Preister	Wehrbein
Beutler	Elmer	Jones	Rasmussen	Wesely
Bohlke	Fisher	Kristensen	Robak	Wickersham
Bromm	Haberman	Landis	Robinson	Witek
Byars	Hartnett	Lynch	Schellpeper	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Chambers	Hall	Lindsay	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 800. With Emergency.

A BILL FOR AN ACT relating to public assistance; to limit the disposition of trust assets or income when the beneficiary applies or becomes eligible for public assistance; to provide for revocability of irrevocable trusts; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Ashford	Coordsen	Hohenstein	Moore	Schmitt
Avery	Crosby	Horgan	Pedersen	Vrtiska
Baack	Cudaback	Hudkins	Pirsch	Warner
Bernard-Stevens	Day	Janssen	Preister	Wehrbein
Beutler	Dierks	Jones	Robak	Wesely
Bohlke	Elmer	Kristensen	Robinson	Wickersham
Bromm	Fisher	Landis	Schellpeper	Witek
Byars	Haberman	Lynch	Schimek	Withem
	Hillman	McKenzie		

Voting in the negative, 1:

Abboud

Present and not voting, 2:

Hartnett Rasmussen

Excused and not voting, 4:

Chambers Hall Lindsay Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 800A.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations relating to the provisions of Legislative Bill 800, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Bernard-Stevens	Byars	Dierks	Hohenstein
Ashford	Beutler	Coordsen	Elmer	Horgan
Avery	Bohlke	Crosby	Fisher	Hudkins
Baack	Bromm	Cudaback	Haberman	Janssen
		Day	Hillman	Jones

Kristensen	Pedersen	Robak	Schmitt	Wesely
Landis	Pirsch	Robinson	Vrtiska	Wickersham
Lynch	Preister	Schellpeper	Warner	Witek
Moore	Rasmussen	Schimek	Wehrbein	Withem

Voting in the negative, 0.

Present and not voting, 2:

Hartnett McKenzie

Excused and not voting, 4:

Chambers Hall Lindsay Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 801.

A BILL FOR AN ACT relating to nursing facilities; to state intent; to provide for a pilot project and a statewide project for preadmission screening; to provide powers and duties for the Department of Social Services, the Department on Aging, and the Department of Public Institutions; to provide for the purchase of services identified by care plans; and to provide operative dates.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Coordsen	Hohenstein	Moore	Schmitt
Ashford	Crosby	Horgan	Pedersen	Vrtiska
Avery	Cudaback	Hudkins	Pirsch	Warner
Baack	Day	Janssen	Preister	Wehrbein
Bernard-Stevens	Dierks	Jones	Rasmussen	Wesely
Beutler	Elmer	Kristensen	Robak	Wickersham
Bohlke	Fisher	Landis	Robinson	Will
Bromm	Haberman	Lynch	Schellpeper	Witek
Byars	Hartnett	McKenzie	Schimek	Withem
	Hillman			

Voting in the negative, 0.

Excused and not voting, 3:

Chambers Hall Lindsay

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 805. With Emergency.

A BILL FOR AN ACT relating to health; to impose a tax on physicians as prescribed; to provide for use of the tax revenue; to provide for rules and regulations; to provide a termination date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Byars	Hillman	McKenzie	Schmitt
Ashford	Coordsen	Hohenstein	Moore	Vrtiska
Avery	Crosby	Horgan	Pedersen	Warner
Baack	Cudaback	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Day	Janssen	Preister	Wesely
	Dierks	Jones	Rasmussen	Wickersham
Beutler	Elmer	Landis	Robak	Will
Bohlke	Fisher	Lindsay	Schellpeper	Witek
Bromm	Hartnett	Lynch	Schimek	Withem

Voting in the negative, 2:

Haberman Kristensen

Present and not voting, 1:

Robinson

Excused and not voting, 2:

Chambers Hall

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 805A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 805, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Coordsen	Hohenstein	Moore	Schmitt
Ashford	Crosby	Horgan	Pedersen	Vrtiska
Avery	Cudaback	Hudkins	Pirsch	Warner
Baack	Day	Janssen	Preister	Wehrbein
Bernard-Stevens	Dierks	Jones	Rasmussen	Wesely
Beutler	Elmer	Landis	Robak	Wickersham
Bohlke	Fisher	Lindsay	Robinson	Will
Bromm	Hartnett	Lynch	Schellpeper	Witek
Byars	Hillman	McKenzie	Schimek	Withem

Voting in the negative, 2:

Haberman Kristensen

Excused and not voting, 2:

Chambers Hall

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 808.

A BILL FOR AN ACT relating to medical assistance; to amend sections 68-1019 and 68-1021, Reissue Revised Statutes of Nebraska, 1943; to provide for a schedule of copayments and deductibles; to provide powers and duties for the Director of Social Services and the Department of Social Services; to require collection of any applicable copayment or deductible by the vendor; to prohibit certain advertising and promotion by vendors; to prohibit providers from establishing policies to automatically waive copayments or deductibles; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Baack	Beutler	Byars	Cudaback
Ashford	Bernard-Stevens	Bohlke	Coordsen	Day
Avery		Bromm	Crosby	Dierks

Elmer	Hudkins	McKenzie	Robinson	Wehrbein
Fisher	Janssen	Moore	Schellpeper	Wesely
Haberman	Jones	Pedersen	Schimek	Wickersham
Hartnett	Kristensen	Pirsch	Schmitt	Will
Hillman	Landis	Preister	Vrtiska	Witek
Hohenstein	Lindsay	Rasmussen	Warner	Withem
Horgan	Lynch	Robak		

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Hall

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 808A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 808, Ninety-third Legislature, First Session, 1993; and to reduce appropriations.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Coordsen	Hohenstein	Moore	Schmitt
Ashford	Crosby	Horgan	Pedersen	Vrtiska
Avery	Cudaback	Hudkins	Pirsch	Warner
Baack	Day	Janssen	Preister	Wehrbein
Bernard-Stevens	Dierks	Jones	Rasmussen	Wesely
	Elmer	Kristensen	Robak	Wickersham
Beutler	Fisher	Landis	Robinson	Will
Bohlke	Haberman	Lindsay	Schellpeper	Witek
Bromm	Hartnett	Lynch	Schimek	Withem
Byars	Hillman	McKenzie		

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Hall

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 816. With Emergency.

A BILL FOR AN ACT relating to health care; to amend sections 68-1030 and 68-1031, Reissue Revised Statutes of Nebraska, 1943; to adopt the Managed Care Plan Act; to change and eliminate provisions relating to contracts for goods and services under the medical assistance program; to eliminate provisions relating to pharmacy services; to repeal the original sections, and also sections 68-1023.01 and 68-1032, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	Coordsen	Hohenstein	Moore	Schmitt
Ashford	Crosby	Horgan	Pedersen	Vrtiska
Avery	Cudaback	Hudkins	Pirsch	Warner
Baack	Day	Janssen	Preister	Wehrbein
Bernard-Stevens	Dierks	Jones	Rasmussen	Wesely
	Elmer	Kristensen	Robak	Wickersham
Beutler	Fisher	Landis	Robinson	Will
Bohlke	Haberman	Lindsay	Schellpeper	Witek
Bromm	Hartnett	Lynch	Schimek	Withem
Byars	Hillman	McKenzie		

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Hall

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 816A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 816, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	Coordsen	Hohenstein	Moore	Schmitt
Ashford	Crosby	Horgan	Pedersen	Vrtiska
Avery	Cudaback	Hudkins	Pirsch	Warner
Baack	Day	Janssen	Preister	Wehrbein
Bernard-Stevens	Dierks	Jones	Rasmussen	Wesely
	Elmer	Kristensen	Robak	Wickersham
Beutler	Fisher	Landis	Robinson	Will
Bohlke	Haberman	Lindsay	Schellpeper	Witek
Bromm	Hartnett	Lynch	Schimek	Withem
Byars	Hillman	McKenzie		

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Hall

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 595 to Select File

Mr. Robinson moved to return LB 595 to Select File for the following specific amendment:
FA294
Strike the enacting clause.

Mr. Robinson withdrew his motion to return.

Mr. Withem moved to return LB 595 to Select File for the following specific amendment:
FA295
Strike the enacting clause.

Mr. Withem withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 595. With Emergency.

A BILL FOR AN ACT relating to the cigarette tax; to amend section 81-638, Revised Statutes Supplement, 1992, and section 77-2602, Revised Statutes Supplement, 1992, as amended by section 1,

Legislative Bill 9, Ninety-second Legislature, Third Special Session, 1992, and section 1, Legislative Bill 11, Ninety-second Legislature, Third Special Session, 1992; to state intent; to increase the tax; to provide for disbursement of the proceeds as prescribed; to provide for grants and contracts for certain cancer research; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 28:

Ashford	Bohlke	Horgan	McKenzie	Vrtiska
Avery	Crosby	Hudkins	Moore	Warner
Baack	Day	Kristensen	Preister	Will
Bernard-Stevens	Elmer	Landis	Rasmussen	Witek
Beutler	Haberman	Lindsay	Robak	Withem
	Hartnett	Lynch	Schellpeper	

Voting in the negative, 19:

Abboud	Cudaback	Hohenstein	Pirsch	Wehrbein
Bromm	Dierks	Janssen	Robinson	Wesely
Byars	Fisher	Jones	Schimek	Wickersham
Coordsen	Hillman	Pedersen	Schmitt	

Excused and not voting, 2:

Chambers Hall

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 30:

Ashford	Chambers	Horgan	Lynch	Schellpeper
Avery	Crosby	Hudkins	McKenzie	Vrtiska
Baack	Day	Janssen	Moore	Warner
Bernard-Stevens	Elmer	Kristensen	Preister	Will
Beutler	Haberman	Landis	Rasmussen	Witek
Bohlke	Hartnett	Lindsay	Robak	Withem

Voting in the negative, 18:

Abboud	Cudaback	Hohenstein	Robinson	Wehrbein
Bromm	Dierks	Jones	Schimek	Wesely
Byars	Fisher	Pedersen	Schmitt	Wickersham
Coordsen	Hillman	Pirsch		

Excused and not voting, 1:

Hall

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 595A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 595, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Ashford	Chambers	Hohenstein	Lynch	Vrtiska
Avery	Crosby	Horgan	McKenzie	Warner
Baack	Cudaback	Hudkins	Moore	Wesely
Bernard-Stevens	Day	Janssen	Preister	Will
	Elmer	Kristensen	Rasmussen	Witek
Beutler	Haberman	Landis	Robak	Withem
Bohlke	Hartnett	Lindsay	Schellpeper	

Voting in the negative, 15:

Abboud	Coordsen	Hillman	Pirsch	Schmitt
Bromm	Dierks	Jones	Robinson	Wehrbein
Byars	Fisher	Pedersen	Schimek	Wickersham

Excused and not voting, 1:

Hall

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MR. LINDSAY PRESIDING

SPEAKER BAACK PRESIDING

LEGISLATIVE BILL 22. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2602, Revised Statutes Supplement, 1992, as amended by section 1, Legislative Bill 9, Ninety-second Legislature, Third Special Session, 1992, and section 1, Legislative Bill 11, Ninety-second Legislature, Third Special Session, 1992; to increase the cigarette tax; to provide an operative date; to repeal the original section; and to declare an emergency.

Mr. Chambers requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 32:

Ashford	Chambers	Hohenstein	Moore	Warner
Baack	Crosby	Horgan	Preister	Wehrbein
Bernard-Stevens	Cudaback	Hudkins	Rasmussen	Wesely
Beutler	Day	Kristensen	Schellpeper	Wickersham
Bohlke	Elmer	Landis	Schimek	Will
Bromm	Hartnett	Lindsay	Vrtiska	Withem
	Hillman	McKenzie		

Voting in the negative, 14:

Abboud	Dierks	Jones	Pirsch	Schmitt
Byars	Haberman	Lynch	Robak	Witek
Coordsen	Janssen	Pedersen	Robinson	

Present and not voting, 2:

Avery Fisher

Excused and not voting, 1:

Hall

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 31:

Ashford	Chambers	Hohenstein	McKenzie	Warner
Baack	Crosby	Horgan	Moore	Wehrbein
Bernard-Stevens	Cudaback	Hudkins	Preister	Wesely
Beutler	Day	Kristensen	Rasmussen	Wickersham
Bohlke	Elmer	Landis	Schimek	Will
Bromm	Hartnett	Lindsay	Vrtiska	Withem
	Hillman			

Voting in the negative, 16:

Abboud	Dierks	Jones	Pirsch	Schellpeper
Avery	Haberman	Lynch	Robak	Schmitt
Byars	Janssen	Pedersen	Robinson	Witek
Coordsen				

Present and not voting, 1:

Fisher

Excused and not voting, 1:

Hall

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 98.

A BILL FOR AN ACT relating to sales and use taxes; to amend sections 77-2704.10 and 77-2704.24, Revised Statutes Supplement, 1992, section 77-2702.03, Revised Statutes Supplement, 1992, as amended by section 23, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, and section 77-2701, Revised Statutes Supplement, 1992, as amended by section 22, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, and section 69, Legislative Bill 138, Ninety-third Legislature, First Session, 1993; to define terms; to impose sales and use taxes on beverages; to provide exceptions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Mr. Chambers requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 23:

Ashford	Baack

Bernard-Stevens	Cudaback	Kristensen	Moore	Wehrbein
Beutler	Day	Landis	Rasmussen	Wesely
Byars	Elmer	Lindsay	Schimek	Will
Crosby	Hartnett	McKenzie	Warner	Withem
	Hudkins			

Voting in the negative, 23:

Abboud	Coordsen	Hohenstein	Pedersen	Schmitt
Avery	Dierks	Horgan	Pirsch	Vrtiska
Bohlke	Fisher	Janssen	Robinson	Wickersham
Bromm	Haberman	Jones	Schellpeper	Witek
Chambers	Hillman	Lynch		

Present and not voting, 2:

Preister Robak

Excused and not voting, 1:

Hall

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

MOTION - Suspend Rules

Mr. Moore moved to suspend the rules, Rule 6, Section 7(b) to permit consideration of LBs 804, 804A, 815, 815A, and 330 on Final Reading today.

The Moore motion to suspend the rules prevailed with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 804. With Emergency.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1019, Reissue Revised Statutes of Nebraska, 1943; to authorize and require limits on services and goods for recipients under the medical assistance program; to require a report on initiatives for welfare reform; to provide powers and duties; to provide a termination date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Coordsen	Hohenstein	McKenzie	Schmitt
Ashford	Crosby	Horgan	Moore	Vrtiska
Avery	Cudaback	Hudkins	Pedersen	Warner
Baack	Day	Janssen	Pirsch	Wehrbein
Bernard-Stevens	Dierks	Jones	Preister	Wesely
Beutler	Elmer	Kristensen	Rasmussen	Wickersham
Bromm	Haberman	Landis	Robinson	Will
Byars	Hartnett	Lindsay	Schellpeper	Witek
Chambers	Hillman	Lynch	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 3:

Bohlke	Fisher	Robak

Excused and not voting, 1:

Hall

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 804A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 804, Ninety-third Legislature, First Session, 1993; to reduce appropriations; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Bohlke	Crosby	Fisher	Horgan
Avery	Bromm	Cudaback	Haberman	Hudkins
Baack	Byars	Day	Hartnett	Janssen
Bernard-Stevens	Chambers	Dierks	Hillman	Jones
	Coordsen	Elmer	Hohenstein	Kristensen

Landis	Pedersen	Robinson	Vrtiska	Wickersham
Lindsay	Pirsch	Schellpeper	Warner	Will
Lynch	Preister	Schimek	Wehrbein	Witek
McKenzie	Rasmussen	Schmitt	Wesely	Withem
Moore	Robak			

Voting in the negative, 0.

Present and not voting, 2:

Ashford Beutler

Excused and not voting, 1:

Hall

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 815. With Emergency.

A BILL FOR AN ACT relating to health care providers; to amend sections 23-3579, 23-3582, 23-3586, 23-3594, and 77-2715.07, Reissue Revised Statutes of Nebraska, 1943, section 77-2734.03, Revised Statutes Supplement, 1992, and section 77-2701, Revised Statutes Supplement, 1992, as amended by section 22, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, and section 69, Legislative Bill 138, Ninety-third Legislature, First Session, 1993; to change provisions relating to trustees of hospital authorities and require reorganization as prescribed; to authorize a tax on certain hospitals; to require agreements for intergovernmental transfers; to create a fund; to provide powers and duties; to provide a termination date; to adopt the Health Care Provider Income Tax Act; to authorize tax credits; to state intent; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Ashford	Bohlke	Cudaback	Hall	Janssen
Avery	Bromm	Day	Hartnett	Jones
Baack	Byars	Dierks	Hillman	Kristensen
Bernard-Stevens	Chambers	Elmer	Hohenstein	Landis
Beutler	Coordsen	Fisher	Horgan	Lindsay
	Crosby	Haberman	Hudkins	Lynch

McKenzie	Rasmussen	Warner	Wickersham	Witek
Moore	Schimek	Wehrbein	Will	Withem
Preister	Vrtiska	Wesely		

Voting in the negative, 5:

Abboud	Pirsch	Robak	Robinson	Schellpeper

Present and not voting, 2:

Pedersen Schmitt

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 815A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 815, Ninety-third Legislature, First Session, 1993; to reduce an appropriation; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Coordsen	Hartnett	Lindsay	Schmitt
Avery	Crosby	Hillman	Lynch	Vrtiska
Baack	Cudaback	Hohenstein	McKenzie	Warner
Bernard-Stevens	Day	Horgan	Moore	Wehrbein
	Dierks	Hudkins	Preister	Wesely
Bohlke	Elmer	Janssen	Rasmussen	Wickersham
Bromm	Fisher	Jones	Robak	Will
Byars	Haberman	Kristensen	Schellpeper	Witek
Chambers	Hall	Landis	Schimek	Withem

Voting in the negative, 1:

Pirsch

Present and not voting, 4:

Ashford	Beutler	Pedersen	Robinson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 330. With Emergency.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 1995; to transfer funds; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Ashford	Chambers	Hillman	Lynch	Schimek
Avery	Crosby	Hohenstein	McKenzie	Vrtiska
Baack	Cudaback	Horgan	Moore	Warner
Bernard-Stevens	Day	Hudkins	Pedersen	Wehrbein
Beutler	Elmer	Janssen	Preister	Wesely
Bohlke	Fisher	Kristensen	Rasmussen	Wickersham
Bromm	Hall	Landis	Robak	Will
Byars	Hartnett	Lindsay	Schellpeper	Withem

Voting in the negative, 7:

Abboud	Haberman	Pirsch	Robinson	Witek
Coordsen	Jones			

Present and not voting, 2:

Dierks	Schmitt

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Reconsider Final Passage of LB 595

Mr. Chambers moved to reconsider the vote on LB 595E, with E clause attached.

The Chambers motion to reconsider prevailed with 40 ayes, 2 nays, and 7 present and not voting.

BILL ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 595. With Emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Ashford	Crosby	Hillman	Lynch	Schimek
Avery	Cudaback	Horgan	McKenzie	Schmitt
Baack	Day	Hudkins	Moore	Vrtiska
Bernard-Stevens	Elmer	Janssen	Preister	Warner
Beutler	Fisher	Jones	Rasmussen	Will
Bohlke	Haberman	Kristensen	Robak	Witek
Chambers	Hall	Landis	Schellpeper	Withem
	Hartnett	Lindsay		

Voting in the negative, 11:

Abboud	Coordsen	Hohenstein	Pirsch	Wehrbein
Bromm	Dierks	Pedersen	Robinson	Wesely
Byars				

Present and not voting, 1:

Wickersham

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Reconsider Final Passage of LB 22

Mr. Hall moved to reconsider the vote on LB 22E with the emergency clause.

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

The Hall motion to reconsider prevailed with 40 ayes, 2 nays, and 7 present and not voting.

BILL ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 22. With Emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Ashford	Chambers	Hillman	Lindsay	Vrtiska
Avery	Crosby	Hohenstein	McKenzie	Warner
Baack	Cudaback	Horgan	Moore	Wehrbein
Bernard-Stevens	Day	Hudkins	Preister	Wesely
Beutler	Elmer	Janssen	Rasmussen	Wickersham
Bohlke	Fisher	Jones	Robak	Will
Bromm	Hall	Kristensen	Schellpeper	Withem
	Hartnett	Landis	Schimek	

Voting in the negative, 11:

Abboud	Dierks	Lynch	Pirsch	Schmitt
Byars	Haberman	Pedersen	Robinson	Witek
Coordsen				

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

RESOLUTION

LEGISLATIVE RESOLUTION 270. Introduced by Wesely, 26; Landis, 46.

WHEREAS, the City of Havelock was incorporated as a town in 1893; and

WHEREAS, the history of Havelock dates back to the establishment of maintenance shops along the south side of the Burlington and Missouri River Railroad in 1890; and

WHEREAS, the Legislature passed a bill to allow the annexation of Havelock by Lincoln in 1919; and

WHEREAS, the annexation was approved by the voters in 1930; and

WHEREAS, Havelock has produced many notable citizens for the state including Governor Victor Anderson; and

WHEREAS, the community of Havelock will be celebrating its centennial July 30 through August 1, 1993.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the community of Havelock on one hundred years of progress.

2. That the Legislature recognizes the fine work of the Havelock Business Association Centennial Committee which includes Bill Mueksch, JoAnn Mayhugh, Bob Rokeby, Caron Hatfield, Denise Otto, Dave Wolfe, Glenn Witte, Cindy O'Connor, Karen and Joel Armstrong, Vicki Rokeby, Jackie Mueksch, Eldora Carter, Ed Zimmer, and Joanie Clemens.

3. That a copy of this resolution be sent to the Havelock Business Association Centennial Committee.

Laid over.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution and bills: LR 267, LBs 643, 491, 491A, 832, 832A, 835, 798, 798A, 799, 799A, 800, 800A, 801, 805, 805A, 808, 808A, 816, 816A, 595, 595A, 22, 804, 804A, 815, 815A, and 330.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: 218, 724, 838, and 839.

Correctly Engrossed

The following bills were correctly engrossed: 152, 152A, 235, 302, 302A, and 587A.

Enrollment and Review Change to LB 218

The following changes, required to be reported for publication in the Journal, have been made:
ER7322

1. In the Landis amendment, AM2520:

a. On page 1, line 21, an underscored comma has been inserted after "436"; and

b. On page 2, line 6, "department" has been struck and "Department of Banking and Finance" inserted; in line 8 the comma has been struck; in lines 11 and 14 the semicolon has been struck and an underscored period inserted; in line 18 "this act" has been struck and

"the Seller-Assisted Marketing Plan Act" inserted; and in line 20 "; and" has been struck and an underscored period inserted.

2. On page 3, line 1, ", this section," has been inserted after "59-1761".

Enrollment and Review Change to LB 235

The following changes, required to be reported for publication in the Journal, have been made:

ER7320

1. In lieu of the Chambers amendment, FA287, in the E & R amendment, AM5482, on page 42, line 19, "fifteen" has been struck and "fourteen" inserted; in line 23 the stricken matter has been reinstated; and in line 24 "three" has been struck and "and fifty cents" has been inserted after "dollars".

2. In the Janssen amendment, AM2182:

a. Sections 19 and 20 have been renumbered as sections 20 and 21, respectively; and

b. On page 2, line 15, a comma has been inserted after "37-421".

3. In the Beutler amendment, AM2144:

a. Section 43 has been struck;

b. Sections 41, 42, and 44 have been renumbered as sections 51, 52, and 53, respectively; and

c. On page 2, line 8, "41 and 42" has been struck and "51 and 52" inserted.

4. In the Schimek amendment, AM2073:

a. Section 36 has been renumbered as section 45; and

b. Amendment 2 has been struck.

5. In the Pirsch amendment, AM1696:

a. Sections 1, 36 to 41, and 49 have been renumbered as sections 2, 39 to 44, and 55, respectively;

b. Amendment 2 has been struck;

c. On page 3, line 4, "from" has been struck;

d. On page 4, line 15, "the vessel" has been inserted after "on"; and

e. On page 5, line 1, "where" has been struck, shown as stricken, and "when" inserted; in line 18 "39 and 40" has been struck and "42 and 43" inserted.

6. In the E & R amendments, AM5482:

a. Section 41 and all amendments thereto have been struck and the following new section inserted:

"Sec. 54. Sections 1, 3 to 38, 45 to 50, and 56 of this act shall become operative on January 1, 1994. The other sections of this act shall become operative on their effective date.";

b. Amendment 2 has been struck; and

c. On page 1, line 3, "commission" has been struck and "Game and Parks Commission" inserted.

7. On page 1, the matter beginning with "Game" in line 1 through line 8 has been struck and "government; to amend sections 28-905, 37-202.01, 37-203, 37-204.01, 37-211.01, 37-214.04, 37-215,

37-215.03, 37-217.01, 37-227, 37-233, 37-304.02, 37-420, 37-421, 37-502, 37-503, 37-703, 37-714, 37-715, 37-901, 37-905, 37-908, 37-1105, 37-1107.01, 37-1108, 37-1212, 37-1214, 37-1217, 37-1227, 37-1238, 37-1241, 37-1259, 53-186, 81-805, 81-815, 81-815.22, and 81-815.31, Reissue Revised Statutes of Nebraska, 1943, and sections 37-201, 37-204, 37-211, 37-213, 37-214.03, 37-216.01, 37-505, 37-720, and 37-1274, Revised Statutes Supplement, 1992; to authorize the Game and Parks Commission to establish fees for various licenses, permits, stamps, bands, registrations, and certificates; to prohibit operation of a vessel to avoid arrest; to change and eliminate provisions relating to state game refuges; to change fees and other provisions relating to park entry permits; to change provisions of the State Boat Act; to prohibit the use of certain lights on vessels; to require compliance with enforcement of the State Boat Act; to change provisions relating to consumption and sale of alcoholic liquor on certain state lands; to authorize acceptance of a gift of real estate; to provide, change, and eliminate penalties; to define and redefine terms; to authorize agreements and accept grants-in-aid from the federal government for recreational trails; to create a fund; to harmonize provisions; to provide a termination date; to provide operative dates; and to repeal the original sections, and also section 37-414, Reissue Revised Statutes of Nebraska, 1943, and section 37-413, Revised Statutes Supplement, 1992." inserted.

Enrollment and Review Change to LB 587A

The following changes, required to be reported for publication in the Journal, have been made:
ER7327

1. On page 1, line 4, "to appropriate funds;" has been inserted after the semicolon.

Enrollment and Review Change to LB 724

The following changes, required to be reported for publication in the Journal, have been made:
ER7326

1. In the Fisher, et al., amendment, AM2511, on page 9, line 5, "to provide for early retirement as prescribed;" has been inserted after the first semicolon.

Enrollment and Review Change to LB 838
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER7321

1. In lieu of the Bernard-Stevens amendment, FA288:

a. The following section has been inserted:

"Section 1. That section 79-3406, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3406. (1) For a student to attend a school in an option school district, the student's parent or legal guardian shall submit an application to the school board or board of education of the option school district and of the resident school district and to the State Department of Education between September 1 and January 1 for enrollment during the following and subsequent school years. The application shall set forth in detail the substantial educational opportunity available to the option student in the option school district that is unavailable in the resident school district. A particular school may be requested, but the school assignment of the option student shall be determined by the option school district.

(2) The student shall attend the option school district until graduation unless the student relocates in a different resident school district, transfers to a private or parochial school, or chooses to return to the resident school district. In each case, the student's parent or legal guardian shall submit a cancellation form to the school board or board of education of the option school district and the resident school district and to the department by January 1 for automatic approval for the following school year. No student shall attend an option school district for less than one school year unless the student relocates to a different resident school district, completes requirements for graduation prior to the end of his or her senior year, or transfers to a private or parochial school.

(3) The application and cancellation forms shall be prescribed and furnished by the State Department of Education.

(4) An option student who subsequently chooses to attend a private or parochial school shall not be required to submit an attendance application and shall be automatically accepted to return to either the resident or option school district upon the completion of the grade levels offered at the private or parochial school.";

b. On page 3, line 8, "section" has been struck and "sections 79-3406 and" inserted; and in line 9 "is" has been struck and "are" inserted; and

c. The remaining sections have been renumbered.

2. On page 1, line 2, "section" has been struck and "sections 79-3406 and" inserted; in line 3 "attendance and" has been inserted after "to"; and in line 5 "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 839
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER7323

1. The Wickersham amendment, AM2553, has been struck.
2. In the Withem amendment, AM2496:

a. On page 4, line 20, "school" has been inserted after "VI";

b. On page 7, line 22; and page 10, line 16, the comma has been struck; and

c. On page 13, line 19, "6" has been struck and "2" inserted; and in line 20 "to define a term; to change provisions relating to orders to change school district boundaries;" has been inserted before "to".

(Signed) Kurt Hohenstein, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 348. Messrs. Withem, Baack, and Bernard-Stevens asked unanimous consent to replace their pending amendment, AM1541, printed separately from the Journal and referred to on page 1633, with a substitute amendment. No objections. So ordered.

Messrs. Withem, Baack, and Bernard-Stevens withdrew their pending amendment, AM1541, printed separately from the Journal and referred to on page 1633.

Mr. Withem offered the following substitute amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2582.)

Mr. Withem requested a division of the question on his amendment.

The Chair sustained the division of the question.

The first Withem amendment is as follows:
FA296

(Amendments to E & R amendments, AM5471)

1. Strike sections 73, 74, 75, 76, and 80 and insert the following new sections:

"Sec. 4. That section 77-3439, Revised Statutes Supplement, 1992, be amended to read as follows:

77-3439. (1) A governing body may increase the anticipated aggregate receipts from property taxes by up to five percent more than the amount permitted by section 77-3438 upon an affirmative vote of at least seventy-five percent of the governing body. Such vote shall be taken at a public meeting of the governing body following a special public hearing called for the purpose of receiving testimony on such proposed increase.

(2) In addition to the increase permitted by

subsection (1) of this section, (a) a Community College Board of Governors may increase the anticipated aggregate receipts from property taxes by the amount necessary to pay for accessibility barrier elimination project costs and for abatement of environmental hazards as such terms are defined in section 79-4,207 and (b) the board of an educational service unit may increase the anticipated aggregate receipts from property taxes for purposes of section 47 of this act. Such increase shall be upon an affirmative vote of a majority of the board ~~of governors. Such vote shall be~~ taken at a public meeting of the board ~~of governors~~ following ~~(a)~~ (i) a hearing called pursuant to subsection (1) of this section at which there is an opportunity for testimony on the increase proposed under this subsection or ~~(b)~~ (ii) a special public hearing called for the purpose of receiving testimony on the increase proposed under this subsection.

(3) The governing body, ~~or~~ board of governors, or board of an educational service unit shall give at least seven calendar days' notice of a public hearing called under subsection (1) or (2) of this section and shall publish such notice at least once in a newspaper of general circulation in the political subdivision.

Sec. 16. That section 79-464, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-464. (1) A person filling a vacancy in the district board or board of education of a Class I school district, appointed by the remaining members of the board to fill such vacancy, shall hold office until the beginning of the next school year. A board member of a Class I school district elected to fill a vacancy at a regular or special meeting shall serve for the remainder of the unexpired term and until a successor is elected and qualified.

(2) Any vacancy on the district board or board of education of a Class II, III, IV, V, or VI school district resulting from any cause other than the expiration of a term shall be temporarily filled by appointment by the remaining members of the board of a legally qualified person. The remainder of the unexpired term shall be filled by a person nominated at the next primary election or caucus pursuant to section 79-803.03 and elected at the following general election.

(3) If any district board or board of education fails to fill a vacancy on such board, the vacancy may be filled by election at a special school district meeting or election called for that purpose, which meeting or election shall be called in the same manner and subject to the same regulations as other special school district meetings and elections.

(4) If there is a vacancy in the offices of a legal

majority of a school board, there shall be a special school district election conducted by the Secretary of State to fill such vacancies.

Sec. 47. Each educational service unit shall provide, in cooperation with the State Department of Education, access for all school districts within the geographical area served by the unit to telecomputing resources through the installation of necessary equipment at each educational service unit location and provide support for training users to meet their specific telecomputing needs. The purchase of and planning for equipment and software for the educational service units shall be coordinated by the department and shall be compatible with a statewide plan for telecomputing agreed upon by the Department of Administrative Services and the State Department of Education. Educational service units may enter into agreements pursuant to the Interlocal Cooperation Act to carry out this section.

Sec. 48. That section 79-2210, Revised Statutes Supplement, 1992, be amended to read as follows:

79-2210. After the adoption of its budget statement, the board for each educational service unit may levy a tax, in the amount which it requires under its adopted budget statement to be received from taxation, of not to exceed three and five-tenths cents on each one hundred dollars on the taxable valuation of the taxable property within its geographical unit, except that the tax may exceed three and five-tenths cents on each one hundred dollars of such valuation by up to five-tenths cent on each one hundred dollars of such valuation in order to carry out the purposes of section 47 of this act. The amount of such levy shall be certified by the secretary of the educational service unit board to the county board of equalization of each county in which any part of the geographical area of the educational service unit is located on or before September 1 for 1992 and on or before August 25 for all other years. Such tax shall be levied and assessed in the same manner as other property taxes and entered on the books of the county treasurer. The proceeds of such tax, as collected, shall be remitted to the treasurer of the board not less frequently than once each month.".

2. On page 12, line 8, strike "and 79-438.12" and insert ", 79-438.12, 79-4,207, and 79-547.04".

3. On page 30, lines 10 through 13, strike beginning with "At" through the period and insert "The members of the commission shall elect a chairperson pursuant to the working rules of the commission.".

4. On page 62, line 10, after "traveled" insert "one way"; and in line 11 strike "section 79-490" and insert "this subsection".

5. On page 84, line 9, after "Any" insert "unobligated"; and in line 15 after "on" insert "or after".

6. On page 86, strike line 15 and insert "81-501.01, 81-525, 81-528, and 81-529,"; in line 16 strike "81-538,"; and in line 19 strike "81-509,".

7. Correct the operative date and repealer provisions so that sections 4, 16, 19, 22, 47, and 48 added by this amendment become operative on their effective date with the emergency clause.

8. Renumber the remaining sections and correct internal references accordingly.

The first Withem amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

The second Withem amendment is as follows:
FA297

(Amendments to E & R amendments, AM5471)

Sec. 19. That section 79-4,207, Revised Statutes Supplement, 1992, be amended to read as follows:

79-4,207. (1) Each school board, after making a determination that an actual or potential environmental hazard or accessibility barrier exists within the school buildings or grounds under its control, may make and deliver to the county clerk of such county in which any part of the school district is situated, not later than August 25, an itemized estimate of the amounts necessary to be expended for the abatement of such environmental hazard or accessibility barrier elimination in its school buildings or grounds. Each school board shall conduct a public hearing on the itemized estimate prior to presenting such estimate to the county clerk. Notice of the place and time of such hearing shall, at least five days prior to the date set for hearing, be published in a newspaper of general circulation within the school district or be sent by direct mailing to each resident within the district.

(2) The school board shall designate the particular environmental hazard abatement project or accessibility barrier elimination project for which the tax levy provided for by this section will be expended, the period of years, which shall not exceed ten years, for which the tax will be levied for such project, and the amount of the levy for each year thereof. The school board may designate more than one project and levy a tax pursuant to this section for each such project, concurrently or consecutively, as the case may be, if the aggregate levy in each year and the duration of each levy will not exceed the limitations specified in this section. Each levy for a project which is authorized by this section may be imposed for such duration as shall be specified by the school board notwithstanding the contemporaneous existence or

subsequent imposition of any other levy for another project imposed pursuant to this section and notwithstanding the subsequent issuance by the district of bonded indebtedness payable from its general fund levy.

(3) The county clerk shall levy such taxes, not to exceed five and one-fifth cents per one hundred dollars of taxable valuation, on the taxable property of the district necessary to cover the project costs itemized by the school board. Such taxes shall be collected by the county treasurer at the same time and in the same manner as county taxes are collected and when collected shall be paid to the treasurer of the district and used to cover the project costs.

(4) If such school board operates grades nine through twelve as part of an affiliated school system, it shall designate the fraction of the project to be conducted for the benefit of grades nine through twelve. Such fraction shall be raised by a levy placed upon all of the taxable value of all taxable property in the affiliated school system pursuant to subsection (2) of section 79-434. The balance of the project to be conducted for the benefit of grades kindergarten through eight shall be raised by a levy placed upon all of the taxable value of all taxable property in the district which is governed by such school board. The combined rate for both levies in the high school district, to be determined by such board, shall not exceed five and one-fifth cents on each one hundred dollars of taxable value.

(5) Each school board which submits an itemized estimate shall establish an environmental hazard abatement and accessibility barrier elimination project fund. Taxes collected pursuant to this section shall be credited to such fund to cover the project costs. Such estimates may be presented to the county clerk and taxes levied accordingly. The Director of Health shall, by January 1, 1993, 1995, 1997, and 1999, deliver a report to the Legislature estimating the amount of hazardous materials which remain in the public schools of the state.

~~(5)~~ (6) The itemized estimate submitted by a school board may include the actual cost of abatement of an environmental hazard when such abatement occurred prior to the delivery of such estimate to the county clerk and was completed after June 28, 1982.

~~(6)~~ (7) For purposes of this section:

(a) Abatement shall include, but not be limited to, any inspection and testing regarding environmental hazards, any maintenance to reduce, lessen, put an end to, diminish, moderate, decrease, control, dispose of, or eliminate environmental hazards, any removal or encapsulation of environmentally hazardous material or property, any restoration or replacement of material or property, any

related architectural and engineering services, and any other action to reduce or eliminate environmental hazards in the school buildings or on the school grounds under the school board's control, except that abatement shall not include the encapsulation of any material containing more than one percent friable asbestos;

(b) Accessibility barrier shall mean anything which impedes entry into, exit from, or use of any building or facility by all people;

(c) Accessibility barrier elimination shall include, but not be limited to, inspection for and removal of accessibility barriers, maintenance to reduce, lessen, put an end to, diminish, control, dispose of, or eliminate accessibility barriers, related restoration or replacement of facilities or property, any related architectural and engineering services, and any other action to eliminate accessibility barriers in the school buildings or grounds under the school board's control; and

(d) Environmental hazard shall mean any contamination of the air, water, or land surface or subsurface caused by any substance adversely affecting human health or safety if such substance has been declared hazardous by a federal or state statute, rule, or regulation.

~~(7)~~ (8) Accessibility barrier elimination project costs shall include, but not be limited to, inspection, maintenance, accounting, emergency services, consultation, or any other action to reduce or eliminate accessibility barriers.

~~(8)~~ (9) For the purpose of paying amounts necessary for the abatement of environmental hazards and accessibility barrier elimination, the school board may borrow money and issue bonds and other evidences of indebtedness of the district, which bonds and other evidences of indebtedness shall be secured by and payable from an irrevocable pledge by the district of amounts received in respect of the tax levy provided for by this section and any other funds of the district available therefor. Bonds and other evidences of indebtedness issued by a district pursuant to this subsection shall not constitute a general obligation of the district or be payable from any portion of its general fund levy.

MR. HALL PRESIDING

The second Withem amendment lost with 1 aye, 22 nays, 25 present and not voting, and 1 excused and not voting.

The third Withem amendment is as follows:
FA298

(Amendments to E & R amendments, AM5471)

Sec. 22. That section 79-547.04, Revised Statutes Supplement, 1992, be amended to read as follows:

79-547.04. (1) The board of education of a Class II, III, IV, V, or VI school district may establish a special fund for purposes of acquiring sites for school buildings or teacherages, purchasing existing buildings for use as school buildings or teacherages, including the sites upon which such buildings are located, and the erection, alteration, equipping, and furnishing of school buildings or teacherages and additions to school buildings for elementary and high school grades and for no other purpose. Such fund shall be established from the proceeds of an annual levy, to be determined by the board of education, of not to exceed fourteen cents on each one hundred dollars upon the taxable value of all taxable property in the district which shall be in addition to any other taxes authorized to be levied for school purposes. Such tax shall be levied and collected as are other taxes for school purposes.

(2) If such board of education operates grades nine through twelve as part of an affiliated school system, it shall designate the fraction of the project to be conducted for the benefit of grades nine through twelve. Such fraction shall be raised by a levy placed upon all of the taxable value of all taxable property in the affiliated school system pursuant to subsection (2) of section 79-434. The balance of the project to be conducted for the benefit of grades kindergarten through eight shall be raised by a levy placed upon all of the taxable value of all taxable property in the district which is governed by such board of education. The combined rate for both levies in the high school district, to be determined by such board, shall not exceed fourteen cents on each one hundred dollars of taxable value.

The third Withem amendment lost with 0 ayes, 19 nays, 29 present and not voting, and 1 excused and not voting.

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

Ms. Schimek renewed her pending amendment, AM1496, found in the Journal on page 1787.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schimek amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Wickersham withdrew his pending amendment, AM1739, found in the Journal on page 1790.

Mr. Baack renewed his pending amendment, AM1738, found in the Journal on page 1795.

The Baack amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Withem withdrew his pending amendments, AMs 1869, 1985, 1989, 1988, and 2263, found in the Journal on pages 1947, 2132, 2133, and 2340.

Mr. Baack withdrew his pending amendment, AM2011, found in the Journal on page 2094.

Mr. Wickersham withdrew his pending amendments, AM2539 and AM2540, found in the Journal on page 2606.

Mr. Wickersham offered the following amendment:
AM2579

(Amendments to E & R amendments, AM5471)

1. On page 37, line 21, reinstate the stricken "which value shall be"; and in line 22 after the stricken "value" insert "the same percentage of the appraised value as the percentage of the assessed value is of market value in section 77-1360.01".

2. On page 38, line 8, after the period insert "The value calculation in this subsection shall be used by the Commissioner of Education for making distributions in the 1992-93 school year and every year thereafter.".

Mr. Withem offered the following amendment to the Wickersham pending amendment:
FA299

Strike section 37 of LB 348

Mr. Withem moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Withem requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Abboud	Bernard-Stevens	Hartnett	Lindsay	Schimek
Ashford	Crosby	Hillman	Lynch	Wesely
Baack	Hall	Horgan	Preister	Will
		Landis	Rasmussen	Withem

Voting in the negative, 17:

Avery	Cudaback	Hohenstein	Moore	Vrtiska
Bromm	Dierks	Janssen	Pedersen	Wehrbein
Byars	Elmer	Jones	Schmitt	Wickersham
Coordsen	Haberman			

Present and not voting, 12:

Beutler	Fisher	Pirsch	Robinson	Warner
Bohlke	Kristensen	Robak	Schellpeper	Witek
Day	McKenzie			

Absent and not voting, 1:

Chambers

Excused and not voting, 1:

Hudkins

The Withem amendment lost with 18 ayes, 17 nays, 12 present and not voting, 1 absent and not voting, and 1 excused and not voting.

Mr. Withem requested a roll call vote on the Wickersham pending amendment.

Voting in the affirmative, 20:

Bohlke	Cudaback	Haberman	Moore	Schmitt
Bromm	Dierks	Janssen	Pedersen	Vrtiska
Byars	Elmer	Jones	Robak	Wickersham
Coordsen	Fisher	Landis	Schellpeper	Witek

Voting in the negative, 17:

Baack	Crosby	Hillman	Pirsch	Schimek
Bernard-Stevens	Day	Horgan	Preister	Wesely
Beutler	Hall	Lindsay	Rasmussen	Will
	Hartnett	Lynch		

Present and not voting, 10:

Abboud	Avery	Kristensen	Robinson	Wehrbein
Ashford	Hohenstein	McKenzie	Warner	Withem

Absent and not voting, 1:

Chambers

Excused and not voting, 1:

Hudkins

The Wickersham amendment lost with 20 ayes, 17 nays, 10 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Messrs. Dierks and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schellpeper withdrew his pending amendment, AM1757, found in the Journal on page 1792.

Mr. Schellpeper offered the following amendment:
AM2589

(Amendments to E & R amendments, AM5471)

1. Insert the following new section:

"Sec. 17. That section 79-4,207, Revised Statutes Supplement, 1992, be amended to read as follows:

79-4,207. (1) Each school board, after making a determination that an actual or potential environmental hazard or accessibility barrier exists within the school buildings or grounds under its control, may make and deliver to the county clerk of such county in which any part of the school district is situated, not later than August 25, an itemized estimate of the amounts necessary to be expended for the abatement of such environmental hazard or accessibility barrier elimination in its school buildings or grounds. Each school board shall conduct a public hearing on the itemized estimate prior to presenting such estimate to the county clerk. Notice of the place and time of such hearing shall, at least five days prior to the date set for hearing, be published in a newspaper of general circulation within the school district or be sent by direct mailing to each resident within the district.

(2) The school board shall designate the particular environmental hazard abatement project or accessibility barrier elimination project for which the tax levy provided for by this section will be expended, the period of years, which shall not exceed ten years, for which the tax will be levied for such project, and the amount of the levy for each year thereof. The school board may designate more than one project and levy a tax pursuant to this section for each such project, concurrently or consecutively, as the case may be, if the aggregate levy in each year and the duration of each levy will not exceed the limitations specified in this section. Each levy for a project which is authorized by this section

may be imposed for such duration as shall be specified by the school board notwithstanding the contemporaneous existence or subsequent imposition of any other levy for another project imposed pursuant to this section and notwithstanding the subsequent issuance by the district of bonded indebtedness payable from its general fund levy.

(3) The county clerk shall levy such taxes, not to exceed five and one-fifth cents per one hundred dollars of taxable valuation, on the taxable property of the district necessary to cover the project costs itemized by the school board. Such taxes shall be collected by the county treasurer at the same time and in the same manner as county taxes are collected and when collected shall be paid to the treasurer of the district and used to cover the project costs.

(4) If such school board operates grades nine through twelve as part of an affiliated school system, it shall designate the fraction of the project to be conducted for the benefit of grades nine through twelve. Such fraction shall be raised by a levy placed upon all of the taxable value of all taxable property in the affiliated school system pursuant to subsection (2) of section 79-434. The balance of the project to be conducted for the benefit of grades kindergarten through eight shall be raised by a levy placed upon all of the taxable value of all taxable property in the district which is governed by such school board. The combined rate for both levies in the high school district, to be determined by such board, shall not exceed five and one-fifth cents on each one hundred dollars of taxable value.

(5) Each school board which submits an itemized estimate shall establish an environmental hazard abatement and accessibility barrier elimination project fund. Taxes collected pursuant to this section shall be credited to such fund to cover the project costs. Such estimates may be presented to the county clerk and taxes levied accordingly. The Director of Health shall, by January 1, 1993, 1995, 1997, and 1999, deliver a report to the Legislature estimating the amount of hazardous materials which remain in the public schools of the state.

~~(5)~~ (6) The itemized estimate submitted by a school board may include the actual cost of abatement of an environmental hazard when such abatement occurred prior to the delivery of such estimate to the county clerk and was completed after June 28, 1982.

~~(6)~~ (7) For purposes of this section:

(a) Abatement shall include, but not be limited to, any inspection and testing regarding environmental hazards, any maintenance to reduce, lessen, put an end to, diminish, moderate, decrease, control, dispose of, or eliminate environmental hazards, any removal or encapsulation of

environmentally hazardous material or property, any restoration or replacement of material or property, any related architectural and engineering services, and any other action to reduce or eliminate environmental hazards in the school buildings or on the school grounds under the school board's control, except that abatement shall not include the encapsulation of any material containing more than one percent friable asbestos;

(b) Accessibility barrier shall mean anything which impedes entry into, exit from, or use of any building or facility by all people;

(c) Accessibility barrier elimination shall include, but not be limited to, inspection for and removal of accessibility barriers, maintenance to reduce, lessen, put an end to, diminish, control, dispose of, or eliminate accessibility barriers, related restoration or replacement of facilities or property, any related architectural and engineering services, and any other action to eliminate accessibility barriers in the school buildings or grounds under the school board's control; and

(d) Environmental hazard shall mean any contamination of the air, water, or land surface or subsurface caused by any substance adversely affecting human health or safety if such substance has been declared hazardous by a federal or state statute, rule, or regulation.

~~(7)~~ (8) Accessibility barrier elimination project costs shall include, but not be limited to, inspection, maintenance, accounting, emergency services, consultation, or any other action to reduce or eliminate accessibility barriers.

~~(8)~~ (9) For the purpose of paying amounts necessary for the abatement of environmental hazards and accessibility barrier elimination, the school board may borrow money and issue bonds and other evidences of indebtedness of the district, which bonds and other evidences of indebtedness shall be secured by and payable from an irrevocable pledge by the district of amounts received in respect of the tax levy provided for by this section and any other funds of the district available therefor. Bonds and other evidences of indebtedness issued by a district pursuant to this subsection shall not constitute a general obligation of the district or be payable from any portion of its general fund levy.".

2. On page 12, line 8, strike "and 79-438.12" and insert ", 79-438.12, and 79-4,207".

3. On page 87, line 4, strike "79-547.03," and insert "79-4,207, 79-547.03".

4. Renumber the remaining sections and correct internal references accordingly.

The Schellpeper amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 348A. Advanced to E & R for engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 3, 1993, at 11:30 a.m., were the following bills: 643, 491, 491A, 832, 832A, 835, 798, 798A, 799, 799A, 800, 800A, 801, 805, 805A, 808, 808A, 816, 816A, 595, 595A, 22, 804, 804A, 815, 815A, and 330.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

STANDING COMMITTEE REPORT
Revenue

The Committee on Revenue desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Agricultural Land Valuation Advisory Board
James W. Galyen
Paul Grabouski
Bruce Johnson
Mona Moje
Ivan Schmedding

Voting aye: Senators Coordsen, Kristensen, Landis, Schellpeper, Warner, Wickersham, and Will. Voting nay: None. Not voting: None. Absent: Senator Withem.

(Signed) Jerome Warner, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of June 2, 1993. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Campbell, Mary - Lincoln Bridgestone/Firestone, Inc.

VISITORS

Visitors to the Chamber were Scott, Dianne, and Ryan Williams from Papillion.

RECESS

At 12:22 p.m., on a motion by Speaker Baack, the Legislature recessed until 1:45 p.m.

AFTER RECESS

The Legislature reconvened at 1:45 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Mmes. Hudkins, McKenzie, Pirsch, Messrs. Lindsay, Robinson, and Will who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 345. E & R amendment, AM5490, printed separately from the Journal and referred to on page 1974, was adopted.

Mr. Elmer asked unanimous consent to replace his pending amendment, AM0861, found in the Journal on page 1028, with a substitute amendment. No objections. So ordered.

Mr. Elmer withdrew his pending amendment, AM0861, found in the Journal on page 1028.

Mr. Elmer offered the following substitute amendment:
AM2590

(Amendments to E & R amendments, AM5490)

1. Insert the following new section:

"Sec. 52. That section 77-2708.01, Revised Statutes Supplement, 1992, as amended by section 29, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, be amended to read as follows:

77-2708.01. (1)(a) Any purchaser of depreciable agricultural machinery or equipment purchased on or after

January 1, 1992, and before January 1, 1993, for use in commercial agriculture may apply for a refund of all of the Nebraska sales or use taxes and all of the local option sales or use taxes paid on the machinery or equipment.

(b) On or after January 1, 1993, any purchaser of depreciable repairs or parts for agricultural machinery or equipment used in commercial agriculture may apply for a refund of all of the Nebraska sales or use taxes and all of the local option sales or use taxes paid on the repairs or parts.

(2) The purchaser shall file a claim within three years after the date of purchase with the Tax Commissioner pursuant to section 77-2708. The information provided on a tax refund claim allowed under this section may be disclosed to any other tax official of this state.".

2. Correct the operative date provision and repealer so that the section added by this amendment becomes operative on its effective date.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Withem offered the following amendment to the Elmer pending amendment:
AM2509

(Amendments to AM2590)

1. Strike the original amendments and insert the following new amendments:

"1. Insert the following new sections:

'Sec. 52. That section 77-2708.01, Revised Statutes Supplement, 1992, as amended by section 29, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, be amended to read as follows:

77-2708.01. (1)(a) Any purchaser of depreciable agricultural machinery or equipment purchased on or after January 1, 1992, and before January 1, 1993, or on or after the operative date of this section for use in commercial agriculture and (b) on or after January 1, 1993, any purchaser of depreciable repairs or parts for agricultural machinery or equipment used in commercial agriculture may apply for a refund of all of the Nebraska sales or use taxes and all of the local option sales or use taxes paid on the machinery or equipment.

(2) The purchaser shall file a claim within three years after the date of purchase with the Tax Commissioner pursuant to section 77-2708. The information provided on a tax refund claim allowed under this section may be disclosed to any other tax official of this state.

Sec. 78. That original section 77-2708.01, Revised Statutes Supplement, 1992, as amended by section 29,

Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, and also sections 24 and 25, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, are repealed.'.

2. Correct the operative date section so that the sections added by this amendment become operative on October 1, 1993.

3. Renumber the remaining sections accordingly.".

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Withem withdrew his amendment.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The Elmer amendment was adopted with 26 ayes, 16 nays, 6 present and not voting, and 1 excused and not voting.

Mr. Withem renewed his pending amendment, AM1255, printed separately from the Journal and referred to on page 1548.

Mr. Kristensen asked unanimous consent to add his name to the Withem amendment, AM2489, printed separately from the Journal and referred to on page 2597. No objections. So ordered.

Messrs. Kristensen and Withem renewed their pending amendment, AM2489, printed separately from the Journal and referred to on page 2597, to the Withem pending amendment.

The Kristensen-Withem amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

The Withem pending amendment, as amended, was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Mr. Warner renewed the Warner et al. pending amendment, AM1844, found in the Journal on page 2003.

PRESIDENT MOUL PRESIDING

The Warner et al. amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Mr. Hall asked unanimous consent to replace his pending amendment, AM1809, found in the Journal on page 2048, with a substitute amendment. No objections. So ordered.

Mr. Hall withdrew his pending amendment, AM1809, found in the Journal on page 2048.

Messrs. Hall, Warner, and Will renewed their pending substitute amendment, AM1991, found in the Journal on page 2076.

The Hall-Warner-Will amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Mr. Hall asked unanimous consent to replace his pending amendment, AM1810, found in the Journal on page 2051, with a substitute amendment. No objections. So ordered.

Mr. Hall withdrew his pending amendment, AM1810, found in the Journal on page 2051.

Mr. Hall renewed his pending substitute amendment, AM2276, found in the Journal on page 2401.

Mr. Warner moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of the Hall amendment, AM2276.

The Warner motion to suspend the rules prevailed with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Mr. Haberman offered the following amendment to the Hall pending amendment:

FA300

Amend Hall amendment

strike 1/2 - 1% credit to Campaign Finance limitation cash fund

1/2 - 1% credit to Drinking Water Source Quality fund and the 1% goes to the general fund.

Mr. Dierks and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Horgan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Haberman amendment lost with 9 ayes, 21 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Abboud offered the following amendment to the Hall pending amendment:

FA301
Amend AM2276
Strike page 1 line 9 beginning with "If" through line 20.

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Byars moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Abboud moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Hall requested a roll call vote on the Abboud amendment.

Voting in the affirmative, 21:

Abboud	Coordsen	Haberman	Hudkins	Robak
Avery	Crosby	Hartnett	Jones	Wehrbein
Bohlke	Cudaback	Hohenstein	McKenzie	Witek
Bromm	Dierks	Horgan	Pirsch	Withem
Byars				

Voting in the negative, 13:

Ashford	Bernard-Stevens	Hall	Moore	Warner
Baack	Beutler	Kristensen	Rasmussen	Wesely
		Lindsay	Vrtiska	Will

Present and not voting, 13:

Chambers	Fisher	Lynch	Schellpeper	Schmitt
Day	Hillman	Preister	Schimek	Wickersham
Elmer	Janssen	Robinson		

Excused and not voting, 2:

Landis Pedersen

The Abboud amendment lost with 21 ayes, 13 nays, 13 present and not voting, and 2 excused and not voting.

Mr. Hall withdrew his pending amendment.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS

Education

The Committee on Education desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Robert Mundy - Educational Lands and Funds Board

VOTE: Aye: Senators Withem, Beutler, Janssen, Bohlke, Rasmussen, Warner, Wickersham, and McKenzie. Nay: None. Absent: None. Present and not voting: None.

(Signed) Ron Withem, Chairperson

Transportation

The Committee on Transportation desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Susan Kliment - Motor Vehicle Industry Licensing Board

VOTE: Aye: Senators Byars, Day, Fisher, Horgan, Kristensen, Pedersen, Pirsch, and Schmitt. Nay: None. Absent: None.

(Signed) Doug Kristensen, Chairperson

Banking, Commerce and Insurance

The Committee on Banking, Commerce and Insurance desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Marilyn Michel - Nebraska Investment Council
DiAnn Peterson - Nebraska Investment Council
David Simmons - Nebraska Research and Development Authority

VOTE: Aye: Senators Landis, Coordsen, Jones, Lindsay, Wesely, and Witek. Absent: Senators Hall and Robak.

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Member Excused

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

WITHDRAW - Amendment to LB 124

Messrs. Hohenstein and Landis withdrew their pending amendment, AM2010, printed separately from the Journal and referred to on page 2143, to LB 124.

MOTION - Return LB 124 to Select File

Mr. Hohenstein moved to return LB 124 to Select File for the Hohenstein-Abboud-Will-Crosby specific amendment, AM2550, printed separately from the Journal and referred to on page 2642.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Hohenstein motion to return prevailed with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 124. The Hohenstein et al. specific amendment, AM2550, printed separately from the Journal and referred to on page 2642, was considered.

Mrs. Crosby requested a record vote on the Hohenstein et al. amendment.

Voting in the affirmative, 35:

Abboud	Cudaback	Hillman	McKenzie	Warner
Avery	Day	Hohenstein	Moore	Wehrbein
Bernard-Stevens	Dierks	Horgan	Pirsch	Wesely
	Elmer	Jones	Preister	Wickersham
Bohlke	Fisher	Kristensen	Rasmussen	Will
Bromm	Hall	Landis	Schimek	Witek
Chambers	Hartnett	Lindsay	Vrtiska	Withem
Coordsen				

Voting in the negative, 0.

Present and not voting, 12:

Ashford	Byars	Hudkins	Lynch	Schellpeper
Baack	Crosby	Janssen	Robinson	Schmitt
Beutler	Haberman			

Excused and not voting, 2:

Pedersen Robak

The Hohenstein et al. amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 190A to Select File

Mr. Moore moved to return LB 190A to Select File for the following specific amendment:
AM2390
1. On page 2, lines 1 and 2 and 3, strike "$50,000 from the General Fund and"; and in line 10 strike both occurrences of "$50,000" and insert "$20,000".

The Moore motion to return prevailed with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 190A. The Moore specific amendment, AM2390, found in this day's Journal, was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendments to LB 587

Messrs. Beutler and Bromm withdrew their pending amendment, AM2417, found in the Journal on page 2453, to LB 587.

Mr. Baack withdrew his pending amendment, AM2452, found in the Journal on page 2510, to LB 587.

MOTION - Return LB 782 to Select File

Mr. Lindsay moved to return LB 782 to Select File for his specific amendment, AM2523, found in the Journal on page 2583.

The Lindsay motion to return prevailed with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 782. The Lindsay specific amendment, AM2523, found in the Journal on page 2583, was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

LEGISLATIVE BILL 440. E & R amendment, AM5373, found in the Journal on page 667, was adopted.

Mr. Warner withdrew his pending amendments, AM1454 and AM2346, found in the Journal on pages 1605 and 2417.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 440A. Mr. Warner withdrew his pending amendments, AM2384 and AM2416, found in the Journal on pages 2435 and 2475.

Advanced to E & R for engrossment.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 345. Messrs. Elmer and Haberman withdrew their pending amendment, AM1922, found in the Journal on page 2064.

Messrs. Ashford, Horgan, and Hartnett renewed their pending amendment, AM2157, found in the Journal on page 2188.

SPEAKER BAACK PRESIDING

Messrs. Preister and Ashford renewed their pending amendment, AM2485, found in the Journal on page 2552, to the Ashford et al. pending amendment.

Messrs. Preister and Ashford asked unanimous consent to replace their pending amendment, AM2485, found in the Journal on page 2552, with a substitute amendment. No objections. So ordered.

Messrs. Preister and Ashford withdrew their pending amendment, AM2485, found in the Journal on page 2552.

Messrs. Preister and Ashford offered the following substitute amendment, to the Ashford et al. pending amendment:
AM2580

(Amendments to AM2157)

1. On page 3, line 23, after "months" insert "after inception of the increase or until December 31, 1994, whichever comes first,".

MR. HALL PRESIDING

PRESIDENT MOUL PRESIDING

Mr. Ashford moved the previous question. The question is, "Shall the debate now close?"

Mr. Ashford moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

The Preister-Ashford amendment was adopted with 31 ayes, 3 nays, 14 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Chambers renewed his pending amendment, AM2544, found in the Journal on page 2603, to the Ashford et al. pending amendment.

Messrs. Landis, Cudaback, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his pending amendment.

Mr. Ashford asked unanimous consent to withdraw the Ashford et al. pending amendment, AM2157. No objections. So ordered.

Mr. Abboud withdrew his pending amendment, AM2082, found in the Journal on page 2203.

Mr. Schellpeper withdrew his pending amendments, AM2160 and AM2306, found in the Journal on pages 2272 and 2396.

Messrs. Schellpeper and Will withdrew their pending amendment, AM2072, on file in the Clerk's Office and referred to in the Journal on page 2273.

Mr. Wickersham withdrew his pending amendment, AM2545, found in the Journal on page 2621.

Messrs. Warner and Hall offered the following amendment:
AM2364

(Amendments to AM5490)

1. Insert the following new section:

"Sec. 3. That section 77-202.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 7, Legislative Bill 346, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

77-202.01. Any organization or society seeking a tax exemption provided in subdivisions (1)(b) and (1)(c) of

section 77-202 for any real or personal property, except motor vehicles, shall apply for exemption to the county assessor before January 1 of the year for which the exemption is sought on forms prescribed by the Tax Commissioner. The county assessor shall examine the application and recommend either taxable or exempt status for the real property or tangible personal property, except motor vehicles, to the county board of equalization on or before February 1 following.

Any organization or society which misses the January 1 deadline for applying for exemption may apply prior to May 1 for tax year 1993 and February 1 for all other tax years to the county board of equalization for a waiver so that the county assessor may consider the application for exemption. The county board of equalization shall grant the waiver upon a finding that good cause exists for the failure to make application by January 1. When the waiver is granted, the county assessor shall examine the application and recommend either taxable or exempt status for the real property or tangible personal property, except motor vehicles, to the county board of equalization and ~~shall~~ may, beginning in 1993, assess a penalty against the organization of ten percent of the tax that would have been assessed had the waiver been denied.".

2. On page 133, line 23, strike "and"; and after line 25 insert "and section 77-202.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 7, Legislative Bill 346, Ninety-third Legislature, First Session, 1993,".

3. Renumber the remaining sections and correct internal references and the operative date section accordingly.

The Warner-Hall amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 345A. Mr. Warner offered the following amendment:
AM2599

1. Insert the following new sections:

"Sec. 2. Total expenditures for permanent and temporary salaries and per diems for the Department of Revenue, Program 111, shall be increased by $166,050 for FY1993-94 and $166,050 for FY1994-95.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The Warner amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

Messrs. Will and Hall asked unanimous consent to print the following amendment to LB 489 in the Journal. No objections. So ordered.

AM2505

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. That section 9-607, Reissue Revised Statutes of Nebraska, 1943, as amended by section 14, Legislative Bill 138, Ninety-third Legislature, First Session, 1993, and section 4, Legislative Bill 563, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

9-607. (1) Lottery shall mean a gambling scheme in which:

(a) The players pay or agree to pay something of value for an opportunity to win;

(b) Winning opportunities are represented by tickets;

(c) Winners are solely determined by ~~one of the following two methods:~~

~~(i) By~~ a random drawing of tickets differentiated by sequential enumeration from a receptacle by hand whereby each ticket has an equal chance of being chosen in the drawing; ~~or~~ and

~~(ii) By use of a game known as keno in which a player selects up to twenty numbers from a total of eighty numbers on a paper ticket and a computer, other electronic selection device, or electrically operated blower machine which is not player activated randomly selects up to twenty numbers from the same pool of eighty numbers and the winning players are determined by the correct matching of the numbers on the paper ticket selected by the players with the numbers randomly selected by the computer, other electronic selection device, or electrically operated blower machine, except that no keno game shall permit or require player access or activation of lottery equipment and the random selection of numbers by the computer, other electronic selection device, or electrically operated blower machine shall not occur within five minutes of the completion of the previous selection of random numbers; and~~

(d) The holders of the winning paper tickets are to receive cash or prizes redeemable for cash. Selection of a

winner or winners shall be predicated solely on chance.

(2) Lottery shall not include:

(a) Any gambling scheme which uses any mechanical gaming device, computer gaming device, electronic gaming device, or video gaming device which has the capability of awarding something of value, free games redeemable for something of value, or tickets or stubs redeemable for something of value;

(b) Any activity authorized or regulated under the Nebraska Bingo Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, section 9-701, or Chapter 2, article 12; or

(c) Any activity prohibited under Chapter 28, article 11.

~~(3) Notwithstanding the requirement in subdivision (1)(c)(ii) of this section that a player select up to twenty numbers, a player may select more than twenty numbers on a paper ticket when a top or bottom, left or right, edge, or way ticket is played. For a top or bottom ticket, the player shall select all numbers from one through forty or all numbers from forty-one through eighty. For a left or right ticket, the player shall select all numbers ending in one through five or all numbers ending in six through zero. For an edge ticket, the player shall select all of the numbers comprising the outside edge of the ticket. For a way ticket, the player shall select a combination of groups of numbers in multiple ways on a single ticket.~~

~~(4) A county, city, or village conducting a keno lottery shall designate the method of winning number selection to be used in the lottery and submit such designation in writing to the department prior to conducting a keno lottery. Only those methods of winning number selection described in subdivision (1)(c)(ii) of this section shall be permitted, and the method of winning number selection initially utilized may only be changed once during that business day as set forth in the designation. A county, city, or village shall not change the method or methods of winning number selection filed with the department or allow it to be changed once such initial designation has been made unless (a) otherwise authorized in writing by the department based upon a written request from the county, city, or village or (b) an emergency arises in which case a ball draw method of number selection would be switched to a number selection by a random number generator. An emergency situation shall be reported by the county, city, or village to the department within twenty-four hours of its occurrence.~~

Sec. 2. That section 9-803, Reissue Revised Statutes of Nebraska, 1943, as amended by section 19,

Legislative Bill 138, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

9-803. For purposes of the State Lottery Act:

(1) Deputy director shall mean the Deputy Director of the Lottery Division;

(2) Director shall mean the Director of the Lottery Division;

(3) Division shall mean the Lottery Division of the Department of Revenue;

(4) Lottery contractor shall mean a lottery vendor or lottery game retailer with whom the division has contracted for the purpose of providing goods or services for the state lottery;

(5) Lottery game shall mean any variation of the following types of games:

(a) An instant-win game in which disposable tickets contain certain preprinted winners which are determined by rubbing or scraping an area or areas on the tickets to match numbers, letters, symbols, or configurations, or any combination thereof, as provided by the rules of the game. An instant-win game may also provide for preliminary and grand prize drawings conducted pursuant to the rules of the game. An instant-win game shall not include the use of any pickle card as defined in section 9-315; ~~and~~

(b) An on-line lottery game in which a lottery game is hooked up to a central computer via a telecommunications system through which a player selects a specified group of numbers or symbols out of a predetermined range of numbers or symbols and purchases a ticket bearing the player-selected numbers or symbols for eligibility in a drawing regularly scheduled in accordance with game rules; and

(c) A gambling scheme in which (i) the players pay or agree to pay something of value for an opportunity to win, (ii) winning opportunities are represented by tickets, (iii) winners are solely determined by use of a game known as keno in which a player selects up to twenty numbers from a total of eighty numbers on a paper ticket and a computer, other electronic selection device, or electrically operated blower machine which is not player-activated randomly selects up to twenty numbers from the same pool of eighty numbers and the winning players are determined by the correct matching of the numbers on the paper ticket selected by the players with the numbers randomly selected by the computer, other electronic selection device, or electrically operated blower machine, except that no keno game shall permit or require player access or activation of lottery equipment and the random selection of numbers by the computer, other electronic selection device, or electrically operated blower machine shall not occur within five minutes of the completion of the previous selection of

random numbers, and (iv) the holders of the winning paper tickets are to receive cash or prizes redeemable for cash. Selection of a winner or winners shall be predicated solely on chance.

Lottery game shall not be construed to mean any video lottery game;

(6) Lottery game retailer shall mean a person who contracts with or seeks to contract with the division to sell tickets in lottery games to the public;

(7) Lottery vendor shall mean any person who submits a bid, proposal, or offer as part of a major procurement;

(8) Major procurement shall mean any procurement or contract for the purchase or lease of goods or services unique to or used primarily for the operation of the state lottery in excess of fifteen thousand dollars, including the printing of tickets, the provision of terminals and other computer equipment, and transportation, accounting, consulting, and advertising services; and

(9) Ticket or lottery ticket shall mean any tangible evidence authorized by the division to prove participation in a lottery game.

Sec. 3. That original section 9-803, Reissue Revised Statutes of Nebraska, 1943, as amended by section 19, Legislative Bill 138, Ninety-third Legislature, First Session, 1993, and section 9-607, Reissue Revised Statutes of Nebraska, 1943, as amended by section 14, Legislative Bill 138, Ninety-third Legislature, First Session, 1993, and section 4, Legislative Bill 563, Ninety-third Legislature, First Session, 1993, are repealed.".

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

The Committee on Nebraska Retirement Systems desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Robert H. Giese - Nebraska Public Employees Retirement Board

VOTE: Aye - Senators Crosby, Day, Fisher, Lynch, Moore, Robak, and Horgan.

(Signed) Tom Horgan, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 757 and 757A.

Enrollment and Review Change to LB 757

The following changes, required to be reported for publication in the Journal, have been made:
ER7325

1. In the Hall-Landis amendment, FA290, the comma after "adopted" has been struck.

2. In the E & R amendment, AM5491, on page 2, line 4, a comma has been inserted after "hearing".

3. On page 1, line 5, "48-163," has been inserted after the last comma; in line 13 "to authorize an independent medical examiner system;" has been inserted after the semicolon; in line 15 "a term" has been struck and "terms" inserted; and in line 16 "to change provisions relating to the adoption of rules and regulations;" has been inserted after the semicolon.

4. On page 2, line 4, "powers and" has been inserted before "duties".

5. On page 4, line 16, "and regulations" has been inserted after "rules".

6. On page 6, line 15, an underscored comma has been inserted after "court".

7. On page 18, line 20, an underscored comma has been inserted after "employee".

8. On page 30, line 13, "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 757A

The following changes, required to be reported for publication in the Journal, have been made:
ER7324

1. On page 1, line 3, "; to reduce appropriations; and to transfer funds" has been inserted after "1993".

(Signed) Kurt Hohenstein, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 271. Introduced by Abboud, 12.

WHEREAS, Ralston High School was named a blue-ribbon school by the federal Department of Education; and

WHEREAS, Ralston High School was one of only two schools in Nebraska so honored; and

WHEREAS, Ralston High School adopted a high school futures program which introduced such programs as the increasing of high school graduation requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That Ralston High School Principal Dr. Martha Bruckner and Ralston School District Superintendent Ken Rippe be congratulated for this honor.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Wesely asked unanimous consent to have his name added as cointroducer to LB 782. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Cointroducer

Mr. Beutler asked unanimous consent to have his name withdrawn as cointroducer to LB 587. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Messrs. Kristensen and Ashford asked unanimous consent to print the following amendment to LB 345 in the Journal. No objections. So ordered.

AM2595

(Amendments to AM2157)

1. On page 4, line 2, after "facilities" insert ", except that no proceeds shall be used for signage".

UNANIMOUS CONSENT - Member Excused

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 44.

A BILL FOR AN ACT relating to state personnel; to amend sections 81-8,245, 81-1348, and 81-1350, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1307 and 81-1318.01, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 15 and 19, respectively, Legislative Bill 14, Ninety-second Legislature, Third Special Session,

1992; to adopt the State Government Effectiveness Act; to provide for an employee recognition program; to create a fund; to change the membership of the Suggestion Award Board and provide for expenses; to change the authorized amount of suggestion awards; to require a report; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Abboud	Chambers	Hartnett	Lynch	Schimek
Ashford	Coordsen	Hillman	McKenzie	Schmitt
Avery	Crosby	Hohenstein	Pedersen	Vrtiska
Baack	Cudaback	Horgan	Pirsch	Wehrbein
Bernard-Stevens	Day	Hudkins	Preister	Wesely
Beutler	Dierks	Janssen	Rasmussen	Wickersham
Bohlke	Elmer	Jones	Robak	Will
Bromm	Fisher	Kristensen	Robinson	Witek
Byars	Haberman	Landis	Schellpeper	Withem
	Hall	Lindsay		

Voting in the negative, 0.

Present and not voting, 1:

Warner

Excused and not voting, 1:

Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 44A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 44, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Abboud	Ashford	Avery	Baack

Bernard-Stevens	Cudaback	Hohenstein	McKenzie	Schmitt
Beutler	Day	Horgan	Pedersen	Vrtiska
Bohlke	Dierks	Hudkins	Pirsch	Warner
Bromm	Elmer	Janssen	Preister	Wehrbein
Byars	Fisher	Jones	Rasmussen	Wesely
Chambers	Haberman	Kristensen	Robak	Wickersham
Coordsen	Hall	Landis	Robinson	Will
Crosby	Hartnett	Lindsay	Schellpeper	Witek
	Hillman	Lynch	Schimek	Withem

Voting in the negative, 0.

Excused and not voting, 1:

Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 105.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-602, 39-669.27, 39-669.30, 60-462, 60-474, 60-480, 60-4,107, and 60-4,112, Revised Statutes Supplement, 1992; to redefine terms; to provide for a medical hardship driving permit; to provide a fee and a penalty; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Coordsen	Hillman	McKenzie	Schmitt
Ashford	Crosby	Hohenstein	Pedersen	Vrtiska
Avery	Cudaback	Horgan	Pirsch	Warner
Baack	Day	Hudkins	Preister	Wehrbein
Bernard-Stevens	Dierks	Janssen	Rasmussen	Wesely
Beutler	Elmer	Jones	Robak	Wickersham
Bohlke	Fisher	Kristensen	Robinson	Will
Bromm	Haberman	Landis	Schellpeper	Witek
Byars	Hall	Lindsay	Schimek	Withem
	Hartnett	Lynch		

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 105A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 105, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Abboud	Coordsen	Hohenstein	McKenzie	Schmitt
Ashford	Crosby	Horgan	Pedersen	Vrtiska
Avery	Cudaback	Hudkins	Pirsch	Warner
Baack	Day	Janssen	Preister	Wehrbein
Bernard-Stevens	Dierks	Jones	Rasmussen	Wesely
	Elmer	Kristensen	Robak	Wickersham
Beutler	Fisher	Landis	Robinson	Will
Bohlke	Haberman	Lindsay	Schellpeper	Witek
Bromm	Hall	Lynch	Schimek	Withem
Byars	Hartnett			

Voting in the negative, 0.

Present and not voting, 2:

Chambers Hillman

Excused and not voting, 1:

Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER BAACK PRESIDING

LEGISLATIVE BILL 145.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-484, Revised Statutes Supplement, 1992; to require certain persons to produce a certified birth certificate or other evidence to obtain an operator's license or state identification card as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Coordsen	Hohenstein	Moore	Schmitt
Ashford	Crosby	Horgan	Pedersen	Vrtiska
Avery	Cudaback	Hudkins	Pirsch	Warner
Baack	Day	Janssen	Preister	Wehrbein
Bernard-Stevens	Elmer	Jones	Rasmussen	Wesely
Beutler	Fisher	Kristensen	Robak	Wickersham
Bohlke	Haberman	Landis	Robinson	Will
Bromm	Hartnett	Lynch	Schellpeper	Witek
Byars	Hillman	McKenzie	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 4:

Chambers	Dierks	Hall	Lindsay

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 145A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 145, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Bernard-Stevens	Coordsen	Elmer	Hohenstein
Ashford	Beutler	Crosby	Fisher	Horgan
Avery	Bromm	Cudaback	Haberman	Hudkins
Baack	Byars	Day	Hartnett	Janssen
		Dierks	Hillman	Jones

Kristensen	Moore	Robak	Vrtiska	Wickersham
Landis	Pedersen	Robinson	Warner	Will
Lindsay	Pirsch	Schellpeper	Wehrbein	Witek
Lynch	Preister	Schimek	Wesely	Withem
McKenzie	Rasmussen	Schmitt		

Voting in the negative, 0.

Present and not voting, 3:

Bohlke	Chambers	Hall

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 158.

A BILL FOR AN ACT relating to public transportation; to amend sections 13-1201, 13-1203 to 13-1206, 13-1209, and 13-1211, Reissue Revised Statutes of Nebraska, 1943; to rename an act; to provide for intercity bus systems; to define a term; to provide for funding for such systems; to change a power to contract for assistance; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud	Day	Horgan	McKenzie	Schimek
Ashford	Dierks	Hudkins	Pedersen	Schmitt
Baack	Elmer	Janssen	Preister	Wehrbein
Beutler	Fisher	Jones	Rasmussen	Wesely
Bohlke	Haberman	Kristensen	Robak	Wickersham
Byars	Hall	Landis	Robinson	Will
Coordsen	Hartnett	Lindsay	Schellpeper	Witek
Cudaback	Hillman	Lynch		

Voting in the negative, 9:

Avery	Bromm	Hohenstein	Pirsch	Withem
Bernard-Stevens	Crosby	Moore	Warner	

Present and not voting, 2:

Chambers	Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 158A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 158, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 34:

Abboud	Day	Hillman	Lindsay	Schellpeper
Ashford	Dierks	Horgan	Lynch	Schimek
Baack	Elmer	Hudkins	McKenzie	Schmitt
Bohlke	Fisher	Janssen	Preister	Wesely
Byars	Haberman	Jones	Rasmussen	Wickersham
Coordsen	Hall	Kristensen	Robak	Will
Cudaback	Hartnett	Landis	Robinson	

Voting in the negative, 9:

Avery	Bromm	Hohenstein	Pirsch	Withem
Bernard-Stevens	Crosby	Moore	Warner	

Present and not voting, 6:

Beutler	Pedersen	Vrtiska	Wehrbein	Witek
Chambers				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 292. With Emergency.

A BILL FOR AN ACT relating to school employees retirement; to amend sections 79-1501.01, 79-1522.01, 79-1545, and 79-1549, Revised Statutes Supplement, 1992; to change retirement benefit provisions; to create a fund; to provide uses for the fund; to provide duties for the Public Employees Retirement Board; to state intent; to provide that certain expenditures are subject to budget limitations as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Coordsen	Hillman	McKenzie	Schmitt
Ashford	Crosby	Hohenstein	Moore	Vrtiska
Avery	Cudaback	Horgan	Pedersen	Warner
Baack	Day	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Dierks	Janssen	Preister	Wickersham
Bohlke	Elmer	Jones	Rasmussen	Will
Bromm	Fisher	Kristensen	Robak	Witek
Byars	Haberman	Lindsay	Schellpeper	Withem
	Hartnett	Lynch	Schimek	

Voting in the negative, 4:

Beutler	Hall	Landis	Wesely

Present and not voting, 2:

Chambers Robinson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 292A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 292, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Byars	Haberman	Jones	Pirsch
Ashford	Coordsen	Hall	Kristensen	Preister
Avery	Crosby	Hartnett	Landis	Rasmussen
Baack	Cudaback	Hillman	Lindsay	Robak
Bernard-Stevens	Day	Hohenstein	Lynch	Schellpeper
Bohlke	Dierks	Horgan	McKenzie	Schimek
Bromm	Elmer	Hudkins	Moore	Schmitt
	Fisher	Janssen	Pedersen	Vrtiska

Warner	Wesely	Will	Witek	Withem
Wehrbein	Wickersham			

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Chambers	Robinson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 301.

A BILL FOR AN ACT relating to water; to amend sections 46-228, 46-233, 46-235, and 46-237, Reissue Revised Statutes of Nebraska, 1943; to define terms; to change provisions relating to the standard of measurement for flowing water; to authorize appropriations of public waters for induced ground water recharge by public water suppliers; to change and provide application procedures for appropriations; to assign priority dates; to provide for notice and hearings; to require just compensation in certain cases; to provide powers for natural resources districts; to harmonize provisions; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Chambers	Hohenstein	McKenzie	Schmitt
Ashford	Crosby	Horgan	Moore	Vrtiska
Avery	Cudaback	Hudkins	Pedersen	Warner
Baack	Day	Janssen	Pirsch	Wehrbein
Bernard-Stevens	Elmer	Jones	Preister	Wesely
	Fisher	Kristensen	Rasmussen	Wickersham
Beutler	Haberman	Landis	Robak	Will
Bohlke	Hall	Lindsay	Schellpeper	Witek
Bromm	Hartnett	Lynch	Schimek	Withem
Byars	Hillman			

Voting in the negative, 0.

Present and not voting, 3:

Coordsen	Dierks	Robinson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 301A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 301, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Abboud	Chambers	Hillman	Moore	Schmitt
Ashford	Coordsen	Hohenstein	Pedersen	Vrtiska
Avery	Crosby	Horgan	Pirsch	Warner
Baack	Cudaback	Hudkins	Preister	Wehrbein
Bernard-Stevens	Day	Janssen	Rasmussen	Wesely
Beutler	Elmer	Jones	Robak	Wickersham
Bohlke	Fisher	Kristensen	Robinson	Will
Bromm	Haberman	Landis	Schellpeper	Witek
Byars	Hall	Lynch	Schimek	Withem
	Hartnett	McKenzie		

Voting in the negative, 0.

Present and not voting, 2:

Dierks Lindsay

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 332. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-180.04, Reissue Revised Statutes of Nebraska, 1943, and sections 53-101 and 53-117.06, Revised Statutes Supplement, 1992, as amended by sections 1 and 7, respectively, Legislative Bill 183, Ninety-third Legislature, First Session, 1993; to state intent; to provide duties for sellers and purchasers of beer kegs; to provide powers and duties for the Nebraska Liquor Control Commission; to provide penalties; to change provisions relating to a sign; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Abboud	Coordsen	Hartnett	McKenzie	Schmitt
Ashford	Crosby	Hillman	Moore	Vrtiska
Avery	Cudaback	Hohenstein	Pedersen	Warner
Baack	Day	Horgan	Pirsch	Wehrbein
Beutler	Dierks	Hudkins	Preister	Wesely
Bohlke	Elmer	Janssen	Rasmussen	Witek
Bromm	Fisher	Jones	Robinson	Withem
Byars	Haberman	Lindsay	Schimek	

Voting in the negative, 10:

Bernard-Stevens	Hall	Landis	Robak	Wickersham
Chambers	Kristensen	Lynch	Schellpeper	Will

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 332A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 332, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Beutler	Dierks	Hillman	Kristensen
Ashford	Bohlke	Elmer	Hohenstein	Lindsay
Avery	Bromm	Fisher	Horgan	McKenzie
Baack	Crosby	Haberman	Hudkins	Moore
Bernard-Stevens	Cudaback	Hall	Janssen	Pedersen
	Day	Hartnett	Jones	Pirsch

Preister	Robinson	Schmitt	Wehrbein	Will
Rasmussen	Schellpeper	Vrtiska	Wesely	Witek
Robak	Schimek	Warner	Wickersham	Withem

Voting in the negative, 0.

Present and not voting, 4:

Byars	Chambers	Coordsen	Lynch

Excused and not voting, 1:

Landis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 360.

A BILL FOR AN ACT relating to persons with disabilities; to amend sections 20-131, 48-1101, 48-1103, 48-1108, 48-1109, 48-1110, 48-1111, 48-1112, 48-1113, 48-1114, 48-1117, 48-1121, 48-1123, 48-1124, and 48-1125, Reissue Revised Statutes of Nebraska, 1943, and section 48-1102, Revised Statutes Supplement, 1992; to state intent; to define and redefine terms; to change and adopt provisions relating to unlawful employment practices and discrimination; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Chambers	Hartnett	McKenzie	Schimek
Ashford	Coordsen	Hillman	Moore	Schmitt
Avery	Crosby	Hohenstein	Pedersen	Vrtiska
Baack	Cudaback	Horgan	Pirsch	Warner
Bernard-Stevens	Day	Hudkins	Preister	Wehrbein
Beutler	Dierks	Janssen	Rasmussen	Wesely
Bohlke	Elmer	Jones	Robak	Wickersham
Bromm	Fisher	Kristensen	Robinson	Will
Byars	Haberman	Lindsay	Schellpeper	Witek
	Hall	Lynch		

Voting in the negative, 0.

Excused and not voting, 2:

Landis Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 360A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 360, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Coordsen	Hartnett	McKenzie	Schimek
Avery	Crosby	Hillman	Moore	Schmitt
Baack	Cudaback	Hohenstein	Pedersen	Vrtiska
Bernard-Stevens	Day	Horgan	Pirsch	Warner
Beutler	Dierks	Janssen	Preister	Wehrbein
Bohlke	Elmer	Jones	Rasmussen	Wesely
Bromm	Fisher	Kristensen	Robak	Wickersham
Byars	Haberman	Lindsay	Robinson	Will
Chambers	Hall	Lynch	Schellpeper	Witek

Voting in the negative, 0.

Present and not voting, 2:

Ashford Hudkins

Excused and not voting, 2:

Landis Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 44, 44A, 105, 105A, 145, 145A, 158, 158A, 292, 292A, 301, 301A, 332, and 332A.

MOTION - Return LB 365 to Select File

Mr. Chambers moved to return LB 365 to Select File for his specific amendment, FA148, found in the Journal on page 1911.

Messrs. Lynch and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his motion to return.

WITHDRAW - Amendments to LB 365

Mr. Abboud withdrew his pending amendment, AM2083, found in the Journal on page 2160, to LB 365.

Mr. Chambers withdrew his pending amendments, FAs 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 168, 169, 170, 171, and 172, found in the Journal on pages 1911, 1912, 1913, 1944, and 1945, to LB 365.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 365.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1208.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to parimutuel taxes; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Abboud	Byars	Hartnett	McKenzie	Schellpeper
Ashford	Crosby	Hillman	Moore	Warner
Baack	Cudaback	Hohenstein	Pedersen	Wehrbein
Bernard-Stevens	Day	Horgan	Pirsch	Wickersham
Beutler	Dierks	Hudkins	Rasmussen	Will
Bohlke	Elmer	Janssen	Robak	Witek
Bromm	Fisher	Kristensen	Robinson	Withem
	Hall	Lindsay		

Voting in the negative, 9:

Avery	Coordsen	Preister	Schmitt	Wesely
Chambers	Haberman	Schimek	Vrtiska	

Excused and not voting, 3:

Jones	Landis	Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 377.

A BILL FOR AN ACT relating to public buildings and facilities; to amend sections 32-226, 32-438, 72-1119, 72-1120, 72-1121, and 72-1122, Reissue Revised Statutes of Nebraska, 1943, and sections 81-502 and 81-505.01, Revised Statutes Supplement, 1992; to change provisions relating to access to polling places; to require the State Fire Marshal to establish standards and specifications; to create the Accessibility Advisory Committee; to provide for membership, powers, and duties; to provide for an additional fee; to eliminate the Public Buildings Safety Advisory Committee, provisions relating to standards for public buildings, and penalty provisions; to harmonize provisions; and to repeal the original sections, and also sections 72-1101 to 72-1118, 72-1123, and 72-1124, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Chambers	Hartnett	McKenzie	Schmitt
Ashford	Coordsen	Hillman	Pedersen	Vrtiska
Avery	Crosby	Hohenstein	Pirsch	Warner
Baack	Cudaback	Horgan	Preister	Wehrbein
Bernard-Stevens	Day	Hudkins	Rasmussen	Wesely
Beutler	Dierks	Janssen	Robak	Wickersham
Bohlke	Elmer	Jones	Robinson	Will
Bromm	Fisher	Kristensen	Schellpeper	Witek
Byars	Haberman	Lindsay	Schimek	Withem
	Hall			

Voting in the negative, 0.

Present and not voting, 1:

Moore

Excused and not voting, 2:

Landis Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 377A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 377, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Chambers	Hartnett	Moore	Schmitt
Ashford	Coordsen	Hillman	Pedersen	Vrtiska
Avery	Crosby	Hohenstein	Pirsch	Warner
Baack	Cudaback	Horgan	Preister	Wehrbein
Bernard-Stevens	Day	Hudkins	Rasmussen	Wesely
	Dierks	Janssen	Robak	Wickersham
Beutler	Elmer	Jones	Robinson	Will
Bohlke	Fisher	Kristensen	Schellpeper	Witek
Bromm	Haberman	Lindsay	Schimek	Withem
Byars	Hall	McKenzie		

Voting in the negative, 0.

Excused and not voting, 2:

Landis Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 420.

A BILL FOR AN ACT relating to commercial drivers' licenses; to amend sections 60-462, 60-463, 60-480, 60-4,131, 60-4,132, 60-4,137, 60-4,138, 60-4,148, 60-4,151, 60-4,169, and 60-4,171, Revised Statutes Supplement, 1992; to define terms; to provide for additional restrictions, licenses, and permits; to authorize waiver of the written

knowledge examination; to provide fees and a penalty; to change reinstatement requirements; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Coordsen	Hillman	Moore	Schmitt
Ashford	Crosby	Hohenstein	Pedersen	Vrtiska
Avery	Cudaback	Horgan	Pirsch	Warner
Baack	Day	Hudkins	Preister	Wehrbein
Bernard-Stevens	Dierks	Janssen	Rasmussen	Wesely
Bohlke	Elmer	Jones	Robak	Wickersham
Bromm	Fisher	Kristensen	Robinson	Will
Byars	Haberman	Lindsay	Schellpeper	Witek
Chambers	Hall	McKenzie	Schimek	Withem
	Hartnett			

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 2:

Landis Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 420A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 420, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Baack	Bohlke	Chambers	Cudaback
Ashford	Bernard-Stevens	Bromm	Coordsen	Day
Avery		Byars	Crosby	Dierks

Elmer	Horgan	Moore	Robinson	Wehrbein
Fisher	Hudkins	Pedersen	Schellpeper	Wesely
Haberman	Janssen	Pirsch	Schimek	Wickersham
Hall	Jones	Preister	Schmitt	Will
Hartnett	Kristensen	Rasmussen	Vrtiska	Witek
Hillman	Lindsay	Robak	Warner	Withem
Hohenstein	McKenzie			

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 2:

Landis Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 453.

A BILL FOR AN ACT relating to informational technology; to state findings and intent; and to create and provide duties for the Commission on Informational Technology.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud	Crosby	Hillman	McKenzie	Schmitt
Ashford	Cudaback	Hohenstein	Pirsch	Warner
Baack	Day	Horgan	Preister	Wehrbein
Beutler	Dierks	Hudkins	Rasmussen	Wesely
Bohlke	Elmer	Janssen	Robak	Wickersham
Bromm	Fisher	Jones	Robinson	Will
Byars	Haberman	Kristensen	Schellpeper	Witek
Chambers	Hall	Lindsay	Schimek	Withem
Coordsen	Hartnett			

Voting in the negative, 2:

Avery Bernard-Stevens

Present and not voting, 3:

Moore Pedersen Vrtiska

Excused and not voting, 2:

Landis Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 453A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 453, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Byars	Hartnett	McKenzie	Schmitt
Ashford	Coordsen	Hillman	Moore	Vrtiska
Avery	Cudaback	Hohenstein	Pirsch	Warner
Baack	Day	Horgan	Preister	Wehrbein
Bernard-Stevens	Dierks	Hudkins	Rasmussen	Wesely
	Elmer	Janssen	Robak	Wickersham
Beutler	Fisher	Jones	Robinson	Will
Bohlke	Haberman	Kristensen	Schellpeper	Witek
Bromm	Hall	Lindsay	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 3:

Chambers Crosby Pedersen

Excused and not voting, 2:

Landis Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 360, 360A, 365, 377, 377A, 420, and 420A.

MOTION - Return LB 505 to Select File

Mr. Moore moved to return LB 505 to Select File for the following specific amendment:
FA302
Strike the enacting clause pursuant to rule 6 section 8

MR. HALL PRESIDING

Messrs. Kristensen and Preister asked unanimous consent to be excused. No objections. So ordered.

Mr. Moore moved to bracket LB 505 until January 1, 1994.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Mr. Moore requested a record vote on his motion to bracket LB 505.

Voting in the affirmative, 15:

Ashford	Beutler	Hohenstein	Pirsch	Wesely
Avery	Chambers	Horgan	Schimek	Witek
Bernard-Stevens	Hall	Moore	Warner	Withem

Voting in the negative, 24:

Abboud	Day	Hillman	Pedersen	Schmitt
Bohlke	Dierks	Hudkins	Rasmussen	Vrtiska
Bromm	Elmer	Janssen	Robak	Wehrbein
Byars	Fisher	Jones	Robinson	Wickersham
Cudaback	Haberman	McKenzie	Schellpeper	

Present and not voting, 6:

Baack	Crosby	Hartnett	Lindsay	Will
Coordsen				

Excused and not voting, 4:

Kristensen	Landis	Lynch	Preister

The Moore motion to bracket lost with 15 ayes, 24 nays, 6 present and not voting, and 4 excused and not voting.

The Moore pending motion, found in this day's Journal, to return LB 505 to Select File for his specific amendment, FA302, was renewed.

SPEAKER BAACK PRESIDING

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

Mr. Moore withdrew his motion to return.

Mr. Withem moved to return LB 505 to Select File for the following specific amendment:
FA303
"Strike" in line 2 page 3 "opportunities".

Mr. Withem withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 505. With Emergency.

A BILL FOR AN ACT relating to universities and colleges; to amend sections 85-985, 85-987, 85-991, and 85-993, Reissue Revised Statutes of Nebraska, 1943, and sections 85-980.01, 85-982, 85-993.01, 85-994, 85-995, 85-999, 85-9,101, 85-9,117, 85-9,119, 85-9,121, 85-9,123, 85-9,130, 85-9,131, 85-9,140, 85-9,142, 85-9,143, 85-9,146, 85-9,148, 85-9,149, 85-9,151 to 85-9,153, 85-9,158, and 85-9,160, Revised Statutes Supplement, 1992; to adopt the Rural Health Opportunities Loan Act; to state intent; to require a plan regarding medical services for certain areas; to define, redefine, and eliminate terms; to change provisions of the State Scholarship Award Program Act, the Scholarship Assistance Program Act, and the Postsecondary Education Award Program Act to reconcile such acts with federal law; to provide, change, and eliminate powers and duties of the Coordinating Commission for Postsecondary Education; to harmonize provisions; to repeal the original sections, and also sections 85-998, 85-9,125, and 85-9,156, Revised Statutes Supplement, 1992; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 26:

Bohlke	Day	Hillman	Pedersen	Schmitt
Bromm	Dierks	Hohenstein	Rasmussen	Vrtiska
Byars	Elmer	Hudkins	Robak	Wehrbein
Coordsen	Fisher	Janssen	Robinson	Wesely
Crosby	Haberman	Jones	Schellpeper	Wickersham
Cudaback				

Voting in the negative, 17:

Abboud	Bernard-	Hartnett	Moore	Will
Ashford	Stevens	Horgan	Pirsch	Witek
Avery	Beutler	Lindsay	Warner	Withem
Baack	Hall	Lynch		

Present and not voting, 2:

McKenzie Schimek

Excused and not voting, 4:

Chambers Kristensen Landis Preister

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 27:

Abboud	Cudaback	Hillman	Pedersen	Schmitt
Bohlke	Day	Hohenstein	Rasmussen	Vrtiska
Bromm	Dierks	Hudkins	Robak	Wehrbein
Byars	Elmer	Janssen	Robinson	Wesely
Coordsen	Fisher	Jones	Schellpeper	Wickersham
Crosby	Haberman			

Voting in the negative, 14:

Ashford	Bernard-	Hall	Moore	Will
Avery	Stevens	Lindsay	Pirsch	Witek
Baack	Beutler	Lynch	Warner	Withem

Present and not voting, 4:

Hartnett	Horgan	McKenzie	Schimek

Excused and not voting, 4:

Chambers	Kristensen	Landis	Preister

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 505A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 505, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 26:

Abboud	Cudaback	Haberman	Jones	Schellpeper
Bohlke	Day	Hillman	Pedersen	Schmitt
Bromm	Dierks	Hohenstein	Rasmussen	Vrtiska
Byars	Elmer	Hudkins	Robak	Wehrbein
Coordsen	Fisher	Janssen	Robinson	Wickersham
Crosby				

Voting in the negative, 16:

Ashford	Beutler	Lindsay	Pirsch	Will
Avery	Hall	Lynch	Warner	Witek
Baack	Horgan	Moore	Wesely	Withem
Bernard-Stevens				

Present and not voting, 3:

Hartnett	McKenzie	Schimek

Excused and not voting, 4:

Chambers	Kristensen	Landis	Preister

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency

clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 27:

Abboud	Cudaback	Hillman	Pedersen	Schmitt
Bohlke	Day	Hohenstein	Rasmussen	Vrtiska
Bromm	Dierks	Hudkins	Robak	Wehrbein
Byars	Elmer	Janssen	Robinson	Wickersham
Coordsen	Fisher	Jones	Schellpeper	Will
Crosby	Haberman			

Voting in the negative, 16:

Ashford	Beutler	Horgan	Moore	Wesely
Avery	Hall	Lindsay	Pirsch	Witek
Baack	Hartnett	Lynch	Warner	Withem
Bernard-Stevens				

Present and not voting, 2:

McKenzie Schimek

Excused and not voting, 4:

Chambers Kristensen Landis Preister

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

MOTION - Return LB 520 to Select File

Mr. Robinson moved to return LB 520 to Select File for the following specific amendment:
FA304
Strike the enacting clause.

Mr. Robinson withdrew his motion to return.

Mr. Schmitt asked unanimous consent to be excused. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 520. With Emergency.

A BILL FOR AN ACT relating to children; to amend section 79-3303, Reissue Revised Statutes of Nebraska, 1943, and sections 43-2501 to 43-2503, 43-2505 to 43-2513, and 79-3301, Revised Statutes Supplement, 1992; to state and restate intent; to define and redefine terms; to provide for early intervention services coordination; to provide powers and duties; to create the Special Education Accountability Commission; to provide a termination date; to eliminate provisions relating to construction and applicability of the Early Intervention Act and an obsolete provision relating to a report; to harmonize provisions; to repeal the original sections, and also sections 43-2504 and 43-2514, Revised Statutes Supplement, 1992; and to declare an emergency.

Mrs. Rasmussen requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Abboud	Bromm	Hall	Lynch	Vrtiska
Ashford	Byars	Hartnett	McKenzie	Warner
Baack	Crosby	Hillman	Pirsch	Wehrbein
Bernard-Stevens	Cudaback	Horgan	Rasmussen	Wesely
	Day	Hudkins	Robak	Wickersham
Beutler	Dierks	Janssen	Schellpeper	Will
Bohlke	Haberman	Lindsay	Schimek	Withem

Voting in the negative, 10:

Avery	Elmer	Hohenstein	Moore	Robinson
Coordsen	Fisher	Jones	Pedersen	Witek

Excused and not voting, 5:

Chambers	Kristensen	Landis	Preister	Schmitt

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 520A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 520, Ninety-third Legislature, First Session, 1993; to transfer funds; to reduce appropriations; and to require certification of certain amounts.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 32:

Abboud	Bromm	Hall	Lynch	Warner
Ashford	Byars	Hartnett	McKenzie	Wehrbein
Baack	Crosby	Hillman	Rasmussen	Wesely
Bernard-Stevens	Cudaback	Horgan	Robak	Wickersham
Beutler	Day	Hudkins	Schimek	Will
Bohlke	Dierks	Janssen	Vrtiska	Withem
	Elmer	Lindsay		

Voting in the negative, 9:

Avery	Fisher	Jones	Pedersen	Witek
Coordsen	Hohenstein	Moore	Robinson	

Present and not voting, 3:

Haberman	Pirsch	Schellpeper

Excused and not voting, 5:

Chambers	Kristensen	Landis	Preister	Schmitt

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 597.

A BILL FOR AN ACT relating to special education; to amend section 79-3333, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 15, Ninety-second Legislature, Third Special Session, 1992; to change provisions relating to reimbursement for minor building modifications as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud	Bernard-Stevens	Bromm	Cudaback	Fisher
Ashford	Beutler	Byars	Day	Haberman
Baack	Bohlke	Coordsen	Dierks	Hall
		Crosby	Elmer	Hartnett

Hillman	Lindsay	Pirsch	Vrtiska	Wickersham
Horgan	Lynch	Rasmussen	Warner	Will
Hudkins	McKenzie	Robinson	Wehrbein	Witek
Janssen	Moore	Schellpeper	Wesely	Withem
Jones	Pedersen	Schimek		

Voting in the negative, 2:

Avery	Hohenstein

Present and not voting, 1:

Robak

Excused and not voting, 5:

Chambers	Kristensen	Landis	Preister	Schmitt

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 597A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 597, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Byars	Hall	Lynch	Schimek
Ashford	Coordsen	Hartnett	McKenzie	Vrtiska
Avery	Crosby	Hillman	Moore	Warner
Baack	Cudaback	Hohenstein	Pedersen	Wehrbein
Bernard-Stevens	Day	Horgan	Pirsch	Wesely
	Dierks	Hudkins	Rasmussen	Wickersham
Beutler	Elmer	Janssen	Robak	Will
Bohlke	Fisher	Jones	Robinson	Witek
Bromm	Haberman	Lindsay	Schellpeper	Withem

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	Kristensen	Landis	Preister	Schmitt

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Withem and Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

MOTION - Return LB 734 to Select File

Mr. Wesely moved to return LB 734 to Select File for the following specific amendment:
FA305
Strike Sec. 1

Mr. Wesely withdrew his motion to return.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 453, 453A, 520, 520A, 597, and 597A.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 734. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-502, 13-504, 13-511, 16-691, 16-704, 17-706, 17-802, 19-2902, 23-909, 23-913, 23-914, 23-920, and 77-202.03, Reissue Revised Statutes of Nebraska, 1943, and sections 2-2444, 2-3225, 13-501, 13-503, 13-508, 13-509, 14-1821, 18-2107, 23-3552, 31-333, 31-513, 31-711, 31-739, 39-1621, 46-543, 46-631, 77-507.01, 77-508, 77-509, 77-509.01, 77-680, 77-681, 77-1601, 77-1612, 79-810, 79-903, and 79-2210, Revised Statutes Supplement, 1992; to adopt the Municipal Proprietary Function Act and the Local Government Miscellaneous Expenditure Act; to change provisions relating to certification of tax levies and valuation by governing bodies and the State Board of Equalization and Assessment as prescribed; to authorize certain expenditures; to define and redefine terms; to change provisions relating to notice and hearing; to allow certain hospitals to change their fiscal year; to provide for the late filing of real and tangible personal property affidavits; to change provisions relating to statements of railroads and carline companies; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud	Byars	Haberman	Jones	Schimek
Ashford	Coordsen	Hall	Lindsay	Vrtiska
Avery	Crosby	Hartnett	Lynch	Warner
Baack	Cudaback	Hillman	McKenzie	Wehrbein
Bernard-Stevens	Day	Hohenstein	Pedersen	Wesely
Beutler	Dierks	Horgan	Pirsch	Wickersham
Bohlke	Elmer	Hudkins	Rasmussen	Will
Bromm	Fisher	Janssen	Robinson	Witek

Voting in the negative, 0.

Present and not voting, 2:

Moore	Schellpeper

Excused and not voting, 7:

Chambers	Landis	Robak	Schmitt	Withem
Kristensen	Preister			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 734A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 734, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Abboud	Bernard-Stevens	Byars	Dierks	Hartnett
Ashford	Beutler	Coordsen	Elmer	Hillman
Avery	Bohlke	Crosby	Fisher	Hohenstein
Baack	Bromm	Cudaback	Haberman	Horgan
		Day	Hall	Hudkins

Janssen	McKenzie	Rasmussen	Warner	Wickersham
Jones	Pedersen	Schimek	Wehrbein	Will
Lindsay	Pirsch	Vrtiska	Wesely	Witek
Lynch				

Voting in the negative, 0.

Present and not voting, 3:

Moore	Robinson	Schellpeper

Excused and not voting, 7:

Chambers	Landis	Robak	Schmitt	Withem
Kristensen	Preister			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 505 and 505A.

Correctly Reengrossed

The following bills were correctly reengrossed: 124, 190A, and 782.

Correctly Engrossed

The following bills were correctly engrossed: 345, 345A, 348, 348A, 440, and 440A.

Enrollment and Review Change to LB 124

The following changes, required to be reported for publication in the Journal, have been made:
ER7331

1. In the Hohenstein amendment, AM2550:

a. On page 12, line 17, an underscored comma has been inserted after "punished"; and in line 18 an underscored comma has been inserted after "matter";

b. On page 15, line 6, the commas have been struck; and

c. On page 16, line 12, "commission" has been struck and "Equal Opportunity Commission" inserted; in line 15 "to change hearing procedures as prescribed; to provide for civil actions;" has been

inserted after the semicolon; and in line 17 "to change provisions relating to findings of fact and conclusions of law as prescribed;" has been inserted after the first semicolon.

Enrollment and Review Change to LB 345

The following changes, required to be reported for publication in the Journal, have been made:
ER7333
1. Changes have been made as necessary.

Enrollment and Review Change to LB 345A

The following changes, required to be reported for publication in the Journal, have been made:
ER7332
1. On page 1, line 3, "; to increase salary limitations; and to declare an emergency" has been inserted after "1993".

Enrollment and Review Change to LB 348

The following changes, required to be reported for publication in the Journal, have been made:
ER7330
1. In the Withem amendment, FA296:
a. Amendment 2 has been struck;
b. On page 1, line 21; and page 10, line 5, "47" has been struck and "49" inserted; and
c. On page 11, line 4, the matter beginning with "16" through "48" has been struck and "19, 49, and 50" inserted.
2. In the Schimek amendment, AM1496:
a. Amendments 2 through 11 have been struck; and
b. On page 3, the matter in lines 14 through 17 has been struck; and in line 18 the matter beginning with "insert" through "in" has been struck and
"2. On page 86," inserted.
3. In the Baack amendment, AM1738:
a. Amendments 4 through 9 have been struck;
b. On page 6, lines 26 and 27 have been struck; and
c. On page 7, line 1 has been struck; and in line 2 "in" has been struck and
"2. On page 86," inserted.
4. In the E & R amendments, AM5471:
a. On page 13, line 1, "The" has been struck, shown as stricken, and "Except as provided in subsection (2) of this section, the" inserted;
b. On page 57, line 1, the comma has been struck and shown as stricken;
c. On page 62, line 9, an underscored comma has been inserted after "transportation";

d. On page 87, lines 1 and 15, "79-464," has been inserted before "79-507"; in lines 3 and 19 "77-3439," has been inserted before "79-101"; in line 5 "79-2210," has been inserted before "79-3354,"; in line 14 "79-201.01 to 79-201.03," has been inserted after the second comma; in line 17 "81-511, 81-512, 81-522," has been struck and "and" has been inserted before "81-529"; in lines 17 and 18 "and 81-538," has been struck; in line 20 "79-4,207," has been inserted after the last comma; in line 22 "79-2210," has been inserted before "79-2801"; in line 24 the first comma has been struck and "to" inserted; in line 25 "81-509," has been struck; and in line 27 "powers and duties of educational service unit boards, year-round school, filling of vacancies on school boards," has been inserted after the first comma; and

e. On page 88, line 2, "taxation for abatement of environmental hazards and for accessibility barrier elimination," has been inserted after the second comma.

5. Sections have been renumbered and internal references corrected accordingly.

(Signed) Kurt Hohenstein, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 505, 505A, 734, and 734A.

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 3, 1993, at 8:55 p.m., were the following bills: 44, 44A, 105, 105A, 145, 145A, 158, 158A, 292, 292A, 301, 301A, 332, and 332A.

Presented to the Governor on June 3, 1993, at 9:30 p.m. were the following bills: 360, 360A, 365, 377, 377A, 420, and 420A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

VISITORS

Visitors to the Chamber were Senator Schmitt's wife, LaVonne, and son, Dennis; Alan Freeman from Seward; and Senator Schellpeper's son, Jeff, and grandsons, Andrew and Eric.

ADJOURNMENT

At 11:35 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Monday, June 7, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTY-NINTH DAY - JUNE 7, 1993

LEGISLATIVE JOURNAL

EIGHTY-NINTH DAY - JUNE 7, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

EIGHTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, June 7, 1993

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Moul presiding.

PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Cudaback, Hall, Lindsay, Moore, Warner, Will, Mmes. Rasmussen, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2654, line 38, after "Appropriations" insert "/Education".
Page 2655, line 6, after "Appropriations" insert "/Education".
Page 2658, line 2, after "Transportation" insert "/Banking, Commerce and Insurance".
Page 2662, line 13, after "Appropriations" insert "/Judiciary".
Page 2664, line 21, after "Appropriations" insert "/Nebraska Retirement Systems/Government, Military and Veterans Affairs".
The Journal for the eighty-seventh day was approved as corrected.
The Journal for the eighty-eighth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 3, 1993, at 11:45 p.m., were the following bills: 453, 453A, 520, 520A, 597, 597A, 505, 505A, 734, and 734A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MESSAGES FROM THE GOVERNOR

June 4, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

Engrossed Legislative Bill LB 739 was received in my office on June 1, 1993. The bill was signed by me on June 4, 1993, and delivered to the Secretary of State.

LB 739 provides for a legislative procedure in the event the Northern Line of Chicago & NorthWestern, or a subsequent owner, no longer provides railroad service to our citizens. Our first and foremost goal is to have an active, operating railroad on this route. LB 739 is a long range policy bill. It does not replace or preempt our efforts to secure continued services on the Northern Line.

The Northern Line has provided transportation services for Nebraska for over 100 years. We are hopeful that services will continue. Nebraska shippers are currently negotiating with C&NW for the purchase of the Northern Line; we actively support them and hope for their success. We do not want that line abandoned.

If the ICC permits C&NW to abandon the railroad, trail groups are positioned to negotiate with C&NW for the corridor, with the intent to donate it to the state. The Legislature has passed this bill so that procedures will be in place to accept the donation.

The National Trails Act has provided states with the ability to preserve an abandoned corridor for future transportation use, while making the corridor available for interim trail use. This bill seems to facilitate the best solution available to preserve the option for reinstituting rail service should abandonment occur. In the interim, recreational and economic benefits of a trail system would be made available, where feasible. Where not feasible, adjacent landowners could make use of the right of way.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 4, 1993

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 90, 430, 598, 237, 413, 697, 50, and 220 were received in my office on June 1, 1993; Engrossed Legislative Bills 292 and 292A were received on June 3, 1993.

These bills were signed by me on June 4, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

RESOLUTION

LEGISLATIVE RESOLUTION 272. Introduced by Ashford, 6; Vrtiska, 1; Abboud, 12; Hohenstein, 17; Bromm, 23; Hudkins, 21; Bohlke, 33; Pirsch, 10; Hartnett, 45; Robinson, 16; Fisher, 35; Schmitt, 41; Preister, 5; Crosby, 29; Wickersham, 49; Beutler, 28; Wesely, 26; Robak, 22; Janssen, 15; Coordsen, 32; Moore, 24; Cudaback, 36; Pedersen, 39; Avery, 3; McKenzie, 34; Will, 8; Lindsay, 9; Hall, 7; Hillman, 48; Rasmussen, 20; Withem, 14; Chambers, 11; Wehrbein, 2; Day, 19; Dierks, 40; Byars, 30; Baack, 47; Elmer, 38.

WHEREAS, the Ninety-second Legislature resolved to study the benefits and costs of a Nebraskaplex exposition and convention center; and

WHEREAS, the Nebraskaplex study has been completed; and

WHEREAS, the Nebraskaplex study concluded that Nebraska lacks a comprehensive convention center necessary to attract national and regional events, that a Nebraskaplex convention facility located in downtown Omaha would attract new business to the state, and that such a facility should be developed with direct linkages to an entire statewide events network.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That there is hereby created the Nebraskaplex Implementation Task Force which shall on or before January 1, 1994, develop an action plan for the implementation of the Nebraskaplex study.

2. That the task force shall consist of sixteen members selected by the Executive Board of the Legislative Council. The task force shall include four members of the Legislature, including the chairperson of the Executive Board of the Legislative Council who shall serve as chairperson of the task force and two members of the Legislature who do not represent a district in Douglas County, one representative of the mayor of the City of Omaha, one member of the city council of the City of Omaha, one member of the county board of Douglas County, one public official representing the League of Nebraska Municipalities, one representative of the Department of Economic Development, four

public members including one person with expertise in public finance, one architect, one representative of organized labor, and one representative of the Greater Omaha Chamber of Commerce, and three at-large members at least one of whom shall reside outside Douglas County. The chairperson of the task force may establish subcommittees to carry out its duties.

3. That the action plan shall consider the recommendations of the Nebraskaplex study and other relevant information and shall specify how to best develop a Nebraskaplex convention facility, including, but not limited to, the development of any necessary legislation and the financing for the facility.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 272 was referred to the Reference Committee.

RESOLUTIONS

LEGISLATIVE RESOLUTION 247. Read. Considered.

LR 247 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 248. Read. Considered.

LR 248 was adopted with 24 ayes, 0 nays, and 25 not voting.

LEGISLATIVE RESOLUTION 264. Read. Considered.

LR 264 was adopted with 31 ayes, 0 nays, and 18 not voting.

LEGISLATIVE RESOLUTION 265. Read. Considered.

LR 265 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 266. Read. Considered.

LR 266 was adopted with 29 ayes, 0 nays, and 20 not voting.

LEGISLATIVE RESOLUTION 268. Read. Considered.

LR 268 was adopted with 31 ayes, 0 nays, and 18 not voting.

LEGISLATIVE RESOLUTION 269. Read. Considered.

LR 269 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 270. Read. Considered.

LR 270 was adopted with 34 ayes, 0 nays, and 15 not voting.

MOTION - Approve Appointments

Mr. Coordsen moved the adoption of the report of the Revenue Committee for the following Governor appointments found in the Journal on page 2726: James W. Galyen, Paul Grabouski, Bruce Johnson, Mona Moje, and Ivan Schmedding - Nebraska Agricultural Land Valuation Advisory Board.

Voting in the affirmative, 32:

Abboud	Crosby	Hohenstein	McKenzie	Schimek
Avery	Day	Horgan	Pedersen	Schmitt
Baack	Dierks	Hudkins	Pirsch	Wehrbein
Bohlke	Fisher	Janssen	Preister	Wesely
Bromm	Hall	Kristensen	Robak	Will
Byars	Hartnett	Landis	Schellpeper	Withem
Coordsen	Hillman			

Voting in the negative, 0.

Present and not voting, 12:

Ashford	Beutler	Haberman	Moore	Vrtiska
Bernard-Stevens	Chambers	Jones	Robinson	Wickersham
	Elmer	Lynch		

Excused and not voting, 5:

Cudaback	Lindsay	Rasmussen	Warner	Witek

These appointments were confirmed with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Mr. Landis moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following Governor appointments found in the Journal on page 2732: Marilyn Michel, DiAnn Peterson - Nebraska Investment Council and David Simmons - NE Research and Development Authority.

Voting in the affirmative, 32:

Abboud	Bohlke	Day	Hohenstein	Landis
Ashford	Bromm	Dierks	Horgan	McKenzie
Avery	Byars	Hall	Hudkins	Pirsch
Bernard-Stevens	Coordsen	Hartnett	Janssen	Preister
	Crosby	Hillman	Kristensen	Rasmussen

Robak	Schimek	Wehrbein	Will	Withem
Schellpeper	Vrtiska	Wesely		

Voting in the negative, 0.

Present and not voting, 13:

Baack	Elmer	Jones	Pedersen	Schmitt
Beutler	Fisher	Lynch	Robinson	Wickersham
Chambers	Haberman	Moore		

Excused and not voting, 4:

Cudaback	Lindsay	Warner	Witek

These appointments were confirmed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Mr. Kristensen moved the adoption of the report of the Transportation Committee for the following Governor appointment found in the Journal on page 2732: Susan Kliment - Motor Vehicle Industry Licensing Board.

Voting in the affirmative, 29:

Abboud	Byars	Hall	Landis	Schimek
Ashford	Coordsen	Hartnett	McKenzie	Vrtiska
Avery	Crosby	Hohenstein	Pirsch	Wehrbein
Bernard-Stevens	Day	Horgan	Preister	Wesely
	Dierks	Janssen	Robak	Will
Bromm	Fisher	Kristensen	Robinson	Withem

Voting in the negative, 0.

Present and not voting, 16:

Baack	Elmer	Hudkins	Moore	Schellpeper
Beutler	Haberman	Jones	Pedersen	Schmitt
Bohlke	Hillman	Lynch	Rasmussen	Wickersham
Chambers				

Excused and not voting, 4:

Cudaback	Lindsay	Warner	Witek

The appointment was confirmed with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Withem moved the adoption of the report of the Education Committee for the following Governor appointment found in the Journal on page 2732: Robert Mundy - Educational Lands and Funds Board.

Voting in the affirmative, 29:

Abboud	Byars	Hartnett	Pirsch	Vrtiska
Ashford	Coordsen	Hohenstein	Preister	Wehrbein
Avery	Crosby	Horgan	Rasmussen	Wesely
Baack	Day	Janssen	Schellpeper	Will
Bohlke	Dierks	Landis	Schimek	Withem
Bromm	Fisher	McKenzie	Schmitt	

Voting in the negative, 0.

Present and not voting, 16:

Bernard-Stevens	Elmer	Hudkins	Lynch	Robak
	Haberman	Jones	Moore	Robinson
Beutler	Hall	Kristensen	Pedersen	Wickersham
Chambers	Hillman			

Excused and not voting, 4:

Cudaback	Lindsay	Warner	Witek

The appointment was confirmed with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Horgan moved the adoption of the report of the Nebraska Retirement Systems Committee for the following Governor appointment found in the Journal on page 2741: Robert H. Giese - Nebraska Public Employees Retirement Board.

Voting in the affirmative, 33:

Abboud	Day	Hohenstein	Pirsch	Schmitt
Avery	Dierks	Horgan	Preister	Vrtiska
Bohlke	Elmer	Janssen	Rasmussen	Wehrbein
Bromm	Fisher	Jones	Robak	Wesely
Byars	Hall	Landis	Schellpeper	Wickersham
Coordsen	Hartnett	McKenzie	Schimek	Withem
Crosby	Hillman	Pedersen		

Voting in the negative, 0.

Present and not voting, 12:

Ashford	Bernard-Stevens	Chambers	Kristensen	Will
Baack	Beutler	Haberman	Moore	Witek
		Hudkins	Robinson	

Excused and not voting, 4:

Cudaback	Lindsay	Lynch	Warner

The appointment was confirmed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 38. With Emergency.

A BILL FOR AN ACT relating to state government; to amend section 84-612, Revised Statutes Supplement, 1992; to require certain statements of General Fund receipts; to require the transfer of funds as prescribed; to provide duties for the Legislative Fiscal Analyst, the Director of Administrative Services, the Tax Commissioner, and the State Treasurer; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Coordsen	Hillman	Moore	Schmitt
Ashford	Crosby	Hohenstein	Pedersen	Vrtiska
Avery	Cudaback	Horgan	Pirsch	Wehrbein
Baack	Day	Hudkins	Preister	Wesely
Bernard-Stevens	Dierks	Janssen	Rasmussen	Wickersham
	Elmer	Jones	Robak	Will
Bohlke	Fisher	Kristensen	Robinson	Witek
Bromm	Hall	Landis	Schellpeper	Withem
Byars	Hartnett	McKenzie	Schimek	

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Chambers	Haberman

Excused and not voting, 3:

Lindsay Lynch Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 389 to Select File

Mr. Beutler moved to return LB 389 to Select File for the following specific amendment:
FA306
Namely to strike section 1

Pending.

Mr. Withem asked unanimous consent to bracket LB 389 until 11:30, June 7, 1993. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 669.

A BILL FOR AN ACT relating to mental health practitioners; to amend sections 71-102, 71-107, 71-110, 71-112, 71-113, 71-114, 71-116, 71-1,207, 71-1,248 to 71-1,252, 71-1,255, 71-1,256, 71-1,258, 71-1,260, 71-1,261, 71-1,263, 71-1,264, 71-1,266, 71-1,267, 71-1,269, 71-1,270, 71-1,273, 71-1,275, and 71-1,277, Reissue Revised Statutes of Nebraska, 1943, and sections 33-150, 71-101, 71-131, 71-162, 71-2017.01, and 71-6054, Revised Statutes Supplement, 1992; to require licensure of mental health practitioners; to provide for certification of certain specialties; to define and redefine terms; to create a board, committees, and a fund; to require fees; to provide powers and duties; to provide a penalty; to eliminate certain provisions relating to social workers and professional counselors; to eliminate boards and funds; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections, and also sections 71-1,244 to 71-1,247, 71-1,253, 71-1,254, 71-1,257, 71-1,259, 71-1,262, 71-1,265, 71-1,268, 71-1,271, and 71-1,274, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Coordsen	Hillman	McKenzie	Schimek
Ashford	Crosby	Hohenstein	Moore	Schmitt
Avery	Cudaback	Horgan	Pedersen	Vrtiska
Baack	Day	Hudkins	Pirsch	Warner
Bernard-Stevens	Dierks	Janssen	Preister	Wehrbein
Bohlke	Elmer	Jones	Rasmussen	Wesely
Bromm	Fisher	Kristensen	Robak	Wickersham
Byars	Haberman	Landis	Robinson	Will
	Hall	Lindsay	Schellpeper	Witek

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Chambers	Hartnett

Excused and not voting, 2:

Lynch	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 669A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 669, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Bromm	Fisher	Jones	Preister
Ashford	Byars	Haberman	Kristensen	Rasmussen
Avery	Coordsen	Hall	Landis	Robak
Baack	Crosby	Hartnett	Lindsay	Robinson
Bernard-Stevens	Cudaback	Hohenstein	McKenzie	Schellpeper
Beutler	Day	Horgan	Moore	Schimek
Bohlke	Dierks	Hudkins	Pedersen	Schmitt
	Elmer	Janssen	Pirsch	Vrtiska

Warner Wesely Wickersham Will Witek
Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Chambers Hillman

Excused and not voting, 2:

Lynch Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 117.

A BILL FOR AN ACT relating to firearms; to amend section 28-416, Revised Statutes Supplement, 1992; to require the distribution of certain information regarding firearms; to create a fund; to prohibit possession of a firearm as prescribed; to provide a penalty; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Abboud	Chambers	Hartnett	McKenzie	Schimek
Ashford	Coordsen	Hillman	Moore	Schmitt
Avery	Crosby	Hohenstein	Pedersen	Vrtiska
Baack	Cudaback	Horgan	Pirsch	Warner
Bernard-Stevens	Day	Hudkins	Preister	Wehrbein
	Dierks	Janssen	Rasmussen	Wesely
Beutler	Elmer	Jones	Robak	Wickersham
Bohlke	Fisher	Kristensen	Robinson	Will
Bromm	Haberman	Landis	Schellpeper	Witek
Byars	Hall	Lindsay		

Voting in the negative, 0.

Excused and not voting, 2:

Lynch Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 117A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 117, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Chambers	Hartnett	Lindsay	Schmitt
Ashford	Coordsen	Hillman	Moore	Vrtiska
Avery	Crosby	Hohenstein	Pirsch	Warner
Baack	Cudaback	Horgan	Preister	Wehrbein
Bernard-Stevens	Day	Hudkins	Rasmussen	Wesely
Beutler	Dierks	Janssen	Robak	Wickersham
Bohlke	Elmer	Jones	Robinson	Will
Bromm	Fisher	Kristensen	Schellpeper	Witek
Byars	Haberman	Landis	Schimek	Withem
	Hall			

Voting in the negative, 0.

Present and not voting, 2:

McKenzie Pedersen

Excused and not voting, 1:

Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 203. With Emergency.

A BILL FOR AN ACT relating to litter and waste; to amend sections 81-1534, 81-1536, 81-1542, 81-1548.01, 81-1548.02, 81-1549, 81-1553, 81-1556 to 81-1559, 81-1560.01 to 81-1561, 81-1563, and 81-1565, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1504.01, 81-15,160, 81-15,163, 81-15,164, and 81-15,165, Revised Statutes Supplement, 1992; to require a report; to redefine terms; to transfer certain funds; to change and eliminate fees; to change the categories of items on which litter fees are imposed and for the collection of certain fees; to provide for litter tax to be paid on a percentage of sales in certain types of businesses as prescribed; to harmonize provisions; to

provide operative dates; to repeal the original sections, and also section 81-15,163, Revised Statutes Supplement, 1992, as amended by section 21, Legislative Bill 203, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Coordsen	Hohenstein	Moore	Schmitt
Ashford	Crosby	Horgan	Pedersen	Vrtiska
Avery	Cudaback	Hudkins	Pirsch	Warner
Baack	Day	Janssen	Preister	Wehrbein
Bernard-Stevens	Dierks	Jones	Rasmussen	Wesely
	Elmer	Kristensen	Robak	Wickersham
Beutler	Haberman	Landis	Robinson	Will
Bohlke	Hall	Lindsay	Schellpeper	Witek
Bromm	Hartnett	McKenzie	Schimek	Withem
Byars	Hillman			

Voting in the negative, 0.

Present and not voting, 2:

Chambers Fisher

Excused and not voting, 1:

Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 203A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 203, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Coordsen	Hillman	Moore	Schmitt
Ashford	Crosby	Hohenstein	Pedersen	Vrtiska
Avery	Cudaback	Horgan	Pirsch	Warner
Baack	Day	Hudkins	Preister	Wehrbein
Bernard-Stevens	Dierks	Janssen	Rasmussen	Wesely
Beutler	Elmer	Jones	Robak	Wickersham
Bohlke	Haberman	Landis	Robinson	Will
Bromm	Hall	Lindsay	Schellpeper	Witek
Byars	Hartnett	McKenzie	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Fisher	Kristensen

Excused and not voting, 1:

Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 397. With Emergency.

A BILL FOR AN ACT relating to the State Athletic Commissioner; to amend sections 9-1,101 and 81-8,128, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,139.01, Revised Statutes Supplement, 1992; to change provisions relating to distribution of certain taxes, location of the office and an advisory committee, and employment of assistants; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Coordsen	Hall	Kristensen	Rasmussen
Ashford	Crosby	Hartnett	Landis	Robak
Avery	Cudaback	Hillman	Lindsay	Robinson
Baack	Day	Hohenstein	McKenzie	Schellpeper
Bernard-Stevens	Dierks	Horgan	Moore	Schimek
Bohlke	Elmer	Hudkins	Pedersen	Schmitt
Bromm	Fisher	Janssen	Pirsch	Vrtiska
	Haberman	Jones	Preister	Warner

Wehrbein	Wickersham	Will	Witek	Withem
Wesely				

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Byars	Chambers

Excused and not voting, 1:

Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 397A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 397, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Cudaback	Horgan	Moore	Schmitt
Ashford	Day	Hudkins	Pedersen	Vrtiska
Avery	Dierks	Janssen	Pirsch	Warner
Baack	Elmer	Jones	Preister	Wehrbein
Bernard-Stevens	Fisher	Kristensen	Rasmussen	Wesely
	Haberman	Landis	Robak	Wickersham
Bohlke	Hall	Lindsay	Robinson	Will
Bromm	Hartnett	Lynch	Schellpeper	Witek
Coordsen	Hillman	McKenzie	Schimek	Withem
Crosby	Hohenstein			

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Byars	Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 564. With Emergency.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 29-2264 and 39-669.13, Reissue Revised Statutes of Nebraska, 1943, and sections 39-669.07, 39-669.08, 39-669.11, 39-669.12, 39-669.16, 39-669.22, 39-6,122, and 60-4,118, Revised Statutes Supplement, 1992; to change provisions relating to setting aside convictions; to prohibit certain persons from operating or having actual physical control of a motor vehicle with alcohol in the blood or breath as prescribed; to provide for consent to chemical tests; to provide for impoundment of motor vehicle operators' licenses; to provide for the applicability of provisions; to provide for the use of ignition interlock devices; to change provisions relating to the sentence for driving under the influence and the assessment of points against operators' licenses; to provide for a restricted operator's license; to provide penalties; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud	Crosby	Horgan	Moore	Schmitt
Avery	Cudaback	Hudkins	Pedersen	Vrtiska
Bernard-Stevens	Day	Janssen	Pirsch	Warner
Beutler	Dierks	Jones	Preister	Wehrbein
Bohlke	Fisher	Kristensen	Rasmussen	Wesely
Bromm	Haberman	Landis	Robinson	Wickersham
Byars	Hartnett	Lynch	Schellpeper	Witek
Coordsen	Hillman	McKenzie	Schimek	Withem
	Hohenstein			

Voting in the negative, 8:

Ashford	Chambers	Hall	Robak	Will
Baack	Elmer	Lindsay		

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 564A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 564, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Coordsen	Hillman	McKenzie	Schimek
Avery	Crosby	Hohenstein	Moore	Schmitt
Baack	Cudaback	Horgan	Pedersen	Vrtiska
Bernard-Stevens	Day	Hudkins	Pirsch	Warner
	Dierks	Janssen	Preister	Wehrbein
Beutler	Elmer	Jones	Rasmussen	Wesely
Bohlke	Fisher	Kristensen	Robinson	Witek
Bromm	Haberman	Landis	Schellpeper	Withem
Byars	Hartnett	Lynch		

Voting in the negative, 5:

Ashford	Chambers	Hall	Lindsay	Robak

Present and not voting, 2:

Wickersham Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 719.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Reissue Revised Statutes of Nebraska, 1943, as amended by section 6, Legislative Bill 579, Ninety-third Legislature, First Session, 1993; to provide access to certain records by specified individuals and agencies as provided by court order; to provide for confidentiality; to provide a penalty; to provide confidentiality for certain records relating to donors and relating to possible sites of archaeological significance as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Chambers	Hartnett	Lindsay	Schmitt
Ashford	Coordsen	Hillman	Lynch	Vrtiska
Avery	Crosby	Hohenstein	McKenzie	Warner
Baack	Cudaback	Horgan	Pedersen	Wehrbein
Bernard-Stevens	Day	Hudkins	Pirsch	Wesely
Beutler	Dierks	Janssen	Preister	Wickersham
Bohlke	Elmer	Jones	Rasmussen	Will
Bromm	Fisher	Kristensen	Robak	Witek
Byars	Haberman	Landis	Schimek	Withem
	Hall			

Voting in the negative, 0.

Present and not voting, 3:

Moore	Robinson	Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 725. With Emergency.

A BILL FOR AN ACT relating to enterprise zones; to amend sections 77-27,188, 77-27,188.01, 77-27,189, and 77-27,195, Reissue Revised Statutes of Nebraska, 1943, and sections 13-2101 to 13-2112, Revised Statutes Supplement, 1992; to name the Enterprise Zone Act; to define and redefine terms; to change provisions relating to application for and designation and management of enterprise zones; to provide tax credits; to require reports; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	Crosby	Hohenstein	Moore	Schmitt
Avery	Cudaback	Horgan	Pedersen	Vrtiska
Baack	Day	Hudkins	Pirsch	Warner
Bernard-Stevens	Dierks	Janssen	Preister	Wehrbein
Bohlke	Elmer	Jones	Rasmussen	Wesely
Bromm	Fisher	Kristensen	Robak	Wickersham
Byars	Haberman	Landis	Robinson	Will
Chambers	Hall	Lindsay	Schellpeper	Witek
Coordsen	Hartnett	Lynch	Schimek	Withem
	Hillman	McKenzie		

Voting in the negative, 0.

Present and not voting, 2:

Ashford Beutler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 725A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 725, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	Crosby	Hohenstein	Moore	Schmitt
Avery	Cudaback	Horgan	Pedersen	Vrtiska
Baack	Day	Hudkins	Pirsch	Warner
Bernard-Stevens	Dierks	Janssen	Preister	Wehrbein
Bohlke	Elmer	Jones	Rasmussen	Wesely
Bromm	Fisher	Kristensen	Robak	Wickersham
Byars	Haberman	Landis	Robinson	Will
Chambers	Hall	Lindsay	Schellpeper	Witek
Coordsen	Hartnett	Lynch	Schimek	Withem
	Hillman	McKenzie		

Voting in the negative, 0.

Present and not voting, 2:

Ashford Beutler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 239.

A BILL FOR AN ACT relating to community colleges; to amend sections 79-4,155, 79-1254.09, 79-2638, 79-2639, 79-2641, 79-2643, 79-2646, 79-2646.01, 79-2650.03, 79-2650.06, 79-2650.08, 79-2650.10

to 79-2650.15, 79-2651.02, 79-2653, 85-605, 85-918, 85-926, 85-927, and 85-964, Reissue Revised Statutes of Nebraska, 1943, and sections 79-4,241, 79-1254.02, 79-1429, 79-2636 to 79-2637, 79-2640, 79-2644, 79-2647 to 79-2650, 79-2650.09, 79-2651, 79-2663, 79-2664, 85-121.03, 85-921, 85-935, 85-952, 85-960.01, 85-960.02, 85-962, 85-966, 85-1413, 85-1416, and 85-1418, Revised Statutes Supplement, 1992; to change provisions relating to community colleges; to define and redefine terms; to change instructional and service priorities; to transfer sections; to provide for reimbursement and indemnification; to provide for reduction-in-force procedures, probationary contracts, and contracts for facility improvements as prescribed; to eliminate obsolete provisions; to provide a duty for the Revisor of Statutes; to harmonize provisions; and to repeal the original sections, and also sections 79-2651.04 to 79-2651.06 and 79-2665, Revised Statutes Supplement, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Cudaback	Hohenstein	McKenzie	Schimek
Ashford	Day	Horgan	Moore	Schmitt
Avery	Dierks	Hudkins	Pedersen	Vrtiska
Bernard-Stevens	Elmer	Janssen	Pirsch	Warner
	Fisher	Jones	Preister	Wehrbein
Bohlke	Haberman	Kristensen	Rasmussen	Wesely
Bromm	Hall	Landis	Robak	Wickersham
Byars	Hartnett	Lindsay	Robinson	Will
Coordsen	Hillman	Lynch	Schellpeper	Witek
Crosby				

Voting in the negative, 0.

Present and not voting, 4:

Baack	Beutler	Chambers	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 310. With Emergency.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-504, 13-505, 13-506, 18-2451, 70-623, 70-623.03, 84-304.01, and 84-304.02, Reissue Revised Statutes of Nebraska, 1943, and sections 13-501, 13-508, 70-623.02, 77-3438, and 79-3819, Revised Statutes Supplement, 1992; to exempt public power and irrigation

districts and agencies from the Nebraska Budget Act; to change audit requirements and provide audit procedures; to require and provide a procedure for preparation of a budget; to authorize certain political subdivisions to collect and increase property taxes for reimbursements as prescribed; to change powers and duties of the Auditor of Public Accounts; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Coordsen	Hillman	Lynch	Schmitt
Ashford	Crosby	Hohenstein	McKenzie	Vrtiska
Bernard-Stevens	Cudaback	Horgan	Moore	Warner
Beutler	Day	Hudkins	Pedersen	Wehrbein
Bohlke	Dierks	Janssen	Rasmussen	Wesely
Bromm	Elmer	Jones	Robak	Wickersham
Byars	Fisher	Kristensen	Robinson	Will
Chambers	Hall	Landis	Schellpeper	Witek
	Hartnett	Lindsay	Schimek	

Voting in the negative, 1:

Pirsch

Present and not voting, 5:

Avery	Baack	Haberman	Preister	Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 500.

A BILL FOR AN ACT relating to families; to amend sections 43-1415 and 43-1729, Reissue Revised Statutes of Nebraska, 1943, and sections 42-371, 43-1406, and 43-1411, Revised Statutes Supplement, 1992; to adopt the Uniform Interstate Family Support Act; to harmonize provisions; to eliminate the Revised Uniform Reciprocal Enforcement of Support Act; to provide for actions brought under former law; to provide for subordination of liens of certain judgments as prescribed; to provide for acknowledgments of paternity in paternity actions; to

provide for access to records and for emergency decisions by parents as prescribed; to provide operative dates; to provide severability; and to repeal the original sections, and also sections 42-762, 42-764 to 42-772, 42-774 to 42-778, 42-780 to 42-791, 42-794 to 42-798, 42-7,100, and 42-7,102 to 42-7,104, Reissue Revised Statutes of Nebraska, 1943, sections 42-792, 42-793, and 42-7,101, Revised Statutes Supplement, 1992, and sections 42-763, 42-773, 42-779, and 42-799, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 4, 5, 6, and 7, respectively, Legislative Bill 523, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Crosby	Hohenstein	McKenzie	Schmitt
Ashford	Cudaback	Horgan	Pedersen	Vrtiska
Avery	Day	Hudkins	Pirsch	Warner
Baack	Dierks	Janssen	Preister	Wehrbein
Bernard-Stevens	Elmer	Jones	Rasmussen	Wesely
	Fisher	Kristensen	Robak	Wickersham
Bohlke	Haberman	Landis	Robinson	Will
Bromm	Hall	Lindsay	Schellpeper	Witek
Byars	Hartnett	Lynch	Schimek	Withem
Coordsen	Hillman			

Voting in the negative, 0.

Present and not voting, 2:

Beutler Chambers

Excused and not voting, 1:

Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 500A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 500, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud	Coordsen	Hillman	Lynch	Schmitt
Ashford	Crosby	Hohenstein	McKenzie	Vrtiska
Avery	Day	Horgan	Pedersen	Warner
Baack	Dierks	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Elmer	Janssen	Preister	Wesely
Beutler	Fisher	Jones	Rasmussen	Wickersham
Bohlke	Haberman	Kristensen	Robak	Will
Bromm	Hall	Landis	Schellpeper	Witek
Byars	Hartnett	Lindsay	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 3:

Chambers Cudaback Robinson

Excused and not voting, 1:

Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 516.

A BILL FOR AN ACT relating to public and nontax funds; to amend sections 10-140 and 35-511, Reissue Revised Statutes of Nebraska, 1943, and section 84-304, Revised Statutes Supplement, 1992, as amended by section 4, Legislative Bill 579, Ninety-third Legislature, First Session, 1993; to provide for volunteer department trust funds as prescribed; to change provisions relating to nontax funds and bonds as prescribed; to change duties of the Auditor of Public Accounts; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Abboud	Avery	Bernard-Stevens	Bohlke	Byars
Ashford	Baack		Bromm	Chambers

Coordsen	Hall	Kristensen	Preister	Warner
Crosby	Hartnett	Landis	Rasmussen	Wehrbein
Cudaback	Hillman	Lindsay	Robak	Wesely
Day	Hohenstein	Lynch	Robinson	Wickersham
Dierks	Horgan	McKenzie	Schellpeper	Will
Elmer	Hudkins	Pedersen	Schmitt	Witek
Fisher	Janssen	Pirsch	Vrtiska	Withem
Haberman	Jones			

Voting in the negative, 0.

Present and not voting, 2:

Beutler Schimek

Excused and not voting, 1:

Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions and bills: LRs 247, 248, 264, 265, 266, 268, 269, 270, LBs 38, 669, 669A, 117, 117A, 203, 203A, 397, 397A, 564, 564A, 719, 725, and 725A.

MOTION - Return LB 389 to Select File

Mr. Beutler withdrew his pending motion, found in this day's Journal, to return LB 389 to Select File.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 389.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3214, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to election of directors from subdistricts and the population and configuration of subdistricts; and to repeal the original section.

Mr. Beutler requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 23:

Abboud	Chambers	Hartnett	Preister	Wehrbein
Ashford	Day	Hillman	Rasmussen	Wesely
Baack	Elmer	Horgan	Schimek	Will
Bernard-Stevens	Fisher	Landis	Vrtiska	Withem
	Hall	Lindsay	Warner	

Voting in the negative, 19:

Bohlke	Cudaback	Hudkins	McKenzie	Schellpeper
Bromm	Dierks	Janssen	Pirsch	Schmitt
Byars	Haberman	Jones	Robak	Witek
Coordsen	Hohenstein	Kristensen	Robinson	

Present and not voting, 6:

Avery	Crosby	Lynch	Pedersen	Wickersham
Beutler				

Excused and not voting, 1:

Moore

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 536. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-1,132.47, 71-1,147, 71-1,147.09, 71-1,147.10, 71-1,147.13, 71-1,147.33, 71-1,232, 71-646, 71-647, 71-1717, 71-1721.04, 71-1721.06, 71-1722, 71-1724, 71-1724.01, 71-1735, 71-1743, 71-1753, 71-1755, 71-1757, 71-1758, 71-1759, 71-2407, 71-3501, 71-3503, 71-3507, 71-3508.03, 71-4603, 71-4604, 71-4606, 71-4608 to 71-4611, 71-4613, 71-4614, 71-4616 to 71-4620, 71-6201, and 71-6203, Reissue Revised Statutes of Nebraska, 1943, and sections 71-101, 71-147, 71-148, 71-168.01, 71-1,142, 71-602, 71-604.05, 71-612, 71-648, 71-2017.01, 71-4604.01, 71-5668, 71-7101, 79-444.01, 81-642 to 81-645, 81-647 to 81-649, 81-655, 81-656, 81-659, and 81-660, Revised Statutes Supplement, 1992, and Laws 1990, LB 551, section 32, as amended by Laws 1992, LB 1019, section 127; to provide for release of medical record and health information as prescribed; to adopt the Childhood Lead Poisoning Prevention Act and the Licensed Practical Nurse-Certified Act; to provide, change, and eliminate

definitions; to change and provide penalties; to provide for and change provisions relating to coverage of prescription drugs, refilling of prescriptions, pharmacists and supportive pharmacy personnel, disciplinary actions relating to pharmacy permits, licensees, certificate holders, and registrants, investigational records and reports, prospective drug utilization review, pharmacy patient counseling, temporary certificates to practice respiratory care, confidentiality and release of information on certificates filed with or issued by the Bureau of Vital Statistics, charges for review of such certificates, the birth defects registry, nurse practitioners, certified registered nurse anesthetists, certified nurse midwives, the Council of Certified Nurse Midwifery, radiation control, manufactured homes, recreational vehicles, payments for practice in a designated medical profession shortage area, the cancer registry, the brain injury registry, and immunization requirements; to provide for licensing of persons and businesses engaged in radon measurement and mitigation, directed review under the Nebraska Regulation of Health Professions Act, and confidentiality of certain information under the Critical Incident Stress Debriefing Act; to provide duties for the Department of Health; to eliminate provisions relating to certain laboratory reports, preceptorship programs for nurse practitioners, a termination date, and a penalty; to provide for and change operative dates and a termination date; to harmonize provisions; to repeal the original sections, and also sections 71-1713, 71-1718, 71-1719, 71-1720, and 71-6230, Reissue Revised Statutes of Nebraska, 1943, and sections 71-525 and 81-649.01, Revised Statutes Supplement, 1992; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Coordsen	Hartnett	McKenzie	Schmitt
Ashford	Crosby	Hillman	Pedersen	Vrtiska
Baack	Cudaback	Horgan	Pirsch	Warner
Bernard-Stevens	Day	Hudkins	Preister	Wehrbein
Bohlke	Dierks	Janssen	Rasmussen	Wesely
Bromm	Elmer	Jones	Robak	Wickersham
Byars	Fisher	Landis	Robinson	Will
Chambers	Haberman	Lindsay	Schellpeper	Witek
	Hall	Lynch	Schimek	Withem

Voting in the negative, 1:

Kristensen

Present and not voting, 3:

Avery Beutler Hohenstein

Excused and not voting, 1:

Moore

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 536A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 536, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Abboud	Coordsen	Hillman	McKenzie	Schmitt
Ashford	Crosby	Hohenstein	Pedersen	Vrtiska
Avery	Cudaback	Horgan	Pirsch	Warner
Baack	Day	Hudkins	Preister	Wehrbein
Bernard-Stevens	Dierks	Janssen	Rasmussen	Wesely
Bohlke	Elmer	Jones	Robak	Wickersham
Bromm	Fisher	Kristensen	Robinson	Will
Byars	Haberman	Landis	Schellpeper	Witek
Chambers	Hall	Lindsay	Schimek	Withem
	Hartnett	Lynch		

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 1:

Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 627. With Emergency.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 29-2204, Reissue Revised Statutes of Nebraska, 1943, and section 29-2262, Revised Statutes Supplement, 1992; to provide for commitment of certain offenders to regimented inmate discipline units; to provide for review of the operation of the units as prescribed; to adopt the Community Correctional Facilities and Programs Act; to create a task force; to provide for an investigation; to eliminate provisions relating to proceedings pending prior to and orders and rules in effect on January 1, 1979; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections, and also sections 28-435 and 28-436, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Abboud	Coordsen	Hillman	McKenzie	Schmitt
Ashford	Crosby	Hohenstein	Moore	Vrtiska
Avery	Cudaback	Horgan	Pedersen	Warner
Baack	Day	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Dierks	Janssen	Preister	Wesely
	Elmer	Jones	Rasmussen	Wickersham
Bohlke	Fisher	Kristensen	Robak	Will
Bromm	Haberman	Landis	Robinson	Witek
Byars	Hall	Lindsay	Schellpeper	Withem
Chambers	Hartnett	Lynch	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Beutler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 627A.

A BILL FOR AN ACT relating to appropriations; to authorize construction pursuant to Legislative Bill 627, Ninety-third Legislature, First Session, 1993; and to appropriate funds.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Abboud	Chambers	Hartnett	Lynch	Schimek
Ashford	Coordsen	Hillman	McKenzie	Schmitt
Avery	Crosby	Hohenstein	Moore	Vrtiska
Baack	Cudaback	Horgan	Pedersen	Warner
Bernard-Stevens	Day	Hudkins	Pirsch	Wehrbein
	Dierks	Janssen	Preister	Wesely
Beutler	Elmer	Jones	Rasmussen	Wickersham
Bohlke	Fisher	Kristensen	Robak	Will
Bromm	Haberman	Landis	Robinson	Witek
Byars	Hall	Lindsay	Schellpeper	Withem

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 632.

A BILL FOR AN ACT relating to parking; to amend sections 18-1737 and 18-1740, Revised Statutes Supplement, 1992, and sections 18-1738 and 18-1738.01, Revised Statutes Supplement, 1992, as amended by sections 3 and 4, respectively, Legislative Bill 112, Ninety-third Legislature, First Session, 1993; to create the offense of handicapped parking infraction; to provide penalties and procedures applicable to the offense; to change provisions relating to issuance and duration of handicapped parking permits; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 33:

Abboud	Day	Hudkins	Pirsch	Wehrbein
Beutler	Dierks	Janssen	Preister	Wesely
Bohlke	Elmer	Jones	Rasmussen	Wickersham
Bromm	Fisher	Kristensen	Schellpeper	Will
Byars	Hartnett	Lynch	Schmitt	Witek
Crosby	Hillman	McKenzie	Vrtiska	Withem
Cudaback	Horgan	Pedersen		

Voting in the negative, 11:

Ashford	Chambers	Hall	Landis	Moore
Baack	Haberman	Hohenstein	Lindsay	Schimek
Bernard-Stevens				

Present and not voting, 5:

Avery	Coordsen	Robak	Robinson	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 7, 1993, at 12:40 p.m., were the following bills: 38, 669, 669A, 117, 117A, 203, 203A, 397, 397A, 564, 564A, 719, 725, and 725A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MOTION - Reconsider Final Passage of LB 389

Mr. Beutler moved to reconsider the final vote on LB 389.

Laid over.

RESOLUTION

LEGISLATIVE RESOLUTION 273. Introduced by Hillman, 48; Baack, 47; Wickersham, 49.

WHEREAS, the Natural Resources Committee of the United States House of Representatives has introduced the Natural Resources Budget Reconciliation Act for Fiscal Year 1994 which in part creates a federal irrigation water surcharge. The surcharge applies to individuals or nonfederal entities that receive delivery of water (including water delivered by exchange) which is stored in or transported through federal reclamation projects or project facilities or projects or project facilities constructed by the Secretary of the Army that meet the conditions specified in paragraph (1) or (2) of section 212(a) of the Reclamation Reform Act of 1982 (Public Law 97-293, 43 U.S.C. 390), except for facilities of the Central Valley Project, California (as that project is defined by title XXXIV Public Law 102-575). The surcharge is in addition to any and all other charges currently paid for water service or repayment. Surcharges assessed and collected are not to be credited to other debts or charges owed; and

WHEREAS, a fund will be established in the Treasury of the United States known as the "Natural Resources Restoration Fund". The

appropriations will be for the benefit of fish and wildlife resources, including habitat, affected by the construction or operation of the projects referred to above; and

WHEREAS, the Natural Resources Budget Reconciliation Act claims the construction and operation of federal reclamation projects have had various effects on streams, habitat, and water quality and that these projects have caused adverse effects on fish and wildlife resources; and

WHEREAS, irrigation systems in Nebraska have created wetlands and streams, contributed to wildlife habitat, and increased the population of wildlife, deer, pheasants, ducks, and geese; and

WHEREAS, the federal reclamation program has been operating successfully for over ninety years, and hundreds of water projects have been built by the Bureau of Reclamation in seventeen western states; and

WHEREAS, the Natural Resources Budget Reconciliation Act is poorly crafted and amounts to a new tax in the form of a surcharge on irrigators in these seventeen western states; and

WHEREAS, the revenue from this surcharge will not reduce the deficit but will be set aside for fish and wildlife programs; and

WHEREAS, the surcharges assessed and collected must be sufficient to yield at least ten million dollars annually in the years 1994, 1995, and 1996 and at least fifteen million dollars annually thereafter; and

WHEREAS, the proposed surcharge ranges from thirty-five cents to two dollars an acre-foot. The approximate amount of acre-feet of water delivered in Nebraska by the reclamation projects in 1990 and 1991 and the approximate amount of money surcharged at fifty cents and one dollar an acre-foot is as follows: (1) 1990: 854,000 acre-feet x fifty cents = $427,000 and 854,000 acre-feet x one dollar = $854,000; and (2) 1991: 1,150,000 acre-feet x fifty cents = $575,000 and 1,150,000 acre-feet x one dollar = $1,150,000; and

WHEREAS, there is concern about the cavalier attitude toward irrigators who are operating at the margin. In its supporting documentation, the Clinton administration admits that no consideration was given to the users' ability to pay and that the "surcharge should be assessed even if the users' payment capacity is marginal"; and

WHEREAS, there is a lack of information as to the efficient use and recharging of underground and surface water to adequately encourage more efficient use of water resources by the beneficiaries of federal reclamation projects; and

WHEREAS, a United States Department of the Interior representative concedes that the surcharge will not be uniformly applied and that questions remain about the legality of imposing a surcharge on districts that currently have long-term repayment contracts with the federal government.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature expresses its opposition to the Natural Resources Budget Reconciliation Act.

2. That a copy of this resolution be sent to United States Senator Bob Kerry, United States Senator J. James Exon, Congressman Douglas Bereuter, Congressman Peter Hoagland, and Congressman William E. Barrett.

3. That the Legislature requests the assistance of Nebraska's United States Senators and Representatives in defeating any attempt to implement a surcharge for individuals or nonfederal entities who receive water from federal reclamation projects or certain United States Army Corps of Engineers projects.

Laid over.

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 833. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2586.)

(Signed) Tom Horgan, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 239, 310, 500, 500A, 516, 536, 536A, 627, 627A, and 632.

VISITORS

Visitors to the Chamber were Craig and Pat Enenback from Omaha; Jerry, Marge, Monica, and Chris Kershner from Minden; Mrs. Marsha Elder from Imperial and Mrs. Lavina Melichar from Crete; Dale and Bonnie Barth from Stanton; and Senator Lindsay's sister, Margy, Louise Leger, Ann Furay, and Derek Ford from Louisiana.

ADJOURNMENT

At 12:53 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Tuesday, June 8, 1993.

Patrick J. O'Donnell
Clerk of the Legislature

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NINETIETH DAY - JUNE 8, 1993

LEGISLATIVE JOURNAL

NINETIETH DAY - JUNE 8, 1993

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

NINETIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, June 8, 1993

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Pirsch, Messrs. Cudaback, and Hall who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-ninth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 7, 1993, at 1:35 p.m., were the following bills: 239, 310, 500, 500A, 516, 536, 536A, 627, 627A, and 632.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MESSAGES FROM THE GOVERNOR

June 7, 1993

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 321, 323, 325, 325A, 326, 327, 328, 329, and 331 were received in my office on June 1, 1993.

These bills were signed by me on June 7, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 7, 1993

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 670, 841, 841A, 842, 657, and 843 were received in my office on June 2, 1993.

These bills were signed by me on June 7, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 7, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

With this letter, I am returning LB 541 and LB 330, and reducing or striking specific appropriations and related items. An attachment lists each of the reductions. The amount of general fund vetoes total nearly $6 million over the next biennium.

As a result of our cooperative efforts during last fall's special session where we cut nearly $100 million, we are able to avoid drastic cuts. You have worked hard to enact a balanced and responsible budget that meets the minimum reserve requirement for the ensuing biennium. However, as Governor, it remains my constitutional duty to scrutinize your work one more time for the most efficiency possible.

My review of your proposed budget primarily considers our collective responsibility to carefully guard taxpayer dollars and to plan to prudently manage the state budget two years from now. No economic miracle is likely to save us from the harsh fiscal realities we all expect will lie ahead. Our constituents expect government to tax fairly and spend wisely. It is wise to continue the painful process of trimming government to a size that taxpayers can support. This gradual process, avoiding peaks and valleys in patterns of both spending and taxation, makes future impacts less difficult to manage. My vetoes do not eliminate the need for more hard choices next biennium. But they do continue our efforts to control the rate of growth.

My recommendation for the University of Nebraska system leaves a total increase of $12.3 million in General Fund dollars for the coming biennium. I have allowed for this increase above the current year's appropriation because of the existence of additional dollars which have become available because of this body's frugal approach to the budget. I have followed a similar approach for the State Colleges and the Community Colleges.

A reduction of $8,834 has been made for the Department of Water Resources for FY 94 to do an evapotranspiration study. These are funds earmarked to pay the costs for a study of water losses along the North Platter river. The study is done and paid for; the costs were not included in the Governor's recommendation, and the Department of Water Resources can use vacancy savings in this year's budget to reimburse the other partners in the study, if necessary. Some may argue this is a small amount, however, I have taken the approach that every dollar is important; and no amount will go unreviewed.

The Governor's health insurance bill was introduced prior to the ratification of the health insurance portion of the bargaining contract. The Law Enforcement Bargaining Unit and the state have not reached a salary agreement for the next biennium. This issue was appealed to the Special Master, and following that ruling, appealed further to the Commission on Industrial Relations. While the state and bargaining unit did not come to agreement on salaries, they did reach agreement on health insurance coverage. The Legislature funded the health insurance at the Governor's originally recommended level and did not adjust for the agreed-upon new rates for the next biennium, which results in a $495,889 net savings from those general funds budgeted.

I have reduced by $80,000 the annual increase in appropriations to the Department of Health for health care facility survey and licensing to encourage the maximum efficiency in this federally mandated activity. The $100,000 appropriation remaining still exceeds my original recommendation by $50,000 per year.

The veto I recommend in the Governor's budget is to ensure that permanent positions are not created in the Governor's Office and will result in the current arrangement with the Department of Environmental Quality and Policy Research Office remaining as is. The intent language concerning the Office of Children and Family and the

language dealing with the Low-Level Radioactive Waste Advisor is also stricken in an effort to reflect my intent on these programs.

Finally, LB 541 transfers $50,000 both years from State Patrol's Public Safety Cash Fund (drug seizure money) to the Crime Commission. The State Patrol has many documented needs for the Public Safety Cash Fund, and I believe this sets a bad precedent for future transfers from this fund.

Again, thank you for your hard work and cooperation this session. I urge you to sustain these vetoes.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

RESOLUTION

LEGISLATIVE RESOLUTION 274. Introduced by Education Committee: Withem, 14, Chairperson; Beutler, 28; Bohlke, 33; Rasmussen, 20; Warner, 25.

PURPOSE: The purpose of the resolution is to examine and review the role of the Coordinating Commission for Postsecondary Education in existing and proposed educational programs and financial assistance opportunities regarding the education of potential health care providers in rural Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

REPORT

Received annual report from DAS-Risk Management/State Claims Board of all tort, miscellaneous, contract, and indemnification claims in accordance with the provisions and requirements of Sections 81-8,226 and 81-8,300, Reissue Revised Statutes of Nebraska, 1943.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 139.

A BILL FOR AN ACT relating to livestock; to amend section 54-137.01, Revised Statutes Supplement, 1992; to authorize the Nebraska Brand Committee to contract with certain agencies or organizations to collect assessments on certain sales as prescribed; to eliminate provisions relating to collection of fees; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud	Coordsen	Hohenstein	Pedersen	Vrtiska
Ashford	Crosby	Horgan	Preister	Warner
Avery	Day	Hudkins	Rasmussen	Wehrbein
Baack	Dierks	Janssen	Robak	Wesely
Bernard-Stevens	Elmer	Jones	Robinson	Wickersham
	Fisher	Kristensen	Schellpeper	Will
Bromm	Haberman	Landis	Schimek	Witek
Byars	Hartnett	Lynch	Schmitt	Withem
Chambers	Hillman	Moore		

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Lindsay	McKenzie

Excused and not voting, 4:

Bohlke	Cudaback	Hall	Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 110.

A BILL FOR AN ACT relating to abortion; to amend sections 28-326 and 28-327, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to informed consent; to define and redefine terms; to provide duties for certain physicians, their agents, and the Department of Health; to provide for immunity, for civil liability, and for anonymity; to eliminate a penalty; to provide severability; and to repeal the original sections, and also section 28-328, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Abboud	Byars	Horgan	Moore	Schmitt
Avery	Coordsen	Hudkins	Pedersen	Vrtiska
Baack	Crosby	Janssen	Pirsch	Wehrbein
Bernard-Stevens	Dierks	Jones	Preister	Wesely
Beutler	Elmer	Kristensen	Robak	Wickersham
Bohlke	Fisher	Lindsay	Robinson	Will
Bromm	Hartnett	Lynch	Schellpeper	Witek
	Hohenstein	McKenzie	Schimek	Withem

Voting in the negative, 8:

Ashford	Day	Hillman	Rasmussen	Warner
Chambers	Haberman	Landis		

Excused and not voting, 2:

Cudaback Hall

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 110A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 110, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud	Byars	Hudkins	Pedersen	Vrtiska
Ashford	Coordsen	Janssen	Pirsch	Warner
Avery	Crosby	Jones	Preister	Wehrbein
Baack	Dierks	Kristensen	Robak	Wesely
Bernard-Stevens	Elmer	Landis	Robinson	Wickersham
Beutler	Fisher	Lindsay	Schellpeper	Will
Bohlke	Hartnett	Lynch	Schimek	Witek
Bromm	Hohenstein	McKenzie	Schmitt	Withem
	Horgan	Moore		

Voting in the negative, 5:

Chambers	Day	Haberman	Hillman	Rasmussen

Excused and not voting, 2:

Cudaback Hall

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 231. With Emergency.

A BILL FOR AN ACT relating to gaming; to authorize the negotiation and execution of a tribal-state compact governing gaming as defined; to provide public policy regarding the compact; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Abboud	Coordsen	Hillman	Lynch	Schellpeper
Avery	Crosby	Hohenstein	Moore	Schmitt
Baack	Day	Horgan	Pedersen	Vrtiska
Bernard-Stevens	Dierks	Hudkins	Pirsch	Wehrbein
	Elmer	Janssen	Preister	Wickersham
Bohlke	Fisher	Jones	Rasmussen	Will
Byars	Haberman	Kristensen	Robak	Witek
Chambers	Hartnett	Lindsay	Robinson	Withem

Voting in the negative, 7:

Ashford	Bromm	Schimek	Warner	Wesely
Beutler	Landis			

Present and not voting, 1:

McKenzie

Excused and not voting, 2:

Cudaback Hall

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 429 to Select File

Mr. Kristensen moved to return LB 429 to Select File for the following specific amendment:
FA307
Strike the enacting clause.

Mr. Kristensen withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 429.

A BILL FOR AN ACT relating to optometry; to amend sections 71-1,133, 71-1,135.01, 71-1,135.04, and 71-1,135.05, Reissue Revised Statutes of Nebraska, 1943, and section 71-101, Revised Statutes Supplement, 1992; to redefine terms; to change provisions relating to the use of pharmaceutical agents; to require a certain standard of care by licensed optometrists; to harmonize provisions; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Bohlke	Fisher	Jones	Rasmussen	Vrtiska
Bromm	Hartnett	Landis	Robak	Warner
Byars	Hillman	McKenzie	Robinson	Wehrbein
Coordsen	Hohenstein	Moore	Schellpeper	Wesely
Day	Horgan	Pedersen	Schimek	Wickersham
Dierks	Hudkins	Preister	Schmitt	Witek
Elmer	Janssen			

Voting in the negative, 13:

Abboud	Bernard-Stevens	Chambers	Lindsay	Will
Ashford	Beutler	Haberman	Lynch	Withem
Baack		Kristensen	Pirsch	

Present and not voting, 2:

Avery Crosby

Excused and not voting, 2:

Cudaback Hall

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules

Mr. Will moved to suspend the rules, Rule 6, Section 7(b) to permit consideration of bills on Final Reading today.

The Will motion to suspend the rules prevailed with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 124.

A BILL FOR AN ACT relating to employment practices; to amend sections 48-1104, 48-1117, and 48-1119, Reissue Revised Statutes of Nebraska, 1943, and sections 48-1102 and 48-1118, Revised Statutes Supplement, 1992; to define a term; to make harassment based upon race, color, religion, sex, disability, marital status, or national origin an unlawful employment practice; to provide powers and duties for the Equal Opportunity Commission; to change and eliminate provisions relating to charges filed under the Nebraska Fair Employment Practice Act; to provide for mediation and arbitration; to change hearing procedures as prescribed; to provide for civil actions; to provide for general and special damages, injunctions, attorney's fees, and costs as prescribed; to change provisions relating to findings of fact and conclusions of law as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Abboud	Bohlke	Day	Hohenstein	Kristensen
Baack	Bromm	Dierks	Horgan	Landis
Bernard-Stevens	Byars	Elmer	Hudkins	Lindsay
Beutler	Chambers	Hartnett	Janssen	Lynch
	Coordsen	Hillman	Jones	McKenzie

Moore	Rasmussen	Schellpeper	Vrtiska	Wickersham
Pedersen	Robak	Schimek	Warner	Will
Preister	Robinson	Schmitt	Wehrbein	Withem

Voting in the negative, 8:

Ashford	Crosby	Haberman	Wesely	Witek
Avery	Fisher	Pirsch		

Excused and not voting, 2:

Cudaback Hall

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 124A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 124, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud	Chambers	Horgan	Moore	Schmitt
Ashford	Coordsen	Hudkins	Pedersen	Vrtiska
Avery	Day	Janssen	Preister	Warner
Baack	Dierks	Jones	Rasmussen	Wehrbein
Bernard-Stevens	Elmer Hartnett	Landis Lindsay	Robak Robinson	Wesely Wickersham
Bohlke	Hillman	Lynch	Schellpeper	Will
Bromm	Hohenstein	McKenzie	Schimek	Withem
Byars				

Voting in the negative, 2:

Crosby Witek

Present and not voting, 5:

Beutler	Fisher	Haberman	Kristensen	Pirsch

Excused and not voting, 2:

Cudaback Hall

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 152 to Select File

Mr. Moore moved to return LB 152 to Select File for the following specific amendment:
FA308
Strike the enacting clause.

Mr. Moore withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 152.

A BILL FOR AN ACT relating to physicians; to amend sections 71-5201, 71-5203, and 71-5206, Reissue Revised Statutes of Nebraska, 1943, and section 71-5647, Revised Statutes Supplement, 1992; to authorize funding for certain family practice residency programs as prescribed; to provide powers and duties for the Office of Rural Health; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 33:

Abboud	Byars	Haberman	Lindsay	Schellpeper
Baack	Coordsen	Hohenstein	Lynch	Schmitt
Bernard-Stevens	Crosby	Horgan	McKenzie	Vrtiska
Beutler	Day	Hudkins	Pedersen	Wehrbein
Bohlke	Dierks	Janssen	Preister	Wesely
Bromm	Elmer	Jones	Robak	Wickersham
	Fisher	Landis	Robinson	

Voting in the negative, 13:

Ashford	Hillman	Pirsch	Warner	Witek
Avery	Kristensen	Rasmussen	Will	Withem
Hartnett	Moore	Schimek		

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Cudaback Hall

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 152A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 152, Ninety-third Legislature, First Session, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud	Byars	Hartnett	Landis	Schellpeper
Ashford	Coordsen	Hohenstein	Lindsay	Schmitt
Baack	Crosby	Horgan	McKenzie	Vrtiska
Bernard-Stevens	Day	Hudkins	Pedersen	Wehrbein
	Dierks	Janssen	Preister	Wesely
Beutler	Elmer	Jones	Robak	Wickersham
Bohlke	Fisher	Kristensen	Robinson	Will
Bromm	Haberman			

Voting in the negative, 8:

Avery	Moore	Schimek	Witek	Withem
Hillman	Pirsch	Warner		

Present and not voting, 3:

Chambers Lynch Rasmussen

Excused and not voting, 2:

Cudaback Hall

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 190. With Emergency.

A BILL FOR AN ACT relating to rural development; to amend sections 81-1201.07 and 81-1201.10, Revised Statutes Supplement, 1992; to create the Rural Development Commission within the Department of Economic Development; to provide for an executive director and members; to provide powers and duties; to create a fund; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Chambers	Hohenstein	McKenzie	Schimek
Ashford	Coordsen	Horgan	Moore	Schmitt
Avery	Crosby	Hudkins	Pedersen	Vrtiska
Baack	Day	Janssen	Pirsch	Warner
Bernard-Stevens	Dierks	Jones	Preister	Wehrbein
	Elmer	Kristensen	Rasmussen	Wesely
Beutler	Fisher	Landis	Robak	Wickersham
Bohlke	Hartnett	Lindsay	Robinson	Will
Bromm	Hillman	Lynch	Schellpeper	Withem
Byars				

Voting in the negative, 1:

Witek

Excused and not voting, 3:

Cudaback Haberman Hall

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 190A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 190, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud	Byars	Horgan	McKenzie	Schmitt
Ashford	Chambers	Hudkins	Moore	Vrtiska
Avery	Coordsen	Janssen	Preister	Warner
Baack	Crosby	Jones	Rasmussen	Wehrbein
Bernard-Stevens	Day	Kristensen	Robak	Wesely
	Dierks	Landis	Robinson	Wickersham
Beutler	Elmer	Lindsay	Schellpeper	Will
Bohlke	Hartnett	Lynch	Schimek	Withem
Bromm	Hohenstein			

Voting in the negative, 1:

Witek

Present and not voting, 4:

Fisher	Hillman	Pedersen	Pirsch

Excused and not voting, 3:

Cudaback	Haberman	Hall

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 218.

A BILL FOR AN ACT relating to seller-assisted marketing plans; to amend sections 59-1701 to 59-1703, 59-1705, 59-1718, 59-1722, 59-1724, 59-1725, 59-1732, 59-1733, 59-1735, 59-1741, 59-1748, 59-1750 to 59-1753, and 59-1755 to 59-1761, Reissue Revised Statutes of Nebraska, 1943; to name the Seller-Assisted Marketing Plan Act; to define and redefine terms; to provide an exemption; to change disclosure document filing and disclosure requirements as prescribed; to change powers and duties of the Director of Banking and Finance as prescribed; to eliminate and provide for certain filing requirements as prescribed; to provide fees; to provide for fines; to provide for a hearing; to change the contents of a disclosure document as prescribed; to provide for referral to the county attorney or Attorney General; to provide for limitation of actions; to provide for proof of an exemption; to provide for rules and regulations; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Coordsen	Horgan	Moore	Schmitt
Ashford	Crosby	Hudkins	Pedersen	Vrtiska
Avery	Day	Janssen	Pirsch	Warner
Baack	Dierks	Jones	Preister	Wehrbein
Bernard-Stevens	Elmer	Kristensen	Rasmussen	Wesely
Beutler	Fisher	Landis	Robak	Wickersham
Bohlke	Hall	Lindsay	Robinson	Will
Bromm	Hartnett	Lynch	Schellpeper	Witek
Byars	Hillman	McKenzie	Schimek	Withem
	Hohenstein			

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Cudaback Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 838. With Emergency.

A BILL FOR AN ACT relating to the enrollment option program; to amend sections 79-3406 and 79-3410, Revised Statutes Supplement, 1992; to change provisions relating to attendance and transportation reimbursement; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Bromm	Hall	Kristensen	Preister
Ashford	Byars	Hartnett	Landis	Rasmussen
Avery	Coordsen	Hillman	Lindsay	Robak
Baack	Crosby	Hohenstein	Lynch	Robinson
Bernard-Stevens	Day	Horgan	McKenzie	Schellpeper
Beutler	Dierks	Hudkins	Moore	Schimek
Bohlke	Elmer	Janssen	Pedersen	Schmitt
	Fisher	Jones	Pirsch	Vrtiska

Warner Wesely Will Witek Withem
Wehrbein Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Cudaback Haberman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 235.

A BILL FOR AN ACT relating to government; to amend sections 28-905, 37-202.01, 37-203, 37-204.01, 37-211.01, 37-214.04, 37-215, 37-215.03, 37-217.01, 37-227, 37-233, 37-304.02, 37-420, 37-421, 37-502, 37-503, 37-703, 37-714, 37-715, 37-901, 37-905, 37-908, 37-1105, 37-1107.01, 37-1108, 37-1212, 37-1214, 37-1217, 37-1227, 37-1238, 37-1241, 37-1259, 53-186, 81-805, 81-815, 81-815.22, and 81-815.31, Reissue Revised Statutes of Nebraska, 1943, and sections 37-201, 37-204, 37-211, 37-213, 37-214.03, 37-216.01, 37-505, 37-720, and 37-1274, Revised Statutes Supplement, 1992; to authorize the Game and Parks Commission to establish fees for various licenses, permits, stamps, bands, registrations, and certificates; to prohibit operation of a vessel to avoid arrest; to change and eliminate provisions relating to state game refuges; to change fees and other provisions relating to park entry permits; to change provisions of the State Boat Act; to prohibit the use of certain lights on vessels; to require compliance with enforcement of the State Boat Act; to change provisions relating to consumption and sale of alcoholic liquor on certain state lands; to authorize acceptance of a gift of real estate; to provide, change, and eliminate penalties; to define and redefine terms; to authorize agreements and accept grants-in-aid from the federal government for recreational trails; to create a fund; to harmonize provisions; to provide a termination date; to provide operative dates; and to repeal the original sections, and also section 37-414, Reissue Revised Statutes of Nebraska, 1943, and section 37-413, Revised Statutes Supplement, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Coordsen	Hohenstein	McKenzie	Schmitt
Ashford	Crosby	Horgan	Moore	Vrtiska
Avery	Cudaback	Hudkins	Pedersen	Warner
Baack	Day	Janssen	Pirsch	Wehrbein
Bernard-Stevens	Dierks	Jones	Preister	Wesely
Beutler	Elmer	Kristensen	Rasmussen	Wickersham
Bohlke	Fisher	Landis	Robak	Will
Bromm	Hall	Lindsay	Schellpeper	Witek
Byars	Hartnett	Lynch	Schimek	Withem
	Hillman			

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Robinson

Excused and not voting, 1:

Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 302. With Emergency.

A BILL FOR AN ACT relating to water; to amend section 46-229, Reissue Revised Statutes of Nebraska, 1943; to authorize the transfer of certain appropriations as prescribed; to provide procedures for termination of appropriations; to provide a termination date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Abboud	Bohlke	Day	Hohenstein	Lindsay
Ashford	Bromm	Dierks	Horgan	Lynch
Avery	Byars	Elmer	Hudkins	McKenzie
Baack	Chambers	Fisher	Janssen	Moore
Bernard-Stevens	Coordsen	Hall	Jones	Pedersen
Beutler	Crosby	Hartnett	Kristensen	Pirsch
	Cudaback	Hillman	Landis	Preister

Rasmussen	Schellpeper	Vrtiska	Wesely	Witek
Robak	Schimek	Warner	Wickersham	Withem
Robinson	Schmitt	Wehrbein	Will	

Voting in the negative, 0.

Excused and not voting, 1:

Haberman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 139, 110, 110A, 231, 429, 124, 124A, 152, 152A, 190, 190A, 218, and 838.

UNANIMOUS CONSENT - Members Excused

Mr. Lynch and Mrs. Crosby asked unanimous consent to be excused until they return. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 302A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 302, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Bromm	Elmer	Hudkins	Moore
Avery	Byars	Fisher	Janssen	Pedersen
Baack	Chambers	Hall	Jones	Pirsch
Bernard-Stevens	Coordsen	Hartnett	Kristensen	Preister
	Cudaback	Hillman	Landis	Rasmussen
Beutler	Day	Hohenstein	Lindsay	Robak
Bohlke	Dierks	Horgan	McKenzie	Schellpeper

Schimek	Vrtiska	Wehrbein	Wickersham	Witek
Schmitt	Warner	Wesely	Will	Withem

Voting in the negative, 0.

Present and not voting, 2:

Ashford Robinson

Excused and not voting, 3:

Crosby Haberman Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT MOUL PRESIDING

LEGISLATIVE BILL 345. With Emergency.

A BILL FOR AN ACT relating to revenue and taxations; to amend sections 57-234, 77-366, 77-375, 77-377, 77-3,110, 77-2706, 77-2709.01, 77-2753, 77-2775, 77-2777, 77-2778, 77-2780, 77-2785, 77-2786, 77-2789, 77-2790, 77-2793, 77-27,188.01, 77-3901, and 77-3904 to 77-3906, Reissue Revised Statutes of Nebraska, 1943, sections 77-684, 77-2101.02, 77-2702.05 to 77-2702.07, 77-2702.09, 77-2702.11 to 77-2702.19, 77-2702.23, 77-2704.02, 77-2704.05 to 77-2704.12, 77-2704.15, 77-2704.24, 77-2704.25, 77-2704.28 to 77-2704.33, 77-2704.35, 77-2705, and 77-27,119, Revised Statutes Supplement, 1992, sections 21-330 and 77-2709, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 1 and 30, respectively, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, sections 77-2106.01, 77-2702.03, 77-2704.13, 77-2708, 77-2708.01, 77-2711, and 77-2794, Revised Statutes Supplement, 1992, as amended by sections 20, 23, 27, 28, 29, 31, and 38, respectively, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, section 77-2701, Revised Statutes Supplement, 1992, as amended by section 22, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, and section 69, Legislative Bill 138, Ninety-third Legislature, First Session, 1993, section 77-2703, Revised Statutes Supplement, 1992, as amended by section 26, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, and section 45, Legislative Bill 112, Ninety-third Legislature, First Session, 1993, section 77-202.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 7, Legislative Bill 346, Ninety-third Legislature, First Session, 1993, section 5, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, and section 21, Legislative Bill 346, Ninety-third Legislature, First Session, 1993;

to change provisions relating to refunds of a corporation fee or assessment, delinquent taxes, taxes on fractional oil, gas, and hydrocarbon interests, personnel of the Department of Revenue, and prosecutions; to authorize discovery rules, rounding of amounts of tax, and charges for lists; to change provisions relating to car line taxes, generation-skipping transfer taxes, and sales and use taxes; to define and redefine terms; to change and provide penalties and exemptions; to change provisions relating to income tax; to change collection and lien provisions; to provide for applicability of certain changes; to change provisions relating to a fee imposed on companies renting certain motor vehicles; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	Coordsen	Hohenstein	Moore	Schmitt
Ashford	Crosby	Horgan	Pedersen	Vrtiska
Avery	Cudaback	Hudkins	Pirsch	Warner
Baack	Day	Janssen	Preister	Wehrbein
Bernard-Stevens	Dierks	Jones	Rasmussen	Wesely
	Elmer	Kristensen	Robak	Wickersham
Beutler	Fisher	Landis	Robinson	Will
Bohlke	Hall	Lindsay	Schellpeper	Witek
Bromm	Hartnett	Lynch	Schimek	Withem
Byars	Hillman	McKenzie		

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Haberman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 345A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 345, Ninety-third Legislature, First Session, 1993; to increase salary limitations; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Coordsen	Hohenstein	McKenzie	Schimek
Ashford	Crosby	Horgan	Moore	Vrtiska
Avery	Cudaback	Hudkins	Pedersen	Warner
Baack	Day	Janssen	Pirsch	Wehrbein
Bernard-Stevens	Dierks	Jones	Preister	Wesely
	Elmer	Kristensen	Rasmussen	Wickersham
Beutler	Fisher	Landis	Robak	Will
Bohlke	Hall	Lindsay	Robinson	Witek
Bromm	Hartnett	Lynch	Schellpeper	Withem
Byars	Hillman			

Voting in the negative, 0:

Present and not voting, 2:

Chambers Schmitt

Excused and not voting, 1:

Haberman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 348. With Emergency.

A BILL FOR AN ACT relating to education; to amend sections 17-601.01, 17-601.02, 79-201.01 to 79-201.03, 79-307, 79-321.03, 79-435, 79-464, 79-507, 79-521, 79-803.03, 79-803.08, 79-803.09, 79-1281, 79-1281.01, 79-1286, 79-1430 to 79-1434, 79-2110, 79-3309, 81-501.01, 81-525, 81-528, and 81-529, Reissue Revised Statutes of Nebraska, 1943, and sections 10-716.01, 77-3439, 79-101, 79-101.01, 79-330, 79-402.11, 79-426.28, 79-433, 79-434, 79-444, 79-488.04, 79-490, 79-4,207, 79-547.03, 79-803.07, 79-1247.07, 79-1282 to 79-1285, 79-1303, 79-1421, 79-1422, 79-1423, 79-1429, 79-2210, 79-2801, 79-2804, 79-2812, 79-2842, 79-2844, 79-2845, 79-3354,

79-3403, 79-3405, 79-3406, 79-3408 to 79-3410, 79-3703, 79-3806, 79-3822, 79-3824, 81-502, 81-503, 81-505, and 81-551, Revised Statutes Supplement, 1992; to change provisions relating to bonds, nomination of school board candidates, powers and duties of educational service unit boards, year-round school, filling of vacancies on school boards, procedures to change boundaries, submission of a report, student services, bonded indebtedness, taxable property and valuation, taxation for abatement of environmental hazards and for accessibility barrier elimination, budget statements, entrance requirements, transportation of children, sale of property, the Professional Practices Commission, disciplinary actions, applicability of the Nebraska Budget Act, apportionment of school funds, telecommunications resources, private postsecondary career schools, return of depositions and exhibits, the enrollment option program, evaluation of early childhood education pilot projects, and the Tax Equity and Educational Opportunities Support Act; to define and redefine terms; to create a fund and committees; to authorize sponsorship of certain organizations; to transfer a program to the State Fire Marshal and authorize fees; to eliminate a program, an authorization for certain contracts, and a provision transferring a program; to harmonize provisions; to provide operative dates; to repeal the original sections, and also sections 79-321.02, 79-321.04, 79-341, and 79-403.04, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	Coordsen	Hohenstein	Moore	Schmitt
Ashford	Crosby	Horgan	Pedersen	Vrtiska
Avery	Cudaback	Hudkins	Pirsch	Warner
Baack	Day	Janssen	Preister	Wehrbein
Bernard-Stevens	Dierks	Jones	Rasmussen	Wesely
Beutler	Elmer	Kristensen	Robak	Wickersham
Bohlke	Fisher	Landis	Robinson	Will
Bromm	Hall	Lindsay	Schellpeper	Witek
Byars	Hartnett	Lynch	Schimek	Withem
	Hillman	McKenzie		

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Haberman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 348A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 348, Ninety-third Legislature, First Session, 1993; to reduce appropriations; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Coordsen	Hohenstein	McKenzie	Schimek
Ashford	Crosby	Horgan	Moore	Schmitt
Avery	Cudaback	Hudkins	Pedersen	Vrtiska
Baack	Day	Janssen	Pirsch	Wehrbein
Bernard-Stevens	Dierks	Jones	Preister	Wesely
Beutler	Elmer	Kristensen	Rasmussen	Wickersham
Bohlke	Fisher	Landis	Robak	Will
Bromm	Hall	Lindsay	Robinson	Witek
Byars	Hartnett	Lynch	Schellpeper	Withem
	Hillman			

Voting in the negative, 0.

Present and not voting, 2:

Chambers Warner

Excused and not voting, 1:

Haberman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 440. With Emergency.

A BILL FOR AN ACT relating to fuel taxes; to amend sections 66-490, 66-493, 66-4,115, 66-501 to 66-503, 66-505, 66-512,

66-605.07, 66-607, 66-719, 66-720, 66-723, 66-727, 66-740, and 66-1226, Revised Statutes Supplement, 1992; to define terms; to change provisions relating to collection, administration, and distribution of motor fuel taxes; to change and eliminate provisions relating to transportation of motor fuel; to change provisions relating to penalties, interest, licenses, and permits; to reappropriate funds; to harmonize provisions; to provide operative dates; to repeal the original sections, and also section 66-519, Reissue Revised Statutes of Nebraska, 1943, and sections 66-514 to 66-518 and 66-520, Revised Statutes Supplement, 1992; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Abboud	Chambers	Hillman	McKenzie	Schmitt
Ashford	Coordsen	Hohenstein	Moore	Vrtiska
Avery	Crosby	Horgan	Pedersen	Warner
Baack	Cudaback	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Day	Janssen	Preister	Wesely
	Dierks	Jones	Rasmussen	Wickersham
Beutler	Elmer	Kristensen	Robak	Will
Bohlke	Fisher	Landis	Robinson	Witek
Bromm	Hall	Lindsay	Schellpeper	Withem
Byars	Hartnett	Lynch	Schimek	

Voting in the negative, 0.

Excused and not voting, 1:

Haberman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 440A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 440, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Abboud	Chambers	Hillman	McKenzie	Schmitt
Ashford	Coordsen	Hohenstein	Moore	Vrtiska
Avery	Crosby	Horgan	Pedersen	Warner
Baack	Cudaback	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Day	Janssen	Preister	Wesely
Beutler	Dierks	Jones	Rasmussen	Wickersham
Bohlke	Elmer	Kristensen	Robak	Will
Bromm	Fisher	Landis	Robinson	Witek
Byars	Hall	Lindsay	Schellpeper	Withem
	Hartnett	Lynch	Schimek	

Voting in the negative, 0.

Excused and not voting, 1:

Haberman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 587. With Emergency.

A BILL FOR AN ACT relating to campaign finance; to amend sections 49-1446, 49-1455, 49-1459, 49-1462, 49-1464, 49-1469, 49-14,122, and 49-14,129, Reissue Revised Statutes of Nebraska, 1943, sections 32-1601, 32-1603, 32-1604, 32-1606, 32-1608, and 32-1610, Revised Statutes Supplement, 1992, section 32-1607, Revised Statutes Supplement, 1992, as amended by section 3, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, and section 77-2701, Revised Statutes Supplement, 1992, as amended by section 22, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992, and section 69, Legislative Bill 138, Ninety-third Legislature, First Session, 1993; to define a term; to provide additional spending limitations and filing requirements for affidavits as to expenditures under the Campaign Finance Limitation Act; to change provisions relating to keeping public funds in separate accounts; to require reporting of expenditures of public funds as prescribed; to change and provide penalties relating to exceeding the spending limitation under the act; to change provisions relating to prohibited political contributions; to require a candidate to keep records as prescribed; to provide for a candidate to accept a lesser amount of public funds; to provide an operative date for the Campaign Finance Limitation Act; to change provisions relating to campaign statements under the Nebraska Political Accountability and Disclosure Act; to authorize contributions from income tax refunds to the Campaign

Finance Limitation Cash Fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Abboud	Chambers	Hillman	McKenzie	Schmitt
Ashford	Coordsen	Hohenstein	Moore	Vrtiska
Avery	Crosby	Horgan	Pedersen	Warner
Baack	Cudaback	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Day	Janssen	Preister	Wesely
Beutler	Dierks	Jones	Rasmussen	Wickersham
Bohlke	Elmer	Kristensen	Robak	Will
Bromm	Fisher	Landis	Robinson	Witek
Byars	Hall	Lindsay	Schellpeper	Withem
	Hartnett	Lynch	Schimek	

Voting in the negative, 0.

Excused and not voting, 1:

Haberman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 587A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations relating to the provisions of Legislative Bill 587, Ninety-third Legislature, First Session, 1993; to reverse transfers; to appropriate funds; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Beutler	Crosby	Hall	Janssen
Ashford	Bohlke	Cudaback	Hartnett	Jones
Avery	Bromm	Day	Hillman	Kristensen
Baack	Byars	Dierks	Hohenstein	Landis
Bernard-Stevens	Chambers	Elmer	Horgan	Lindsay
	Coordsen	Fisher	Hudkins	Moore

Pedersen	Robinson	Schmitt	Wehrbein	Will
Preister	Schellpeper	Vrtiska	Wesely	Witek
Rasmussen	Schimek	Warner	Wickersham	Withem
Robak				

Voting in the negative, 0.

Present and not voting, 3:

Lynch McKenzie Pirsch

Excused and not voting, 1:

Haberman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 8, 1993, at 11:00 a.m., were the following bills: 139, 110, 110A, 231, 429, 124, 124A, 152, 152A, 190, 190A, 218, and 838.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of June 7, 1993. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Chizek, Jerry - Omaha	Nebraskans First, Inc.
Douglas, Robb - Lincoln (Withdrawn 05/20/93)	ASUN - UNL Student Government
Erickson & Sederstrom, P.C.	
Thone, Charles - Lincoln	Nebraska Mortgage Association (Withdrawn 04/14/93)
Peterson, Chris - Lincoln (Withdrawn 05/25/93)	ASUN - UNL Student Government

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 254 in the Journal. No objections. So ordered.

AM2284

(Amendments to Standing Committee amendments, AM1186)

1. Strike amendment 1 and insert the following new amendment:

"1. Strike original sections 1 to 4 and insert the following new sections:

'Section 1. (1) Every sheriff, deputy sheriff, marshal, deputy marshal, police officer, or peace officer as defined in subdivision (15) of section 49-801 shall have the power and authority to enforce the laws of this state or otherwise perform the functions of that office anywhere within his or her primary jurisdiction. Primary jurisdiction shall mean the geographic area within territorial limits of the state or political subdivision which employs the law enforcement officer.

(2) Any such law enforcement officer who is within this state, but beyond the territorial limits of his or her primary jurisdiction, shall have the power and authority to enforce the laws of this state or any legal ordinance of any city or incorporated village or otherwise perform the functions of his or her office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within the territorial limits of his or her primary jurisdiction in the following cases:

(a) Any such law enforcement officer, if in a fresh attempt to apprehend a person suspected of committing a felony, may follow such person into any other jurisdiction in this state and there arrest and detain such person and return such person to the law enforcement officer's primary jurisdiction;

(b) Any such law enforcement officer, if in a fresh attempt to apprehend a person suspected of committing a misdemeanor or a traffic infraction, may follow such person anywhere in the county in which the law enforcement officer's primary jurisdiction is located or any adjacent county and there arrest and detain such person and return such person to the law enforcement officer's primary jurisdiction;

(c) Any such law enforcement officer shall have such enforcement and arrest and detention authority when responding to a call in which a local, state, or federal law enforcement officer is in need of assistance. A law enforcement officer in need of assistance shall mean (i) a law enforcement officer whose life is in danger or (ii) a law enforcement officer who needs assistance in making an arrest and the suspect (A) will not be apprehended unless immediately arrested, (B) may cause injury to himself or herself or others or damage to property

unless immediately arrested, or (C) may destroy or conceal evidence of the commission of a crime; and

(d) Any municipality or county may, under the provisions of the Interlocal Cooperation Act, enter into a contract with any other municipality or county for law enforcement services or joint law enforcement services. Under such an agreement law enforcement personnel may have such enforcement authority within the jurisdiction of each of the participating political subdivisions if provided for in the agreement. Unless otherwise provided in the agreement each participating political subdivision shall provide liability insurance coverage for its own law enforcement personnel as provided in section 2 of this act.

Sec. 2. Each political subdivision shall self-insure or contract for insurance against liability for personal injuries or property damage that may be incurred by it or by its personnel as a result of law enforcement activity within or without its primary jurisdiction.

Sec. 3. That section 60-489, Revised Statutes Supplement, 1992, be amended to read as follows:

60-489. Every person licensed to operate motor vehicles under the Motor Vehicle Operator's License Act shall, upon receipt of the operator's license, endorse his or her signature thereon in a space provided for such purpose, and no license shall be valid until it is so endorsed. Except for a farm permit issued under section 60-4,126, the license shall at all times be carried by the licensee when operating a motor vehicle on the highways of this state and shall be presented by the licensee for examination, or he or she shall present proof of ownership of the same, upon demand by any officer, employee, or agent of the Nebraska State Patrol or police or peace officer recognized as such by the laws of this state. Such officer, employee, or agent shall, in every case of making demand on the motor vehicle operator to show an operator's license, first display proper evidence of his or her lawful authority to act as an officer of the law. ~~Outside incorporated villages and cities~~ Except as provided in section 1 of this act, no officer, except an officer, agent, or employee of the Nebraska State Patrol, the Superintendent of Law Enforcement and Public Safety, the county sheriff, or their authorized deputies or subordinates, shall exercise the authority to demand presentation of an operator's license outside incorporated cities and villages. A farm permit issued under section 60-4,126 need not be carried on the person but shall be produced for examination within twenty-four hours after a lawful demand therefor has been made under this section.

Sec. 4. That original section 60-489, Revised Statutes Supplement, 1992, is repealed.'.".

MESSAGE FROM THE GOVERNOR

June 8, 1993

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 301 and 301A were received in my office on June 3, 1993; Engrossed Legislative Bills 725 and 725A were received on June 7, 1993.

These bills were signed by me on June 8, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

APPROPRIATIONS COMMITTEE REPORT ON LB 541

Pursuant to Rule 6, Section 14, the Appropriations Committee has reviewed the Governor's line item vetoes of LB 541 as follows:

Section	Agency	Item	Fund	1993-94 Amount	1994-95 Amount	Total
16	Governor	Low level waste advisor position and children and family position and strikes intent language.	Revolving	77,554	77,554	155,108
110	Water Res.	Evapotranspiration study.	General	8,834		8,834
147	State Coll.	Partial reduction of appropriation over the Governor's original recommendation.	General	221,300	336,264	557,564
148	University	Partial reduction of appropriation over the Governor's original recommendation.	General	1,300,893	2,666,598	3,967,491
170 & 171	Patrol	Health insurance funding.	General Cash	235,767 29,580	260,122 33,149	495,889 62,729
219	Comm. Coll.	Partial reduction of appropriation over the	General	96,197	502,736	598,933

	Governor's original recommendation.				
213 Crime Comm.	Drug seizure funding for additional high speed driver training.	Cash	50,000	50,000	100,000
	Grand Totals	General	1,862,991	3,765,720	5,628,711
		Cash	79,580	83,149	162,729
		Revolving	77,554	77,554	155,108
			2,020,125	3,926,423	5,946,548

Subsequent to the review, the Committee recommends overriding the line item vetoes contained in sections 16, 147, 148 and 219.

(Signed) Scott Moore, Chairperson
Appropriations Committee

APPROPRIATIONS COMMITTEE REPORT ON LB 330

Pursuant to Rule 6, Section 14, the Appropriations Committee has reviewed the Governor's line item vetoes of LB 330, section 24, which reduces the appropriation to Agency 20, Department of Health, Program 177, by $80,000 General Funds in FY 1993-94 and $80,000 General Funds in FY 1994-95 for licensure and survey activity of health care facilities.

Subsequent to the review, the Committee has taken no action regarding an override of the veto.

(Signed) Scott Moore, Chairperson
Appropriations Committee

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 235, 302, 302A, 345, 345A, 348, 348A, 440, 440A, 587, and 587A.

RECESS

At 11:57 a.m., on a motion by Speaker Baack, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Mr. Haberman who was excused; and Messrs. Chambers, Coordsen, Moore, Warner, and Mrs. Hudkins who were excused until they arrive.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 724. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1021, 16-1023, 16-1024, 16-1025, 16-1028, 16-1031, 16-1033, 16-1038, 16-1042, and 81-2033, Reissue Revised Statutes of Nebraska, 1943, and sections 16-1027, 16-1029, 16-1030, 16-1034, 16-1036, 81-2025, and 81-2026, Revised Statutes Supplement, 1992; to change provisions relating to the firefighters' retirement systems for cities of the first class and the Nebraska State Patrol Retirement System; to define and redefine terms; to change contributions and benefit provisions; to change funding provisions; to change provisions relating to payment of benefits; to provide for early retirement as prescribed; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Abboud	Cudaback	Hohenstein	McKenzie	Schellpeper
Avery	Day	Horgan	Pedersen	Schmitt
Baack	Dierks	Hudkins	Pirsch	Vrtiska
Bohlke	Elmer	Janssen	Preister	Wehrbein
Bromm	Fisher	Jones	Rasmussen	Wickersham
Byars	Hartnett	Kristensen	Robak	Witek
Crosby	Hillman	Lynch	Robinson	Withem

Voting in the negative, 9:

Ashford	Chambers	Landis	Moore	Will
Beutler	Hall	Lindsay	Wesely	

Present and not voting, 2:

Bernard-Stevens	Schimek

Excused and not voting, 3:

Coordsen Haberman Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 757.

A BILL FOR AN ACT relating to employees; to amend sections 48-121, 48-138, 48-139, 48-146.01, 48-151, 48-162, 48-162.01, 48-168, 48-172, 48-173, 48-187, 48-194, 48-612, and 77-912, Reissue Revised Statutes of Nebraska, 1943, and sections 44-5028, 48-120, 48-121.01, 48-128, 48-140, 48-141, 48-145.04, 48-162.02, 48-163, and 48-1,110, Revised Statutes Supplement, 1992; to provide for workers' compensation premium rates; to limit and provide duties for employers relating to medical services; to provide for certification of and services by managed care organizations; to provide standards for vocational rehabilitation; to provide when compensation is due during rehabilitation; to change provisions relating to the maximum weekly income benefit; to authorize an independent medical examiner system; to eliminate district court review of certain settlements; to provide certain fees for the compensation court; to define terms; to eliminate funds; to create funds; to change provisions relating to the adoption of rules and regulations; to provide for informal dispute resolution; to provide access to employment records; to harmonize provisions; to provide for payments by certain insurance companies and risk management pools; to provide for safety committees; to provide for the Workplace Safety Consultation Program; to provide powers and duties for the Director of Insurance, Commissioner of Labor, and the Nebraska Workers' Compensation Court; to provide for a study, hearing, and report; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Bohlke	Elmer	Kristensen	Preister
Ashford	Bromm	Fisher	Landis	Rasmussen
Avery	Byars	Hillman	Lynch	Robak
Baack	Coordsen	Hohenstein	McKenzie	Robinson
Bernard-Stevens	Crosby	Hudkins	Moore	Schellpeper
	Cudaback	Janssen	Pedersen	Schimek
Beutler	Day	Jones	Pirsch	Schmitt

Vrtiska	Wehrbein	Wickersham	Witek	Withem
Warner	Wesely			

Voting in the negative, 3:

Chambers	Hall	Will

Present and not voting, 3:

Hartnett	Horgan	Lindsay

Excused and not voting, 2:

Dierks	Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 757A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 757, Ninety-third Legislature, First Session, 1993; to reduce appropriations; and to transfer funds.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud	Byars	Hohenstein	Moore	Schimek
Ashford	Coordsen	Hudkins	Pedersen	Schmitt
Avery	Crosby	Janssen	Pirsch	Vrtiska
Baack	Cudaback	Jones	Preister	Warner
Bernard-Stevens	Day	Kristensen	Rasmussen	Wehrbein
	Elmer	Landis	Robak	Wesely
Beutler	Fisher	Lynch	Robinson	Wickersham
Bohlke	Hillman	McKenzie	Schellpeper	Withem
Bromm				

Voting in the negative, 3:

Chambers	Hall	Will

Present and not voting, 4:

Hartnett	Horgan	Lindsay	Witek

Excused and not voting, 2:

Dierks Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Ms. Day and Mrs. Crosby asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 782.

A BILL FOR AN ACT relating to persons in need of protection; to amend sections 25-2730, 30-2201, 30-2220, 30-2619, 30-2620, 30-2620.01, 30-2625, 30-2626, 30-2627, 30-2628, 30-2630, 30-2633, 30-2634, 30-2636, 30-2637, 30-2639, and 30-2643, Reissue Revised Statutes of Nebraska, 1943, and sections 30-3404, 30-3407 to 30-3409, 30-3412, 30-3413, 30-3422 to 30-3424, 30-3429, and 30-3432, Revised Statutes Supplement, 1992; to require a bond for certain appeals in guardianship proceedings; to provide duties for the State Court Administrator; to change provisions relating to appointment, powers, and duties of guardians and conservators and notice and procedures for guardianship and conservatorship proceedings; to provide for appointment of an attorney, a temporary guardian, and a temporary conservator; to provide for an expedited hearing; to change provisions relating to the power of attorney for health care; to change provisions relating to penalties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud	Byars	Hohenstein	Moore	Schmitt
Ashford	Chambers	Horgan	Pedersen	Vrtiska
Avery	Coordsen	Hudkins	Pirsch	Warner
Baack	Cudaback	Janssen	Preister	Wehrbein
Bernard-Stevens	Elmer	Jones	Rasmussen	Wesely
	Fisher	Kristensen	Robak	Wickersham
Beutler	Hall	Landis	Robinson	Will
Bohlke	Hartnett	Lynch	Schellpeper	Withem
Bromm	Hillman	McKenzie	Schimek	

Voting in the negative, 0.

Present and not voting, 2:

Lindsay Witek

Excused and not voting, 4:

Crosby Day Dierks Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolutions 272 and 274.

LR	Committee
272	Executive Board
274	Education

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 8, 1993, at 12:15 p.m., were the following bills: 235, 302, 302A, 345, 345A, 348, 348A, 440, 440A, 587, and 587A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MOTION - Return LB 839 to Select File

Mr. Wickersham moved to return LB 839 to Select File for the following specific amendment:
FA309
Strike the enacting clause.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Wickersham withdrew his motion to return.

Mr. Withem moved to return LB 839 to Select File for the following specific amendment:

FA310
Strike the emergency clause.

PRESIDENT MOUL PRESIDING

Mr. Moore moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Withem withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 839. With Emergency.

A BILL FOR AN ACT relating to schools; to amend section 79-446, Reissue Revised Statutes of Nebraska, 1943, and sections 79-101.01, 79-438.12, 79-1303, and 79-3806, Revised Statutes Supplement, 1992; to define a term; to change provisions relating to orders to change school district boundaries; to provide for a common levy for a Class VI school system as prescribed; to change provisions relating to valuation of school and saline lands; to eliminate reimbursement of tuition by the state for children of parents residing on tax-exempt, state-owned airfields, children of certain federal employees, and children of persons in military service; to eliminate reimbursement of tuition by a city for children of parents residing on tax-exempt, city-owned airfields; to harmonize provisions; to provide operative dates; to repeal the original sections, and also sections 79-446.01 to 79-448, Revised Statutes Supplement, 1992; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 27:

Abboud	Beutler	Hartnett	Lynch	Schimek
Ashford	Chambers	Hillman	Pirsch	Wehrbein
Avery	Crosby	Hohenstein	Preister	Wesely
Baack	Cudaback	Horgan	Rasmussen	Will
Bernard-Stevens	Day	Hudkins	Robinson	Witek
	Hall	Lindsay		

Voting in the negative, 17:

Bohlke	Bromm	Byars	Coordsen	Dierks

Elmer	Jones	Moore	Schellpeper	Warner
Fisher	Landis	Robak	Schmitt	Wickersham
Janssen	McKenzie			

Present and not voting, 4:

Kristensen	Pedersen	Vrtiska	Withem

Excused and not voting, 1:

Haberman

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 29:

Abboud	Beutler	Hillman	Pedersen	Vrtiska
Ashford	Chambers	Hohenstein	Pirsch	Wehrbein
Avery	Crosby	Horgan	Preister	Wesely
Baack	Day	Hudkins	Rasmussen	Will
Bernard-Stevens	Hall	Lindsay	Robinson	Witek
	Hartnett	Lynch	Schimek	Withem

Voting in the negative, 17:

Bohlke	Dierks	Jones	Moore	Schmitt
Bromm	Elmer	Landis	Robak	Warner
Byars	Fisher	McKenzie	Schellpeper	Wickersham
Coordsen	Janssen			

Present and not voting, 2:

Cudaback	Kristensen

Excused and not voting, 1:

Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

MOTION - Reconsider Final Passage of LB 839

Mr. Withem moved to reconsider the passage of LB 839 with the E clause.

The Withem motion to reconsider prevailed with 35 ayes, 3 nays, 10 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 839. With Emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud	Chambers	Hillman	Lynch	Schimek
Ashford	Crosby	Hohenstein	McKenzie	Vrtiska
Avery	Cudaback	Horgan	Moore	Warner
Baack	Day	Hudkins	Pedersen	Wehrbein
Bernard-Stevens	Elmer	Janssen	Pirsch	Wesely
Beutler	Fisher	Kristensen	Preister	Will
Bohlke	Hall	Landis	Rasmussen	Witek
Byars	Hartnett	Lindsay	Robinson	Withem

Voting in the negative, 7:

Bromm	Dierks	Robak	Schmitt	Wickersham
Coordsen	Jones			

Present and not voting, 1:

Schellpeper

Excused and not voting, 1:

Haberman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 724, 757, 757A, 782, and 839.

MOTION - Override Line-Item Veto on LB 541

Mr. Moore moved to override the Governor's line-item vetoes to LB 541, contained in sections 147, 148, and 219.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Moore moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Chambers requested a roll call vote on the Moore motion to override the Governor's line-item veto.

Mr. Moore requested the roll call vote be taken in reverse order.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 37:

Ashford	Byars	Hohenstein	Moore	Schmitt
Avery	Coordsen	Horgan	Pedersen	Warner
Baack	Crosby	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Cudaback	Janssen	Preister	Wesely
	Day	Jones	Rasmussen	Wickersham
Beutler	Elmer	Kristensen	Robak	Will
Bohlke	Hall	Landis	Schimek	Withem
Bromm	Hartnett	McKenzie		

Voting in the negative, 9:

Abboud	Dierks	Hillman	Robinson	Witek
Chambers	Fisher	Lindsay	Schellpeper	

Present and not voting, 1:

Vrtiska

Excused and not voting, 2:

Haberman Lynch

Having received a constitutional three-fifths majority voting in the affirmative, that portion of the bill passed notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Override Line-Item Veto on LB 541

Mr. Moore moved to override the Governor's line-item vetoes to LB 541, contained in Section 16.

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Moore requested a record vote on the motion to override the Governor's line-item veto.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 15:

Abboud	Bernard-Stevens	Elmer	Kristensen	Robinson
Ashford	Crosby	Fisher	Moore	Schmitt
Baack		Hohenstein	Pedersen	Wehrbein
				Witek

Voting in the negative, 26:

Avery	Day	Horgan	Preister	Vrtiska
Bohlke	Dierks	Hudkins	Rasmussen	Wesely
Bromm	Hall	Janssen	Robak	Wickersham
Chambers	Hartnett	Lindsay	Schellpeper	Will
Coordsen	Hillman	McKenzie	Schimek	Withem
Cudaback				

Present and not voting, 4:

Beutler	Byars	Pirsch	Warner

Excused and not voting, 4:

Haberman Jones Landis Lynch

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 8, 1993, at 3:20 p.m., were the following bills: 724, 757, 757A, 782, and 839.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

PROPOSED RULE CHANGE

Mr. Jones asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Amend Rule 2, Section 10, to read as follows:
Sec. 10. Time Limit on Speaking. Each member other than the mover, proposer, or introducer of a proposition, shall be allowed to speak up to three times for not more than five minutes on each occasion, upon any one question in deliberation during the legislative day, without leave of the Legislature~~, unless he or she be the mover, proposer, or introducer of the matter pending in which case he or she shall be permitted to speak in reply, but not until every other member choosing to speak shall have spoken~~. Provided, however, the mover, proposer, or introducer of the matter pending may speak for ten minutes when he or she first presents the matter to the Legislature, and for five minutes to close on the proposition just prior to the vote. The mover, proposer or introducer of a proposition shall only be permitted to speak up to three additional times if they are preceded by at least one intervening speaker. The introducer may also respond to an inquiry by another member or may be granted time to speak by another member.

Referred to the Rules Committee.

MESSAGES FROM THE GOVERNOR

June 8, 1993

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 595 and 595A were received in my office on June 3, 1993; Engrossed Legislative Bills 110 and 110A were received on June 8, 1993.

These bills were signed by me on June 8, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 8, 1993

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 543, 840, and 840A were received in my office on June 2, 1993; Engrossed Legislative Bills 491, 491A, 832, 832A, 835, and 22 were received on June 3, 1993.

These bills were signed by me on June 8, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

MOTION - Reconsider Final Passage of LB 389

Mr. Beutler renewed his pending motion, found in the Journal on page 2805, to reconsider the final vote on LB 389.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Beutler moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Beutler requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 26:

Abboud	Baack	Beutler	Day	Hartnett
Ashford	Bernard-Stevens	Chambers	Elmer	Hillman
Avery		Crosby	Hall	Hohenstein

Horgan	Preister	Warner	Wesely	Will
Kristensen	Rasmussen	Wehrbein	Wickersham	Withem
Lindsay	Schimek			

Voting in the negative, 11:

Byars	Dierks	Hudkins	McKenzie	Schmitt
Coordsen	Fisher	Janssen	Robinson	Witek
Cudaback				

Present and not voting, 8:

Bohlke	Moore	Pirsch	Schellpeper	Vrtiska
Bromm	Pedersen	Robak		

Excused and not voting, 4:

Haberman	Jones	Landis	Lynch

The Beutler motion to reconsider lost with 26 ayes, 11 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Members Excused

Messrs. Elmer and Robinson asked unanimous consent to be excused. No objections. So ordered.

COMMUNICATION

June 8, 1993

The Honorable Allen Beermann
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 541 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

CERTIFICATE

Legislative Bill 541, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

Section 147, State Colleges, partial reduction of appropriation over the Governor's original recommendation;

Section 148, University, partial reduction of appropriation over the Governor's original recommendation;

Section 219, Community Colleges, partial reduction of appropriation over the Governor's original recommendation.

(Signed) Maxine Moul
President of the Legislature

COMMUNICATION

June 8, 1993

The Honorable Allen Beermann
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item veto by Governor Nelson on LB 330, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

RESOLUTIONS

LEGISLATIVE RESOLUTION 74. Read. Considered.

Mr. Chambers withdrew his pending amendment, FA121, found in the Journal on page 1705.

Mr. Beutler withdrew his pending amendment, AM1693, found in the Journal on page 1705.

Mr. Withem renewed his pending amendment, AM2270, found in the Journal on page 2605.

SPEAKER BAACK PRESIDING

The Withem amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

PRESIDENT MOUL PRESIDING

LR 74, as amended, was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 90. Read. Considered.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment:
FA311

In the first resolve strike the words "should not be adopted in any form due to its" and substitute the language ", if proposed, should be structured in such a form as to avoid a"

In the fourth whereas change the word "has" to "may have"

Mr. Beutler moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Beutler amendment was adopted with 25 ayes, 14 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LR 90, as amended, was adopted with 33 ayes, 1 nay, and 15 not voting.

LEGISLATIVE RESOLUTION 115. Read. Considered.

LR 115 was adopted with 31 ayes, 1 nay, and 17 not voting.

LEGISLATIVE RESOLUTION 271. Read. Considered.

LR 271 was adopted with 31 ayes, 0 nays, and 18 not voting.

LEGISLATIVE RESOLUTION 273. Read. Considered.

LR 273 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 275. Introduced by Rasmussen, 20; Wesely, 26.

WHEREAS, the medically needy caretaker relative program was implemented in Nebraska in 1965 and designed to support families of low-income by providing health care; and

WHEREAS, the elimination of the medically needy caretaker relative program has adversely impacted over five thousand three hundred persons throughout the state; and

WHEREAS, continuation of the program would keep families intact and promote the pursuit of independence and self-sufficiency for the families; and

WHEREAS, the opportunity for families to pay for their health care according to their financial ability is good social policy; and

WHEREAS, due to the elimination of the program, the State of Nebraska will forego three million two hundred thousand dollars of federal funds in FY1993-94 and three million eight hundred thousand dollars in FY1994-95.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the congressional delegation of the State of Nebraska investigate possibilities, including authorization of waivers, to allow for implementation of a sliding fee scale to be used by Nebraska for the medically needy caretaker relative program.

2. That the Department of Social Services analyze the utilization of a sliding fee schedule, not necessarily limited by existing regulations, that would allow families to pay reasonable costs based on their capacity to pay for the purpose of reinstating the medically needy caretaker relative program.

3. That copies of this resolution be delivered to the members of the congressional delegation of the State of Nebraska and to the Department of Social Services.

MOTION - Suspend Rules

Mrs. Rasmussen moved to suspend Rule 4, Section 6, so as to permit consideration of LR 275 today.

The Rasmussen motion to suspend the rules prevailed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 275. Read. Considered.

LR 275 was adopted with 29 ayes, 0 nays, and 20 not voting.

MOTION - Notify Governor

Mr. Wesely moved that a committee of five be appointed to notify the Governor that the Ninety-Third Legislature, First Session of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Mrs. Bohlke, Ms. Schimek, Messrs. Bromm, Cudaback, and Preister to serve on said Committee.

The Committee returned and escorted Governor Ben Nelson to the rostrum where he delivered a message to the members.

The Committee escorted the Governor from the Chamber.

VISITORS

The Doctor of the Day was Mark Ptacek from O'Neill.

MOTION - Journal

Mrs. Pirsch moved that the Legislative Journal for the ninetieth day be approved as prepared by the Clerk.

The motion prevailed.

MOTION - Journal, Session Laws, and Index

Mr. Hall moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell, and that he be directed to send to each member of the Legislature a copy of the loose-leaf session laws and of the permanent Journal and Session Laws.

The motion prevailed.

MOTION - Adjourn Sine Die

Mr. Warner moved that the Ninety-Third Legislature, First Session of the Nebraska Legislature, having finished all business before it, now at 5:24 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
FIRST SESSION

CORRECTIONS TO THE JOURNAL

Page 2255, line 3, strike "; Schimek, 27".
Page 2255, line 24, strike "Schimek, 27;".
The Journal for the eightieth day was approved as corrected.

MESSAGES FROM THE GOVERNOR

June 8, 1993

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 190, 190A, 757, and 757A were received in my office on June 8, 1993.

These bills were signed by me on June 8, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 9, 1993

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 105, 105A, 158, 158A, 332, 332A, 360, 360A, 365, 377, 377A, 420, 420A, 453, 453A, 505, 505A, 520, 520A, 597, 597A, 734, and 734A were received in my office on June 3, 1993; Engrossed Legislative Bills 38, 117, 117A, 397, 397A, 719, 500, and 500A were received on June 7, 1993.

These bills were signed by me on June 9, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson

Governor

June 9, 1993

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 44, 44A, 798, 798A, 799, 799A, 800, 800A, 801, 804, 804A, 805, 805A, 808, 808A, 815, 815A, 816, and 816A were received in my office on June 3, 1993.

These bills were signed by me on June 9, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 9, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

Today I signed and delivered to the Secretary of State LB 643, a bill designed to produce a comprehensive study of alternatives for educating Nebraska students with hearing impairments, including deafness.

It is vital that all Nebraska children have an opportunity for high performance learning. The final version of LB 643 shows sensitivity to state's deaf community. It does not preordain any one solution and it takes into account the cultural and other unique needs of these students.

The issues of continued quality, accessibility and cost-effectiveness of the state and local school district programs (including ESU and cooperative programs) available to these young Nebraskans have arisen repeatedly over the past ten years. They are serious issues. Because the issues have not been faced forthrightly or conclusively in the past, the deaf community has been caused needless uncertainty and anxiety. By the same token, significant opportunities for savings and/or improved services may have been missed. It is essential, therefore, that the LB 643 study committee and the State Board of Education come up with a sound plan: one that is grounded in budget realities and the need for

effective services and which promotes necessary change in a compassionate manner.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 10, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

I am returning LB 145 and LB 145A without my signature and with my objections.

The bill requires that a birth certificate be presented to an examiner for each driver's license applicant under age 18. If there is no birth certificate, the applicant must present other reliable proof of identity and an affidavit from their parent or guardian explaining why no birth certificate is available.

Although the bill is intended to help locate missing children, the procedures to be followed by the Department of Motor Vehicles in implementing the bill do not provide for the necessary tracking system. Information used for tracking purposes will be on a separate document rather than the license application itself. This requires additional paperwork and leads to a greater possibility for error when the information is transferred to electronic records.

The applicant, regardless of age, is currently required to present one of several types of identification and proof of birth date, including a birth certificate. Although the bill limits those under 18 to a certified birth certificate for identification and proof of birth date, it also allows a parent or guardian to avoid this step by submitting an affidavit. There are no grounds for an examiner to accept or reject the explanation of why a birth certificate is not available; thus the ease with which an individual can bypass the birth certificate requirement is increased.

Although the bill was introduced for a worthy purpose, I do not believe the legislation will accomplish the desired objective. Instead, the bill requires additional paperwork and could increase instances of fraudulent acquisition of a driver's license.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

MESSAGE FROM THE SECRETARY OF STATE

June 9, 1993

Mr. Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that LB 330, with the Governor's signature and with a certain line-item veto, along with the Governor's line-item reduction message was filed in the office of the Secretary of State on June 8, 1993 at 5:27 P.M.

Further, I hereby acknowledge receipt of your letter dated June 8, 1993, indicating that "inasmuch as the Legislature did not override the line-item veto by Governor Nelson on LB 330, I am filing the bill for public record in the form and amounts as prescribed by the Governor.".

Finally, I hereby acknowledge that LB 330, the Governor's reduction message and your cover letter dated June 8, 1993, have all been filed in this office as a matter of public record.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

AJB:lat
Enclosures

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that LB 330 passed by the Ninety Third Legislature, First Session was signed by Governor Nelson on June 7, 1993, but with a certain item having been line-item vetoed.

Further, I hereby certify that inasmuch as the Legislature did not override the line-item veto and inasmuch as the bill has been filed in the office of Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said bill LB 330 will become effective as provided by law.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this ninth day of June in the year of our Lord, one thousand nine hundred and ninety-three.

(SEAL) Allen J. Beermann, Secretary of State

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR 74.

(Signed) Kurt A. Hohenstein, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 74. Introduced by Withem, 14; Hartnett, 45; Lynch, 13; Hall, 7.

WHEREAS, Croatia and Bosnia-Hercegovina are sovereign and independent states, members of the United Nations, and participating states of the Conference on Security and Cooperation in Europe; and

WHEREAS, the leaders of Croatia and Bosnia-Hercegovina have committed themselves to practice tolerance and to live together in peace with neighboring states in keeping with the Charter of the United Nations and to promote human rights and democracy pursuant to the Helsinki Final Act; and

WHEREAS, the people of Croatia and Bosnia-Hercegovina have been and remain the target of armed aggression by Serbia and Serbian-backed forces; and

WHEREAS, the loss of life and human suffering in Bosnia-Hercegovina has reached an unprecedented scale in post-World War II Europe; and

WHEREAS, the war and "ethnic cleansing" in Croatia and Bosnia-Hercegovina have uprooted more than one and one-half million people, contributing to the largest refugee problem in Europe since World War II; and

WHEREAS, the people of Croatia and Bosnia-Hercegovina have been subjected to organized, systematic, and premeditated war crimes and genocide, including willful killings, rape, forced impregnation, abuse of civilians in detention centers, deliberate attacks on noncombatants including women and children, "ethnic cleansing" through forcible expulsion and deportation of civilians, and torture of prisoners; and

WHEREAS, the United Nations Security Council has reaffirmed that persons who commit or order the commission of grave breaches of the

Geneva Conventions are individually responsible with respect to such breaches; and

WHEREAS, the International Committee of the Red Cross and other international humanitarian organizations have not been granted unimpeded and continuous access to all camps, prisons, and detention centers in Croatia and Bosnia-Hercegovina as called for by the United Nations Security Council; and

WHEREAS, efforts by United Nations humanitarian organizations and others to secure the effective and unimpeded delivery of humanitarian supplies to all victims of the war in Croatia and Bosnia-Hercegovina have reportedly been blocked; and

WHEREAS, numerous diplomatic efforts to achieve a peaceful solution to the war in Croatia and Bosnia-Hercegovina have failed to bring about a cessation of hostilities; and

WHEREAS, the United Nations Security Council has demanded that neighboring states respect the territorial integrity of Croatia and Bosnia-Hercegovina; and

WHEREAS, irregular forces have failed to disband, disarm, or place their weapons under effective international monitoring; and

WHEREAS, article 51 of the Charter of the United Nations provides for the right of individual and collective self-defense if an armed attack occurs against a member state; and

WHEREAS, the right of Croatia and Bosnia-Hercegovina to defend themselves against attack by old Yugoslavian communist forces and Serbian Cetniks has been thwarted by the existing international arms embargo; and

WHEREAS, incursions of the airspace of Croatia and Bosnia-Hercegovina by hostile military aircraft continue to occur in violation of the establishment of a "no-fly" zone by the United Nations Security Council; and

WHEREAS, United Nations Security Council resolutions on a "no-fly" zone, the transfer of all heavy weapons to international control, the delivery of humanitarian assistance, and access to all camps, prisons, and detention centers in Bosnia-Hercegovina have not been fully implemented or enforced; and

WHEREAS, the Croatian Cultural Society of Omaha has been active in maintaining the culture of Croatian Americans; and

WHEREAS, the Croatian Cultural Society has contacted, locally, the St. Martin de Porres Center, for Omaha to be placed on the list as a resettlement site for refugees from Croatia and Bosnia-Hercegovina, but to no avail.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the United States recognizes that Croatia and Bosnia-Hercegovina have the right to self-defense as provided under article 51 of the Charter of the United Nations. The United States should encourage the lifting of the international arms embargo as it

applies to Croatia and Bosnia-Hercegovina, thus enabling Croatia and Bosnia-Hercegovina to uphold the right of self-defense.

2. That the United States should assemble a multinational coalition to:

(a) Ensure that irregular forces in Croatia and Bosnia-Hercegovina either withdraw or be disbanded and disarmed with their weapons placed under effective international monitoring;

(b) Ensure the immediate, effective, and unimpeded delivery of humanitarian aid to all civilian populations in Croatia and Bosnia-Hercegovina in keeping with international commitments; and

(c) Ensure unimpeded access to all camps, prisons, and detention centers in Bosnia-Hercegovina by the International Committee of the Red Cross and other international humanitarian organizations and facilitate the release of all detainees from such facilities.

3. That the Legislature believes that the preservation and respect for human life should cause people to look beyond cultural and political differences in an effort to peacefully resolve this conflict. The Legislature condemns all forces which have committed serious war crimes against humanity and encourages the hostilities to cease and the continuation of diplomatic efforts to resolve the conflict.

4. That the Legislature encourages the United States to:

(a) Seek an increase in the number of refugees from Croatia and Bosnia-Hercegovina permitted to enter the United States and other European countries; and

(b) Work to ensure that those responsible for war crimes and crimes against humanity in Croatia and Bosnia-Hercegovina are held accountable by an international criminal tribunal.

5. That the Legislature strongly encourages the appropriate federal and private agencies to include the Croatian Cultural Society of Omaha in the resettlement of those refugees seeking asylum in the United States.

6. That the Legislature encourages physicians and hospitals in Nebraska, especially in Omaha because of its Croatian population, to become involved in a humanitarian way to help the victims of war from Croatia and Bosnia-Hercegovina which can be accomplished by becoming involved in the International Organization for Migration, a nonprofit organization aimed at secondary treatment of victims of war and violence.

7. That the Legislature encourages individuals, businesses, and church organizations to also help in a humanitarian effort by sponsoring victims in the form of monetary contributions for payment of medical care.

8. That the Clerk of the Legislature shall transmit copies of this resolution to Nebraska's congressional delegation and the Croatian Cultural Society.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following enrolled resolution: LR 74.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR 90.

(Signed) Kurt A. Hohenstein, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 90. Introduced by Dierks, 40; Byars, 30; Elmer, 38; Moore, 24; Cudaback, 36; Witek, 31; Haberman, 44; Vrtiska, 1; Robinson, 16; Wickersham, 49; Bromm, 23; Hudkins, 21; Schellpeper, 18; Jones, 43.

WHEREAS, President Clinton has proposed a broad based energy tax on all forms of energy known as the British Thermal Unit (BTU) tax; and

WHEREAS, Nebraska farmers are unfairly disadvantaged by such a tax in that they are heavy users of energy, and further, cannot pass on or recoup such increased costs in the sale of their products; and

WHEREAS, based on information gathered by the Governor's Impact Nebraska Meeting, held on March 12, 1993, the annual cost of the BTU tax may range from twenty-five cents per acre for ranch land to as high as five dollars per acre for an irrigated farm; and

WHEREAS, such tax may have a disproportionate impact on Nebraskans; and

WHEREAS, Nebraskans are willing to do their fair share to strengthen America and expand its economy, the BTU tax can do nothing but produce a negative effect on economic growth and job creations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That while the Legislature supports the President in his stated goal to reduce the national debt, that such attempts should include additional spending cuts, and that the BTU tax, if proposed, should be structured in such a form as to avoid a depressing and degrading effect on Nebraska agriculture.

2. That the Clerk of the Legislature send copies of this resolution to the President of the United States, to the Honorable Leon Panetta, Director of the Budget, and to the members of the Nebraska congressional delegation.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following enrolled resolution: LR 90.

MESSAGES FROM THE GOVERNOR

June 10, 1993

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 669, 669A, 203, 203A, 564, 564A, 310, 516, 536, 536A, 627, and 627A were received in my office on June 7, 1993; Engrossed Legislative Bills 139, 231, 124, 124A, 152, 218, 838, 235, 302, 302A, 345, 345A, 348, 348A, 440, 440A, 587, 587A, 724, and 782 were received on June 8, 1993.

These bills were signed by me on June 10, 1993, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 10, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

Today I signed and delivered to the Secretary of State LB 239.

Nebraska's community colleges have updated their Role and Mission in line with the Comprehensive Plan of the Coordinating Commission for Postsecondary Education and have taken steps to address difficult circumstances facing the continued viability of Western Nebraska Community College. The changes in LB 239, if property implemented, can help communicate the purpose of the community colleges to the public and can prepare WNCC in particular to meet the challenges of the future.

Nevertheless, I feel compelled to express a word of caution in both of those instances. It is my clear understanding that the Role and

Mission updating and clarifications were not intended to signal a change of roles or priorities for the community colleges. Therefore, those changes may not be construed as building a mandate for state reimbursement or subsidy of the costs of what is now termed "foundations education" and which includes remedial education programs. Likewise, it is my clear understanding that the newly authorized construction in the Western Community College Area in Scottsbluff and Sidney will be limited to remodeling and/or construction of "applied technology" (vocational-technical) classroom and laboratory space. Administrative, foundations education, and student services space therefore must be kept to an absolute minimum.

I note that the Legislature plans to examine a number of role and mission and program delivery issues in depth in the interim prior to the next legislative session. LR 125 and LR 128 appear particularly timely and well-focused in that regard, and I pledge this administration's assistance in that process.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 10, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

Today I signed and delivered to the Secretary of State LB 632, a bill which creates the offense of handicapped parking infraction and allows municipalities to pass ordinances to designate citizens to issue citations.

The bill has merit in that it provides for enforcement of accessible parking for individuals with disabilities. In too many instances law enforcement officers are too busy to enforce handicapped parking laws. Not only that, law enforcement is not able to recoup the costs for enforcement. Thus the law is not enforced and violators continue to abuse the law. The bill's aim is to preserve handicap parking places for people with disabilities, those that need them.

The conditions or parameters for which a person who is designated as a peace officer - such as training provisions, responsibilities, and liability - need to be addressed. The process for notification when a person receives a citation needs work also. Placing a ticket on the vehicle, where it can be blown away, is not enough. This is particularly true when the individual must appear in court within three days, and any person failing to appear can be charged with a Class III misdemeanor.

Although I have concerns about these issues, the sponsor of the bill has assured me that he will work with affected interests to address them before the 1994 session. Therefore, I sign the bill with the expectation that these issues will be addressed in the next regular session of the legislature.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 10, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

LB 429 was received in my office on June 8, 1993. The bill was signed by me on June 10, 1993 and delivered to the Secretary of State. Nevertheless, I have strong reservations about the expanded scope of practice by the optometrists without requiring additional education, training and supervision.

To address my concerns regarding appropriate education, training and supervision, I have asked Dr. Mark Horton, Director, Department of Health to study the issues and bring all parties together for the purpose of making recommendations in the 1994 session of the Legislature. I have received assurances that the ophthalmologists and optometrists will work together and revisit this issue during the interim.

I am unequivocally opposed to allowing optometrists to use certain agents in the treatment of glaucoma. Nonetheless, with proper training and supervision, some optometrists could and should be able to prescribe pharmaceutical agents for pain, infection and inflammation.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 10, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

Today I signed LB 839 and delivered it to the Secretary of State.

LB 839 provides for a "common levy" for Class I - Class VI school systems, effective for the 1995-96 school year. It also provides a

mechanism for releasing apportionment and in-lieu-of-tax funds from state school lands, based on an appraisal rate of 80% for apportionment. Finally -- and this was the original purpose of the bill -- it deletes obsolete tuition provisions for certain students residing on federal and state lands.

I am sensitive to the outrage caused by the process that was used to advance the common levy. Nevertheless, in the final analysis, issues must be decided on their merit, and Governors, like batters, do not get to select how the pitch comes across the plate.

The needs of rural Nebraska, particularly our more sparsely populated regions, are truly unique. They must not be addressed in a vacuum through the mere operation of mechanical formulas and inflexible principles. The Rural Development Commission, for instance, has exemplified the search for new solutions to previously intractable problems, and the creation of new opportunities where none were thought to exist.

As the result of a school reorganization compromise first enacted in 1990 with LB 259, the common levy will be the established policy for all other elementary education systems in Nebraska as of next month. Thus, the two-year study period preceding implementation of the common levy for Class VI systems provides the opportunity to study the likely effects based on reliable fiscal data that are not available at this time. More importantly, the intervening period will allow serious study of innovative rural assistance ideas such as a "population sparsity" factor and the recognition of necessary transportation expenses in the state aid formula, to cite but two. I urge the Legislature to study these issues thoroughly, and I pledge my support in the critical examination of the Class VI common levy and the search for more equitable ways of addressing the educational needs of Nebraska's rural students.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 10, 1993

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

With this letter, I am returning LB 152A with line-item reductions in the appropriations contained in the bill.

The line-item veto reduces the state general fund appropriation for FY 1993-94 and FY 1994-95 to $100,000 and $300,000, respectively. The resultant funding for the non-state affiliated family practice

residency programs provided for in LB 152 becomes equivalent to the funding for the student loans contained in the Rural Health Opportunities Act, or LB 505, that also became law this session.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 115, 271, 273, and 275.

MESSAGE FROM THE SECRETARY OF STATE

June 9, 1993

Mr. Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on June 8, 1993, at 5:35 P.M., LB 541. Along with LB 541, I hereby acknowledge receipt of your cover letter dated June 8, 1993 and a Certificate signed by Maxine B. Moul, President of the Legislature, the contents of which are as follows:

Legislative Bill 541, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

Section 147, State Colleges, partial reduction of appropriation over the Governor's original recommendation;

Section 148, University, partial reduction of appropriation over the Governor's original recommendation;

Section 219, Community Colleges, partial reduction of appropriation over the Governor's original recommendation.

These provisions have become law the 8th day of June, 1993.

Further, I hereby acknowledge that LB 541, cover letter, certificate and a copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

AJB:lat/Enclosure

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that LB 541, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by a Constitutional majority has overridden said line-item vetoes as follows:
Section 147, State Colleges, partial reduction of appropriation over the Governor's original recommendation;
Section 148, University, partial reduction of appropriation over the Governor's original recommendation;
Section 219, Community Colleges, partial reduction of appropriation over the Governor's original recommendation.
These provisions have become law the 8th day of June, 1993.

Further, I hereby certify that LB 541 was filed in the office of the Secretary of State on June 8, 1993 at 5:25 P.M., along with the cover letter from the Clerk, the certificate of Maxine B. Moul, President of the Legislature and a copy of the Governor's message.

Finally, I hereby certify that all documents herein certified to have been filed in the office of the Secretary of State and made a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this ninth day of June in the year of our Lord, one thousand nine hundred and ninety-three.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

June 11, 1993

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to advise you and to have placed in the Legislative Journal that Legislative Bill 152A was passed by the Ninety-third Legislature at its First Session and was presented to the Governor.

I have received from Governor E. Benjamin Nelson Legislative Bill 152A with his signature but with line-item reductions. This bill was received in the office of the Secretary of State on June 10, 1993, at 5:10 P.M.

Respectfully submitted
(Signed) ALLEN J. BEERMANN
Secretary of State

AJB:lat

CERTIFICATE

I, Patrick J. O'Donnell, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies of letters provided concerning action on bills after adjournment of the Ninety-Third Legislature, First Session, and other correspondence.

Patrick J. O'Donnell
Clerk of the Legislature

June 15, 1993
Lincoln, Nebraska

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1993

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Compiled by

PATRICK J. O'DONNELL

Clerk of the Legislature

03-01-49-93

2872

CHRONOLOGY OF BILLS

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FIRST SESSION
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Jan.	26	Correctly Engrossed	371
Feb.	4	Final Reading 39-0-10	496
Feb.	4	President signed	506
Feb.	4	Presented to Governor (2/4)	511
Feb.	8	Approved by Governor (2/6)	554

LEGISLATIVE BILL 2. By Executive Board

Jan.	7	Read first time	62
Jan.	8	Correction	98
Jan.	11	Placed on General File	122
Jan.	14	Advanced for Review	208
Jan.	19	Placed on Select File - AM5320	232
Jan.	22	AM5320 (E & R) adopted. Advanced for Engrossment	359
Jan.	26	Correctly Engrossed	371
Feb.	4	Final Reading w/E 42-0-7	502
Feb.	4	President signed	506
Feb.	4	Presented to Governor (2/4)	511
Feb.	8	Approved by Governor (2/6)	554

LEGISLATIVE BILL 3. By Executive Board

Jan.	7	Read first time	62
Jan.	8	Correction	98
Jan.	11	Placed on General File	122
Jan.	14	Advanced for Review	208
Jan.	19	Placed on Select File - AM5327	232
Jan.	22	AM5327 (E & R) adopted.	

Advanced for Engrossment 360
Jan. 26 Correctly Engrossed 371
Feb. 4 Final Reading 41-0-8 494
Feb. 4 President signed 506
Feb. 4 Presented to Governor (2/4) 511
Feb. 8 Approved by Governor (2/6) 554

LEGISLATIVE BILL 4. By Executive Board

Jan. 7 Read first time 63
Jan. 8 Correction 98
Jan. 11 Placed on General File 122
Jan. 14 Advanced for Review 209
Jan. 19 Placed on Select File - AM5321 233
Jan. 22 AM5321 (E & R) adopted.
Advanced for Engrossment 360
Jan. 26 Correctly Engrossed 371
Feb. 4 Final Reading 39-0-10 496
Feb. 4 President signed 506
Feb. 4 Presented to Governor (2/4) 511
Feb. 8 Approved by Governor (2/6) 554

LEGISLATIVE BILL 5. By Executive Board

Jan. 7 Read first time 63
Jan. 8 Correction 98
Jan. 11 Placed on General File 122
Jan. 14 Advanced for Review 209
Jan. 19 Placed on Select File - AM5322 233
Jan. 22 AM5322 (E & R) adopted.
Advanced for Engrossment 360
Jan. 26 Correctly Engrossed 371
Feb. 4 Final Reading 38-1-10 497
Feb. 4 President signed 506
Feb. 4 Presented to Governor (2/4) 511
Feb. 8 Approved by Governor (2/6) 554

LEGISLATIVE BILL 6. By Executive Board

Jan. 7 Read first time 63
Jan. 11 Placed on General File 122
Jan. 14 Advanced for Review 209
Jan. 19 Placed on Select File 233
Jan. 22 Advanced for Engrossment 360
Jan. 26 Correctly Engrossed 371
Feb. 4 Final Reading 40-0-9 498
Feb. 4 President signed 506
Feb. 4 Presented to Governor (2/4) 511
Feb. 8 Approved by Governor (2/6) 554

LEGISLATIVE BILL 7. By Executive Board

Jan. 7 Read first time 63
Jan. 8 Correction 98
Jan. 11 Placed on General File 122
Jan. 14 Advanced for Review 209
Jan. 19 Placed on Select File - AM5323 234
Jan. 22 AM5323 (E & R) adopted.
Advanced for Engrossment 360
Jan. 26 Correctly Engrossed 371
Feb. 4 Final Reading 40-0-9 499
Feb. 4 President signed 506
Feb. 4 Presented to Governor (2/4) 511
Feb. 8 Approved by Governor (2/6) 554

LEGISLATIVE BILL 8. By Executive Board

Jan. 7 Read first time 63
Jan. 8 Correction 98
Jan. 11 Placed on General File 122
Jan. 14 Advanced for Review 209
Jan. 19 Placed on Select File - AM5324 234
Jan. 22 AM5324 (E & R) adopted.
Advanced for Engrossment 360
Jan. 26 Correctly Engrossed 371
Feb. 4 Final Reading 41-0-8 500
Feb. 4 President signed 506
Feb. 4 Presented to Governor (2/4) 511
Feb. 8 Approved by Governor (2/6) 554

LEGISLATIVE BILL 9. By Executive Board

Jan. 7 Read first time 64
Jan. 8 Correction 98
Jan. 11 Placed on General File 122
Jan. 14 Advanced for Review 209
Jan. 19 Placed on Select File - AM5325 234
Jan. 22 AM5325 (E & R) adopted.
Advanced for Engrossment 360
Jan. 26 Correctly Engrossed 371
Feb. 4 Final Reading 42-0-7 500
Feb. 4 President signed 506
Feb. 4 Presented to Governor (2/4) 511
Feb. 8 Approved by Governor (2/6) 554

LEGISLATIVE BILL 10. By Executive Board

Jan. 7 Read first time 64
Jan. 8 Correction 98
Jan. 11 Placed on General File 122
Jan. 14 Advanced for Review 209
Jan. 19 Placed on Select File - AM5326 234
Jan. 22 AM5326 (E & R) adopted.
Advanced for Engrossment 360
Jan. 26 Correctly Engrossed 371
Feb. 4 Final Reading 41-0-8 501
Feb. 4 President signed 506
Feb. 4 Presented to Governor (2/4) 511
Feb. 8 Approved by Governor (2/6) 554

LEGISLATIVE BILL 11. By Hohenstein

Jan. 7 Read first time 64
Jan. 11 Referred to Committee on Revenue 122
Jan. 20 Notice of hearing (1/27) 264
Feb. 8 Indefinitely postponed 558
(Provisions/portions of LB 11 amended into LB 346 by AM0211)

LEGISLATIVE BILL 12. By Kristensen

Jan. 7 Read first time 64
Jan. 11 Referred to Committee on Judiciary 122
Feb. 4 Notice of hearing (2/11) 508
Feb. 24 Indefinitely postponed 759
Mar. 2 Kristensen motion to place on General
File laid over 814
Mar. 3 Kristensen pending motion p. 814 lost 834
Mar. 4 Lynch motion to reconsider vote to place
on General File laid over 876

LEGISLATIVE BILL 13. By Kristensen

Jan. 7 Read first time 64
Jan. 11 Referred to Committee on Nebraska
Retirement Systems 122
Jan. 26 Notice of hearing (2/4) 375
Feb. 11 Indefinitely postponed 620

LEGISLATIVE BILL 14. By Kristensen

Jan. 7 Read first time 64
Jan. 11 Referred to Committee on Banking,
Commerce and Insurance 122
Jan. 14 Notice of hearing (1/25) 228
Jan. 27 Placed on General File 378
Jan. 28 Advanced for Review 390
Jan. 29 Placed on Select File 414

Feb. 3 Advanced for Engrossment 473
Feb. 5 Correctly Engrossed. ER7196 change 514
Feb. 11 Final Reading w/E 41-0-8 596
Feb. 11 President signed 614
Feb. 11 Landis explanation of vote 616
Feb. 11 Presented to Governor (2/11) 621
Feb. 17 Approved by Governor (2/16) 653

LEGISLATIVE BILL 15. By Kristensen

Jan. 7 Read first time 65
Jan. 11 Referred to Committee on Transportation 122
Jan. 14 Notice of hearing (1/25) 228
Jan. 26 Placed on General File - Com AM0026 372
Jan. 27 Committee AM0026 adopted.
Advanced for Review 382
Jan. 28 Placed on Select File 394
Feb. 3 Advanced for Engrossment 473
Feb. 4 Correctly Engrossed 512
Feb. 9 Final Reading 35-0-14 563
Feb. 9 President signed 570
Feb. 9 Presented to Governor (2/9).
Robinson explanation of vote 575
Feb. 16 Approved by Governor (2/13) 628

LEGISLATIVE BILL 16. By Lynch, Wesely

Jan. 7 Read first time 65
Jan. 11 Referred to Committee on Health and
Human Services 122
Jan. 19 Schimek name added 259
Jan. 21 Notice of hearing (1/28) 348
Jan. 29 Placed on General File - Com AM0066 418
Feb. 1 Hudkins AM0105 to committee AM0066 printed 438
Feb. 2 Committee AM0066 adopted.
Advanced for Review 462
Feb. 4 Placed on Select File - AM5348 512
Feb. 19 Lynch-Wesely AM0440 printed 704
Feb. 23 AM5348 (E & R) adopted. Hudkins pending AM0105 p. 438 withdrawn. Lynch-Wesely pending AM0440 p. 704 adopted.
Advanced for Engrossment 747
Mar. 3 Correctly Engrossed 835
Mar. 9 Final Reading 40-0-9 922
Mar. 9 President signed 935
Mar. 9 Presented to Governor (3/9) 945
Mar. 16 Approved by Governor (3/12) 992

LEGISLATIVE BILL 16A. By Lynch

Feb. 8 Read first time. Placed on General File 554
Feb. 10 Advanced for Review 583
Feb. 17 Placed on Select File 652
Feb. 19 Lynch AM0444 printed 706
Feb. 23 Lynch pending AM0444 p. 706 adopted.
Advanced for Engrossment 748
Mar. 3 Correctly Engrossed 835
Mar. 9 Final Reading 41-0-8 923
Mar. 9 President signed 935
Mar. 9 Presented to Governor (3/9) 945
Mar. 16 Approved by Governor (3/12) 992

LEGISLATIVE BILL 17. By Lynch

Jan. 7 Read first time 65
Jan. 7 Will, Schellpeper and Hartnett names added 96
Jan. 11 Referred to Committee on General Affairs 122
Jan. 25 Notice of hearing (2/1) 367
Mar. 18 Indefinitely postponed 1072

LEGISLATIVE BILL 18. By Lynch

Jan. 7 Read first time 65
Jan. 11 Referred to Committee on Health and
Human Services 122
Feb. 3 Notice of hearing (3/10) 488
Mar. 18 Indefinitely postponed 1079

LEGISLATIVE BILL 19. By Lynch

Jan. 7 Read first time 65
Jan. 11 Referred to Committee on Natural Resources 122
Mar. 16 Notice of hearing (3/25) 1016
Mar. 30 Indefinitely postponed 1217

LEGISLATIVE BILL 20. By Lynch

Jan. 7 Read first time 66
Jan. 11 Referred to Committee on Education 122
Feb. 3 Notice of hearing (3/8) 480
Mar. 9 Indefinitely postponed 935

LEGISLATIVE BILL 21. By Warner

Jan. 7 Read first time 66
Jan. 11 Referred to Committee on Revenue 122

Feb. 5 Notice of hearing (3/11) 539
Mar. 3 Notice of hearing (3/17) (Reset) 849

LEGISLATIVE BILL 22. By Warner

Jan. 7 Read first time 66
Jan. 11 Referred to Committee on Revenue 122
Mar. 3 Notice of hearing (3/11) 849
Apr. 27 Placed on General File 1713
May 11 Building Maintenance Committee AM1838 printed 2028
May 12 Ashford AM2003 printed 2066
May 12 Building Maintenance Committee AM2024 printed 2086
May 13 Elmer-Vrtiska-Janssen-Schmitt-Robinson-Fisher-Jones-Schellpeper motion to suspend rules and allow a vote to bracket ruled out of order 2093
May 14 Building Maintenance Committee pending AM1838 p. 2028 withdrawn. Advanced for Review 2134
May 20 Placed on Select File 2346
May 25 Ashford pending AM2003 p. 2066 and Building Maintenance Committee pending AM2024 p. 2086 withdrawn. Hall motion to bracket until 5/27/93 withdrawn. Hall motion to bracket until 5/26/93 lost 2477
May 26 Advanced for Engrossment 2487
May 27 Correctly Engrossed 2555
June 3 Failed on Final Reading w/E 32-14-3. Final Reading 31-16-2 2701
June 3 Hall motion to reconsider vote on Final Reading w/E prevailed 2708
June 3 Final Reading w/E 38-11-0 2709
June 3 Speaker signed 2710
June 3 Presented to Governor (6/3) 2726
June 8 Approved by Governor (6/8) 2850

LEGISLATIVE BILL 23. By Warner

Jan. 7 Read first time 66
Jan. 11 Referred to Committee on Revenue 122
Feb. 2 Notice of hearing (2/17) 463
Feb. 19 Placed on General File 702
Mar. 5 Advanced for Review 896
Mar. 18 Placed on Select File 1055
Mar. 30 Advanced for Engrossment 1258
Apr. 2 Correctly Engrossed 1346
Apr. 7 Final Reading 41-0-8 1417
Apr. 7 President signed 1427
Apr. 7 Presented to Governor (4/7) 1433
Apr. 13 Approved by Governor (4/12) 1480

LEGISLATIVE BILL 24. By Warner

Jan. 7 Read first time 66
Jan. 11 Referred to Committee on Revenue 122
Jan. 21 Notice of hearing (1/29) 340
Mar. 2 Indefinitely postponed 807

LEGISLATIVE BILL 25. By Chambers, Lindsay

Jan. 7 Read first time 67
Jan. 11 Referred to Committee on Judiciary 122
Jan. 19 Notice of hearing (1/27) 259
Feb. 1 Placed on General File 441
Feb. 5 Chambers FA13 adopted. Haberman FA14 lost. Pending 521
Feb. 5 Haberman FA15 withdrawn. Haberman FA19 lost. Failed to advance for Review 526
Feb. 8 Hohenstein FA20 adopted. Advanced for Review 550
Feb. 16 Placed on Select File - AM5361 624
Feb. 17 AM5361 (E & R) adopted. Advanced for Engrossment 662
Mar. 2 Correctly Engrossed 795
Mar. 8 Final Reading 36-0-13 901
Mar. 8 Speaker signed 907
Mar. 9 Presented to Governor (3/8) 917
Mar. 16 Approved by Governor (3/11) 991

LEGISLATIVE BILL 26. By Chambers, Lindsay

Jan. 7 Read first time 67
Jan. 11 Referred to Committee on Judiciary 122
Jan. 19 Notice of hearing (1/27) 259
Jan. 28 Placed on General File 399
Feb. 2 Advanced for Review 447
Feb. 4 Placed on Select File 492
Feb. 8 Advanced for Engrossment 546
Feb. 16 Correctly Engrossed 626
Feb. 19 Final Reading 41-0-8 692
Feb. 19 Speaker signed 702
Feb. 19 Presented to Governor (2/19) 707
Feb. 22 Approved by Governor (2/20) 720

LEGISLATIVE BILL 27. By Withem, Lindsay, Lynch

Jan. 7 Read first time 67
Jan. 11 Referred to Committee on Education 122
Jan. 25 Notice of hearing (2/1) 367
Feb. 8 Placed on General File - Com AM0226 541
Feb. 10 Witek AM0228 to committee AM0226 printed 580
Feb. 10 Witek AM0227 to committee AM0226 printed 581
Feb. 23 Witek pending AM0227 p. 581 to

committee AM0226 pending 751
Feb. 23 Witek pending AM0227 p. 581 to committee AM0226 lost. Pending 753
Mar. 2 Witek AM0515 to committee AM0226 adopted. Witek pending AM0228 p. 580 pending 815
Mar. 3 Witek pending AM0228 p. 580 withdrawn. Committee AM0226 adopted as amended. Advanced for Review 846
Mar. 3 Chambers name added 851
Mar. 11 Placed on Select File - AM5403 980
Apr. 1 AM5403 (E & R) adopted. Advanced for Engrossment 1310
Apr. 13 Correctly Engrossed 1474
Apr. 19 Final Reading 37-0-12 1587
Apr. 19 President signed 1595
Apr. 19 Robak explanation of vote 1604
Apr. 19 Presented to Governor (4/19) 1607
Apr. 27 Approved by Governor (4/22) 1699
(Provisions/portions of LB 52 amended into LB 27 by AM0226)

LEGISLATIVE BILL 28. By Hohenstein, Bernard-Stevens

Jan. 7 Read first time 67
Jan. 8 Schmitt name added 119
Jan. 11 Referred to Committee on Transportation 122
Feb. 11 Notice of hearing (2/23) 593
Feb. 25 Placed on General File - Com AM0530 783
Mar. 19 Speaker priority bill 1115

LEGISLATIVE BILL 29. By Kristensen

Jan. 7 Read first time 67
Jan. 11 Referred to Committee on Judiciary 122
Jan. 19 Notice of hearing (1/27) 259
Jan. 28 Placed on General File - Com AM0058 399
Feb. 1 Committee AM0058 adopted. Advanced for Review 430
Feb. 2 Placed on Select File 462
Feb. 3 Advanced for Engrossment 478
Feb. 8 Correctly Engrossed 556
Feb. 11 Final Reading 41-0-8 599
Feb. 11 President signed 614
Feb. 11 Presented to Governor (2/11) 621
Feb. 17 Approved by Governor (2/15) 652

LEGISLATIVE BILL 30. By Kristensen

Jan. 7 Read first time 67
Jan. 11 Referred to Committee on Banking,

Commerce and Insurance 122
Feb. 10 Notice of hearing (2/22) 579
Feb. 25 Indefinitely postponed 780

LEGISLATIVE BILL 31. By Kristensen

Jan. 7 Read first time 68
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs 122
Jan. 20 Notice of hearing (1/27) 296
Feb. 1 Placed on General File - Com AM0079 (printed separate) 440
Feb. 5 Committee AM0079 adopted. Advanced for Review 521
Feb. 11 Placed on Select File - AM5360 615
Feb. 17 AM5360 (E & R) adopted. Advanced for Engrossment 662
Mar. 2 Correctly Engrossed 795
Mar. 8 Final Reading 43-0-6 902
Mar. 8 Speaker signed 907
Mar. 9 Presented to Governor (3/8) 917
Mar. 16 Approved by Governor (3/11) 991

LEGISLATIVE BILL 32. By Kristensen

Jan. 7 Read first time 68
Jan. 11 Referred to Committee on Judiciary 123
Mar. 17 Notice of hearing (3/24) 1027

LEGISLATIVE BILL 33. By Lynch

Jan. 7 Read first time 68
Jan. 11 Referred to Committee on Revenue 123
Jan. 19 Schimek name added 259
Feb. 5 Notice of hearing (3/10) 539
Apr. 7 Indefinitely postponed 1435

LEGISLATIVE BILL 34. By Lynch

Jan. 7 Read first time 68
Jan. 11 Referred to Committee on Revenue 123
Jan. 19 Schimek name added 259
Feb. 5 Notice of hearing (3/10) 539
Apr. 7 Indefinitely postponed 1435

LEGISLATIVE BILL 35. By Moore

Jan. 7 Read first time 69
Jan. 11 Referred to Committee on Government,

		Military and Veterans Affairs	123
Jan.	20	Notice of hearing (1/27)	296
Jan.	28	Placed on General File	394
Jan.	29	Advanced for Review	417
Feb.	2	Placed on Select File	447
Feb.	3	Advanced for Engrossment	475
Feb.	8	Correctly Engrossed	556
Feb.	11	Final Reading 40-0-9	600
Feb.	11	President signed	614
Feb.	11	Presented to Governor (2/11)	621
Feb.	17	Approved by Governor (2/15)	652

LEGISLATIVE BILL 36. By Moore, Coordsen, McKenzie

Jan.	7	Read first time	69
Jan.	11	Referred to Committee on Natural Resources	123
Jan.	19	Notice of hearing (1/27)	258
Feb.	2	Placed on General File - Com AM0110	452
Feb.	5	Committee AM0110 adopted. Advanced for Review	527
Feb.	11	Placed on Select File	616
Feb.	17	Advanced for Engrossment	662
Mar.	2	Correctly Engrossed	795
Mar.	8	Final Reading 40-1-8	903
Mar.	8	Speaker signed	907
Mar.	9	Presented to Governor (3/8)	917
Mar.	16	Approved by Governor (3/11)	991

LEGISLATIVE BILL 37. By Moore

Jan.	7	Read first time	69
Jan.	11	Referred to Committee on Revenue	123
Jan.	12	Robak name added	163
Jan.	14	McKenzie name added	230
Feb.	2	Notice of hearing (2/18)	463
Mar.	18	Moore priority bill	1073

LEGISLATIVE BILL 38. By Warner, Moore

Jan.	7	Read first time	69
Jan.	11	Referred to Committee on Revenue	123
Jan.	21	Notice of hearing (1/29)	340
Mar.	18	Warner priority bill	1073
Apr.	27	Placed on General File - Com AM1674	1767
Apr.	30	Committee AM1674 adopted. Advanced for Review	1874
May	11	Placed on Select File - AM5495	2007
May	18	AM5495 (E & R) adopted. Advanced for Engrossment	2231
May	26	Correctly Engrossed	2499
June	7	Final Reading w/E 43-0-6	2783

June 7 President signed 2799
June 7 Presented to Governor (6/7) 2805
June 15 Approved by Governor (6/9) 2856

LEGISLATIVE BILL 39. By Landis

Jan. 7 Read first time 69
Jan. 11 Referred to Committee on Urban Affairs 123
Jan. 19 Notice of hearing (1/26) 259
Jan. 28 Placed on General File - Com AM0052 398
Feb. 1 Committee AM0052 adopted.
Advanced for Review 430
Feb. 2 Placed on Select File - AM5343 462
Feb. 3 AM5343 (E & R) adopted. Advanced for Engrossment 478
Feb. 8 Correctly Engrossed 556
Feb. 11 Final Reading w/E 42-0-7 601
Feb. 11 President signed 614
Feb. 11 Presented to Governor (2/11) 621
Feb. 17 Approved by Governor (2/16) 653

LEGISLATIVE BILL 40. By Landis

Jan. 7 Read first time 70
Jan. 11 Referred to Committee on Revenue 123
Feb. 5 Notice of hearing (3/5) 539
Apr. 28 Indefinitely postponed 1805

LEGISLATIVE BILL 41. By Landis

Jan. 7 Read first time 70
Jan. 11 Referred to Committee on Banking,
Commerce and Insurance 123
Jan. 14 Notice of hearing (1/26) 228
Jan. 28 Placed on General File 389
Jan. 29 Advanced for Review 413
Feb. 2 Placed on Select File - AM5335 446
Feb. 3 AM5335 (E & R) adopted. Advanced for Engrossment 474
Feb. 8 Correctly Engrossed 556
Feb. 11 Final Reading 42-0-7 602
Feb. 11 President signed 614
Feb. 11 Presented to Governor (2/11) 621
Feb. 17 Approved by Governor (2/15) 652

LEGISLATIVE BILL 42. By Landis

Jan. 7 Read first time 70
Jan. 11 Referred to Committee on Transportation 123
Jan. 22 Notice of hearing (2/8) 361
Feb. 9 Placed on General File 567

Mar. 5 Advanced for Review 887
Mar. 16 Placed on Select File - AM5409 1014
Mar. 24 AM5409 (E & R) adopted. Landis AM1036 adopted. Advanced for Engrossment 1163
Mar. 30 Correctly Engrossed 1204
Apr. 5 Final Reading 41-0-8 1354
Apr. 5 Speaker signed 1361
Apr. 5 Presented to Governor (4/5) 1363
Apr. 7 Approved by Governor (4/7) 1442

LEGISLATIVE BILL 43. By Schimek

Jan. 7 Read first time 70
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs 123
Jan. 27 Notice of hearing (2/3) 380
Feb. 5 Placed on General File 528
Feb. 17 Advanced for Review 668
Mar. 2 Placed on Select File 795
Mar. 8 Advanced for Engrossment 912
Mar. 19 Correctly Engrossed 1097
Mar. 25 Final Reading 42-0-7 1182
Mar. 25 Speaker signed 1189
Mar. 25 Presented to Governor (3/25) 1196
Mar. 30 Approved by Governor (3/30) 1225

LEGISLATIVE BILL 44. By Schimek

Jan. 7 Read first time 70
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs 123
Jan. 20 Notice of hearing (1/29) 296
Feb. 8 Placed on General File - Com AM0249 547
Mar. 3 Committee AM0249 adopted. Advanced for Review 847
Mar. 16 Placed on Select File 1013
Apr. 1 Landis AM1209 (on file) adopted. Advanced for Engrossment 1310
Apr. 6 Wesely and Landis names added 1412
Apr. 13 Correctly Engrossed. ER7243 change 1503
June 3 Final Reading 47-0-2 2743
June 3 Speaker signed 2755
June 3 Presented to Governor (6/3) 2774
June 15 Approved by Governor (6/9) 2857
(Provisions/portions of LB 249 amended into LB 44 by AM1209)

LEGISLATIVE BILL 44A. By Schimek

Feb. 17 Read first time. Placed on General File 653
Mar. 3 Advanced for Review 847

Mar. 16 Placed on Select File 1013
Apr. 1 Advanced for Engrossment 1310
Apr. 1 Landis-Schimek AM1226 printed 1316
Apr. 5 Returned to Select File for Schimek-Landis amendment. Schimek-Landis pending AM1226 p. 1316 adopted. Advanced for Engrossment 1351
Apr. 13 Correctly Engrossed 1503
June 3 Final Reading 48-0-1 2744
June 3 Speaker signed 2755
June 3 Presented to Governor (6/3) 2774
June 15 Approved by Governor (6/9) 2857

LEGISLATIVE BILL 45. By Schimek

Jan. 7 Read first time 71
Jan. 11 Referred to Committee on Business and Labor 123
Jan. 14 Notice of hearing (1/25) 201
Jan. 26 Placed on General File 376
Jan. 27 Advanced for Review 383
Jan. 28 Placed on Select File 394
Feb. 3 Advanced for Engrossment 473
Feb. 4 Correctly Engrossed 512
Feb. 9 Final Reading 36-0-13 564
Feb. 9 President signed 570
Feb. 9 Presented to Governor (2/9). Robinson explanation of vote 575
Feb. 16 Approved by Governor (2/13) 628

LEGISLATIVE BILL 46. By Schimek

Jan. 7 Read first time 71
Jan. 11 Referred to Committee on Revenue 123
Jan. 21 Notice of hearing (1/29) 340
Feb. 2 Placed on General File 458
Feb. 9 Advanced for Review 566
Feb. 16 Placed on Select File - AM5363 636
Feb. 18 AM5363 (E & R) adopted. Advanced for Engrossment 674
Feb. 22 Schimek AM0379 printed 726
Feb. 23 Returned to Select File for Schimek amendment. Schimek pending AM0379 p. 726 adopted. Advanced for Engrossment 747
Mar. 3 Correctly Engrossed. ER7212 change 835
Mar. 9 Final Reading 41-0-8 924
Mar. 9 President signed 935
Mar. 9 Presented to Governor (3/9) 945
Mar. 16 Approved by Governor (3/11) 991

LEGISLATIVE BILL 47. By Schimek

Jan.	7	Read first time	71
Jan.	11	Referred to Committee on Business and Labor	123
Jan.	14	Notice of hearing (1/25)	201
Jan.	26	Placed on General File	376
Jan.	27	Schimek FA2 adopted. Advanced for Review	383
Jan.	28	Placed on Select File	394
Feb.	3	Advanced for Engrossment	473
Feb.	5	Correctly Engrossed	514
Feb.	5	ER7195 change	515
Feb.	11	Final Reading w/E 40-0-9	596
Feb.	11	President signed	614
Feb.	11	Landis explanation of vote	616
Feb.	11	Presented to Governor (2/11)	621
Feb.	17	Approved by Governor (2/15)	652

LEGISLATIVE BILL 48. By Schimek

Jan.	7	Read first time	71
Jan.	11	Referred to Committee on Health and Human Services	123
Jan.	21	Notice of hearing (1/29)	348
Feb.	1	Placed on General File - Com AM0106	440
Feb.	5	Committee AM0106 adopted. Advanced for Review	519
Feb.	11	Placed on Select File - AM5358	593
Feb.	17	AM5358 (E & R) adopted. Advanced for Engrossment	662
Feb.	25	Correctly Engrossed. ER7210 change	779
Mar.	4	Final Reading 43-0-6	859
Mar.	4	President signed	864
Mar.	4	Presented to Governor (3/4)	873
Mar.	9	Approved by Governor (3/8)	944

LEGISLATIVE BILL 49. By Schimek

Jan.	7	Read first time	71
Jan.	11	Referred to Committee on Judiciary	123
Jan.	19	Notice of hearing (1/27)	259
Jan.	28	Placed on General File	399
Feb.	1	Advanced for Review	430
Feb.	2	Placed on Select File	462
Feb.	3	Advanced for Engrossment	478
Feb.	8	Correctly Engrossed	556
Feb.	11	Final Reading 41-0-8	602
Feb.	11	President signed	614
Feb.	11	Presented to Governor (2/11)	621
Feb.	17	Approved by Governor (2/15)	652

LEGISLATIVE BILL 50. By Schimek

Jan. 7 Read first time 71
Jan. 11 Referred to Committee on Appropriations 123
Mar. 8 Notice of hearing (3/18) 913
Apr. 30 Placed on General File - Com AM0928 1866
May 11 Committee AM0928 adopted. Advanced for Review ... 2037
May 17 Placed on Select File - AM5516 2199
May 19 Schimek AM2167 to AM5516 printed 2297
May 24 AM5516 (E & R) adopted. Schimek pending AM2167 p. 2297 adopted. Advanced for Engrossment 2414
May 25 Correctly Engrossed. ER7293 change 2474
June 1 Final Reading w/E 48-0-1 2573
June 1 President signed 2583
June 1 Presented to Governor (6/1) 2589
June 7 Approved by Governor (6/4) 2777

LEGISLATIVE BILL 51. By Hohenstein

Jan. 7 Read first time 72
Jan. 11 Referred to Committee on Judiciary 123
Feb. 11 Notice of hearing (2/19) 614
Mar. 17 Placed on General File - Com AM0603 1037

LEGISLATIVE BILL 52. By Witek

Jan. 7 Read first time 72
Jan. 11 Referred to Committee on Education 123
Jan. 19 Notice of hearing (1/26) 258
Feb. 8 Indefinitely postponed 542
(Provisions/portions of LB 52 amended into LB 27 by AM0226)

LEGISLATIVE BILL 53. By Schellpeper

Jan. 7 Read first time 72
Jan. 11 Referred to Committee on General Affairs 123
Feb. 1 Notice of hearing (2/8) 431
Feb. 24 Placed on General File 778
Mar. 2 Schellpeper AM0551 printed 818
Mar. 11 Schellpeper pending AM0551 p. 818 adopted. Advanced for Review 979
Mar. 23 Robak AM0834 to AM0551 printed 1146
Mar. 25 Placed on Select File - AM5433 1175
Apr. 5 AM5433 (E & R) adopted. Robak pending AM0834 p. 1146 lost. Robak motion to indefinitely postpone lost. Advanced for Engrossment 1374
Apr. 13 Correctly Engrossed 1503
Apr. 19 Final Reading 34-0-15 1587
Apr. 19 President signed 1595

Apr. 19 Robak explanation of vote 1604
Apr. 19 Presented to Governor (4/19) 1607
Apr. 27 Approved by Governor (4/22) 1699

LEGISLATIVE BILL 54. By Schellpeper

Jan. 7 Read first time 72
Jan. 11 Referred to Committee on General Affairs 123
Jan. 13 Notice of hearing (1/25) 173
Jan. 27 Will name added 388
Jan. 28 Placed on General File - Com AM0022 393
Jan. 29 Committee AM0022 adopted.
Advanced for Review 413
Feb. 2 Placed on Select File - AM5336 446
Feb. 2 Horgan AM0121 printed 451
Feb. 3 AM5336 (E & R) adopted. Horgan pending AM0121 p. 451 withdrawn. Horgan AM0166 and Schellpeper AM0165 adopted.
Advanced for Engrossment 475
Feb. 8 Correctly Engrossed. ER7198 change 556
Feb. 11 Final Reading w/E 42-0-7 603
Feb. 11 President signed 614
Feb. 11 Presented to Governor (2/11) 621
Feb. 17 Approved by Governor (2/16) 653

LEGISLATIVE BILL 55. By Schellpeper

Jan. 7 Read first time 72
Jan. 8 Hohenstein name added 119
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs 123
Jan. 12 Robak name added 163
Feb. 3 Notice of hearing (2/10) 465

LEGISLATIVE BILL 56. By Schellpeper

Jan. 7 Read first time 72
Jan. 11 Referred to Committee on Transportation 123
Feb. 11 Notice of hearing (3/2) 594
Mar. 17 Indefinitely postponed 1045

LEGISLATIVE BILL 57. By Schellpeper

Jan. 7 Read first time 73
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs 123
Jan. 20 Notice of hearing (1/28) 296
Feb. 1 Placed on General File 440
Feb. 3 Advanced for Review 487

Feb. 11 Placed on Select File - AM5354 591
Feb. 17 AM5354 (E & R) adopted. Advanced for Engrossment 660
Feb. 25 Correctly Engrossed 779
Mar. 4 Final Reading 44-0-5 859
Mar. 4 President signed 864
Mar. 4 Presented to Governor (3/4) 873
Mar. 10 Approved by Governor (3/10) 970

LEGISLATIVE BILL 58. By Schellpeper

Jan. 7 Read first time 73
Jan. 11 Referred to Committee on Revenue 123
Jan. 21 Notice of hearing (1/28) 340
Feb. 8 Placed on General File 553
Mar. 5 Advanced for Review 885
Mar. 16 Placed on Select File 1014
Mar. 24 Advanced for Engrossment 1163
Mar. 30 Correctly Engrossed 1204
Apr. 5 Final Reading 34-3-12 1352
Apr. 5 Speaker signed 1361
Apr. 5 Presented to Governor (4/5) 1363
Apr. 7 Approved by Governor (4/7) 1442

LEGISLATIVE BILL 59. By Schellpeper

Jan. 7 Read first time 73
Jan. 11 Referred to Committee on Urban Affairs 123
Jan. 19 Notice of hearing (1/26) 259
Jan. 28 Placed on General File - Com AM0053 398
Feb. 1 Committee AM0053 adopted.
Advanced for Review 429
Feb. 2 Placed on Select File - AM5342 461
Feb. 3 AM5342 (E & R) adopted. Advanced for Engrossment 477
Feb. 8 Correctly Engrossed. ER7199 change 556
Feb. 11 Final Reading 41-0-8 604
Feb. 11 President signed 614
Feb. 11 Presented to Governor (2/11) 621
Feb. 17 Approved by Governor (2/15) 652

LEGISLATIVE BILL 60. By Schellpeper

Jan. 7 Read first time 73
Jan. 11 Referred to Committee on Transportation 123
Feb. 11 Notice of hearing (3/2) 594
Mar. 17 Indefinitely postponed 1045

LEGISLATIVE BILL 61. By Schimek, Rasmussen

Jan. 7 Read first time 73
Jan. 11 Referred to Committee on Business and Labor 123
Jan. 28 Notice of hearing (2/8) 397

LEGISLATIVE BILL 62. By Elmer

Jan. 7 Read first time 74
Jan. 11 Referred to Committee on Transportation 123
Jan. 14 Notice of hearing (1/25) 228
Jan. 26 Placed on General File 372
Jan. 27 Advanced for Review 382
Jan. 28 Placed on Select File 394
Feb. 3 Advanced for Engrossment 473
Feb. 4 Correctly Engrossed 512
Feb. 9 Final Reading 35-0-14 564
Feb. 9 President signed 570
Feb. 9 Presented to Governor (2/9).
Robinson explanation of vote 575
Feb. 16 Approved by Governor (2/13) 628

LEGISLATIVE BILL 63. By Elmer

Jan. 7 Read first time 74
Jan. 11 Referred to Committee on Natural Resources 123
Jan. 21 Notice of hearing (1/28) 340
Feb. 1 Placed on General File 427
Feb. 3 Elmer AM0176 adopted. Advanced for Review 485
Feb. 9 Placed on Select File - AM5352 561
Feb. 17 AM5352 (E & R) adopted.
Advanced for Engrossment 654
Feb. 24 Correctly Engrossed 769
Mar. 4 Final Reading 41-0-8 856
Mar. 4 President signed 864
Mar. 4 Presented to Governor (3/4) 873
Mar. 9 Approved by Governor (3/8) 944

LEGISLATIVE BILL 64. By Elmer

Jan. 7 Read first time 74
Jan. 11 Referred to Committee on Judiciary 123
Jan. 19 Notice of hearing (1/28) 259
Jan. 29 Placed on General File 418
Feb. 2 Failed to advance for Review 448

LEGISLATIVE BILL 65. By Elmer

Jan. 7 Read first time 74
Jan. 11 Referred to Committee on Government,

Military and Veterans Affairs 123
Jan. 20 Notice of hearing (1/29) 296

LEGISLATIVE BILL 66. By Vrtiska, Cudaback, Lynch

Jan. 7 Read first time 74
Jan. 11 Referred to Committee on Banking, Commerce and Insurance 123
Jan. 14 Notice of hearing (1/26) 228
Jan. 28 Placed on General File 389
Jan. 29 Advanced for Review 413
Feb. 2 Placed on Select File 446
Feb. 3 Advanced for Engrossment 474
Feb. 8 Correctly Engrossed 556
Feb. 11 Final Reading 40-0-9 605
Feb. 11 President signed 614
Feb. 11 Presented to Governor (2/11) 621
Feb. 17 Approved by Governor (2/15) 652

LEGISLATIVE BILL 67. By Wickersham, Coordsen

Jan. 7 Read first time 74
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs 123
Jan. 20 Notice of hearing (1/27) 296
Jan. 28 Placed on General File 394
Jan. 29 Advanced for Review 417
Feb. 2 Placed on Select File 447
Feb. 3 Advanced for Engrossment 475
Feb. 8 Correctly Engrossed 556
Feb. 11 Final Reading 43-0-6 605
Feb. 11 President signed 614
Feb. 11 Presented to Governor (2/11) 621
Feb. 17 Approved by Governor (2/15) 652

LEGISLATIVE BILL 68. By Wickersham

Jan. 7 Read first time 74
Jan. 11 Referred to Committee on Judiciary 123
Feb. 17 Notice of hearing (2/24) 666
Feb. 25 Indefinitely postponed 787

LEGISLATIVE BILL 69. By Wickersham

Jan. 7 Read first time 75
Jan. 11 Referred to Committee on Judiciary 123
Jan. 19 Notice of hearing (1/27) 259
Jan. 28 Placed on General File 399
Feb. 1 Advanced for Review 430

Feb. 2 Placed on Select File 462
Feb. 3 Advanced for Engrossment 478
Feb. 8 Correctly Engrossed 556
Feb. 11 Final Reading 43-0-6 606
Feb. 11 President signed 614
Feb. 11 Presented to Governor (2/11) 621
Feb. 17 Approved by Governor (2/15) 652

LEGISLATIVE BILL 70. By Baack

Jan. 7 Read first time 75
Jan. 11 Referred to Committee on Revenue 123
Jan. 27 Notice of hearing (2/4) 385
Apr. 28 Indefinitely postponed 1805
(Provisions/portions of LB 70 amended into LB 658 by AM1516)

LEGISLATIVE BILL 71. By Baack

Jan. 7 Read first time 75
Jan. 11 Referred to Committee on Revenue 123
Feb. 5 Notice of hearing (3/5) 539
Mar. 16 Indefinitely postponed 991
(Provisions/portions of LB 71 amended into LB 839 by AM2496)

LEGISLATIVE BILL 72. By Baack, at the request of the Governor

Jan. 7 Read first time 75
Jan. 11 Referred to Committee on Natural Resources 123
Mar. 2 Notice of hearing (3/10) 807

LEGISLATIVE BILL 73. By Withem

Jan. 7 Read first time 75
Jan. 11 Referred to Committee on Health and Human Services 123
Jan. 27 Notice of hearing (2/3) 383

LEGISLATIVE BILL 74. By Withem

Jan. 7 Read first time 75
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs 123
Feb. 24 Notice of hearing (3/5) 760
Mar. 16 Placed on General File 1006
Apr. 8 Advanced for Review 1448
Apr. 15 Placed on Select File - AM5459 1546
Apr. 16 AM5459 (E & R) adopted. Advanced for Engrossment 1572
Apr. 22 Correctly Engrossed 1688
Apr. 30 Final Reading 37-0-12 1837

Apr. 30 Speaker signed 1849
Apr. 30 Presented to Governor (4/30) 1872
May 4 Approved by Governor (5/4) 1933

LEGISLATIVE BILL 75. By Withem

Jan. 7 Read first time 76
Jan. 11 Referred to Committee on General Affairs 123
Feb. 19 Notice of hearing (3/22) 708

LEGISLATIVE BILL 76. By Withem, Baack

Jan. 7 Read first time 78
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs 123
Jan. 11 Schimek name added 149
Feb. 10 Notice of hearing (2/17) 588
Mar. 10 Withem motion to place on General File laid over 966
Mar. 19 Speaker priority bill 1115
Apr. 7 Withem pending motion p. 966 withdrawn 1437
Apr. 27 Attorney General's Opinion #93031 to Witek 1699
Apr. 28 Placed on General File - Com AM1741 ..... 1805 (printed separate)

LEGISLATIVE BILL 77. By Schimek, Crosby, McKenzie

Jan. 7 Read first time 79
Jan. 11 Referred to Committee on General Affairs 123
Feb. 1 Notice of hearing (2/8) 431
Feb. 10 Placed on General File - Com AM0160 588
(Provisions/portions of LB 77 amended into LB 235 by AM2073)

LEGISLATIVE BILL 78. By Hudkins, Avery, Bernard-Stevens, Beutler, Bromm, Coordsen, Crosby, Landis

Jan. 7 Read first time 80
Jan. 11 Referred to Committee on Urban Affairs 123
Feb. 16 Notice of hearing (3/16) 649
Mar. 23 Placed on General File 1139
Apr. 8 Advanced for Review 1454
Apr. 19 Placed on Select File 1596
Apr. 21 Advanced for Engrossment 1670
Apr. 28 Correctly Engrossed 1786
May 4 Final Reading 34-0-15 1922
May 4 President signed 1928
May 4 Presented to Governor (5/4) 1933
May 11 Approved by Governor (5/8) 2018

LEGISLATIVE BILL 79. By Bernard-Stevens

Jan. 7 Read first time 80
Jan. 11 Referred to Committee on Natural Resources 124
Jan. 19 Notice of hearing (1/27) 258
Jan. 27 Elmer name added 388
Feb. 8 Placed on General File - Com AM0242 552
(Provisions/portions of LB 79 amended into LB 789 by AM1253)

LEGISLATIVE BILL 80. By Crosby, Hudkins, Schmitt, Vrtiska

Jan. 7 Read first time 80
Jan. 11 Referred to Committee on Transportation 124
Jan. 14 Crosby priority bill 228
Jan. 19 Jones, Preister, Wehrbein, Hohenstein, Warner, Bromm and Witek names added 259
Feb. 1 Notice of hearing (2/9) 431

LEGISLATIVE BILL 81. By Landis

Jan. 7 Read first time 80
Jan. 11 Referred to Committee on Banking, Commerce and Insurance 124
Jan. 14 Notice of hearing (1/25) 228
Jan. 27 Placed on General File - Com AM0009 379
Jan. 28 Hall-Landis AM0076 printed 392
Jan. 28 Committee AM0009 adopted. Advanced for Review 396
Feb. 2 Placed on Select File - AM5334 444
Feb. 3 AM5334 (E & R) adopted. Hall-Landis pending AM0076 p. 392 withdrawn. Landis FA7 adopted. Advanced for Engrossment 473
Feb. 8 Correctly Engrossed. ER7200 change 556
Feb. 19 Final Reading w/E 41-0-8 689
Feb. 19 Speaker signed 702
Feb. 19 Presented to Governor (2/19) 707
Feb. 22 Approved by Governor (2/20) 720

LEGISLATIVE BILL 82. By Ashford

Jan. 7 Read first time 81
Jan. 11 Referred to Committee on Judiciary 124
Mar. 22 Notice of hearing (3/30) 1121

LEGISLATIVE BILL 83. By Ashford

Jan. 7 Read first time 81
Jan. 11 Referred to Committee on Judiciary 124
Jan. 11 Schimek name added 149

Jan. 22 Notice of hearing (1/29) 361
Feb. 11 Ashford motion to place on General File laid over 621
Feb. 17 Indefinitely postponed 652
Feb. 19 Ashford pending motion p. 621 lost 702
Feb. 22 Hall motion to reconsider action p. 702 laid over 726
Feb. 25 Hall pending motion p. 726 lost 785
(Provisions/portions of LB 83 amended into LB 117 by FA113)

LEGISLATIVE BILL 84. By Ashford

Jan. 7 Read first time 81
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs 124
Jan. 13 Bohlke name added 173
Jan. 27 Notice of hearing (2/5) 380
Mar. 8 Indefinitely postponed 913

LEGISLATIVE BILL 85. By Ashford

Jan. 7 Read first time 81
Jan. 11 Referred to Committee on Urban Affairs 124
Feb. 16 Notice of hearing (3/2) 649
Mar. 23 Placed on General File - Com AM0964 1139

LEGISLATIVE BILL 86. By Robinson, Lynch, Pedersen, Pirsch

Jan. 7 Read first time 81
Jan. 11 Referred to Committee on Transportation 124
Feb. 8 Notice of hearing (2/16) 555
Mar. 2 Indefinitely postponed 826
(Provisions/portions of LB 86 amended into LB 575 by AM0531)

LEGISLATIVE BILL 87. By Fisher

Jan. 7 Read first time 81
Jan. 11 Referred to Committee on Banking, Commerce and Insurance 124
Jan. 14 Notice of hearing (1/25) 228
Jan. 27 Placed on General File 378
Jan. 28 Advanced for Review 390
Jan. 29 Placed on Select File - AM5329 414
Feb. 3 AM5329 (E & R) adopted. Advanced for Engrossment 473
Feb. 5 Correctly Engrossed 514
Feb. 11 Final Reading w/E 40-0-9 597
Feb. 11 President signed 614
Feb. 11 Landis explanation of vote 616
Feb. 11 Presented to Governor (2/11) 621
Feb. 17 Approved by Governor (2/15) 652

LEGISLATIVE BILL 88. By Will

Jan.	7	Read first time	82
Jan.	11	Referred to Committee on Revenue	124
Feb.	5	Notice of hearing (3/10)	539
Apr.	7	Indefinitely postponed	1435

LEGISLATIVE BILL 89. By Will, at the request of the Governor

Jan.	7	Read first time	82
Jan.	11	Referred to Committee on Revenue	124
Feb.	3	Notice of hearing (2/17)	479
Mar.	2	Indefinitely postponed	807

LEGISLATIVE BILL 90. By Robinson

Jan.	7	Read first time	82
Jan.	11	Referred to Committee on Government, Military and Veterans Affairs	124
Jan.	27	Notice of hearing (2/3)	380
Feb.	8	Placed on General File - Com AM0140	547
Mar.	3	Committee AM0140 adopted. Advanced for Review	848
Mar.	16	Placed on Select File	1013
Apr.	1	Advanced for Engrossment	1310
Apr.	13	Correctly Engrossed	1503
June	1	Final Reading 44-0-5	2567
June	1	President signed	2583
June	1	Presented to Governor (6/1)	2589
June	7	Approved by Governor (6/4)	2777

LEGISLATIVE BILL 91. By Beutler

Jan.	7	Read first time	82
Jan.	11	Referred to Committee on Banking, Commerce and Insurance	124
Jan.	14	Notice of hearing (1/25)	228
Feb.	4	Placed on General File - Com AM0138	503
Feb.	16	Committee AM0138 adopted. Advanced for Review	638
Feb.	22	Landis-Beutler AM0428 printed	720
Feb.	23	Placed on Select File - AM5376	733
Mar.	3	AM5376 (E & R) adopted. Landis-Beutler pending AM0428 p. 720 adopted. Advanced for Engrossment	833
Mar.	10	Correctly Engrossed	947
Mar.	17	Final Reading w/E 43-0-6	1031
Mar.	17	Speaker signed	1036

Mar. 17 Presented to Governor (3/17) 1045
Mar. 23 Approved by Governor (3/22) 1126

LEGISLATIVE BILL 92. By Withem

Jan. 7 Read first time 82
Jan. 11 Referred to Committee on Education 124
Feb. 3 Notice of hearing (2/16) 479
Mar. 24 Indefinitely postponed 1157

LEGISLATIVE BILL 93. By Withem

Jan. 7 Read first time 82
Jan. 11 Referred to Committee on Education 124
Jan. 13 Notice of hearing (1/25) 172
Jan. 27 Placed on General File - Com AM0038 384
Jan. 28 Committee AM0038 adopted.
Advanced for Review 396
Feb. 2 Placed on Select File - AM5331 445
Feb. 3 AM5331 (E & R) adopted. Advanced for Engrossment 474
Feb. 8 Correctly Engrossed 556
Feb. 11 Final Reading 41-0-8 607
Feb. 11 President signed 614
Feb. 11 Presented to Governor (2/11) 621
Feb. 17 Approved by Governor (2/15) 652

LEGISLATIVE BILL 94. By Withem

Jan. 7 Read first time 83
Jan. 11 Referred to Committee on Education 124
Feb. 3 Notice of hearing (2/22) 479
Mar. 17 Education Committee priority bill 1037
Mar. 24 Placed on General File - Com AM0981 1152
(printed separate)
Apr. 8 Withem AM1259 to committee AM0981 printed 1461

LEGISLATIVE BILL 94A. By Withem

Apr. 7 Read first time. Placed on General File 1442

LEGISLATIVE BILL 95. By Withem

Jan. 7 Read first time 83
Jan. 11 Referred to Committee on Appropriations 124
Feb. 9 Notice of hearing (2/22) 568

LEGISLATIVE BILL 96. By Withem

Jan. 7 Read first time 83
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs 124
Jan. 27 Rereferred to Committee on Education 386
Feb. 3 Notice of hearing (3/2) 480
Mar. 24 Placed on General File - Com AM1014 1152
(Provisions/portions of LB 96 amended into LB 348 by AM1294)

LEGISLATIVE BILL 97. By Withem

Jan. 7 Read first time 83
Jan. 11 Referred to Committee on Education 124
Feb. 3 Notice of hearing (2/22) 479
Mar. 24 Indefinitely postponed 1157

LEGISLATIVE BILL 98. By Withem

Jan. 7 Read first time 83
Jan. 11 Referred to Committee on Revenue 124
Jan. 27 Notice of hearing (2/4) 385
Apr. 27 Placed on General File - Com AM1502 1710
May 13 Committee AM1502 adopted. Elmer-Vrtiska-Janssen-Schmitt-Robinson-Fisher-Jones-Schellpeper motion to suspend rules and allow a vote to bracket ruled out of order 2093
May 13 Elmer motion to bracket lost. Chambers FA195 withdrawn. Chambers motion to indefinitely postpone laid over 2094
May 14 Chambers FA214 printed 2135
May 17 Chambers pending motion p. 2094 withdrawn. Chambers pending FA214 p. 2135 adopted. Advanced for Review 2166
May 19 Withem AM2202 printed 2322
May 24 Placed on Select File - AM5532 2404
May 25 AM5532 (E & R) adopted. Withem pending AM2202 p. 2322 adopted. Robinson motion to indefinitely postpone withdrawn. Failed to advance for Engrossment 2464
May 25 Hall AM1722 (on file) printed 2478
May 26 Hall pending AM1722 p. 2478 withdrawn. Advanced for Engrossment 2497
May 27 Correctly Engrossed. ER7311 change 2555
June 3 Failed on Final Reading 23-23-3 2702

LEGISLATIVE BILL 98A. By Withem

May 19 Read first time. Placed on General File 2298
May 24 Advanced for Review 2386
May 25 Placed on Select File 2445

May 26 Advanced for Engrossment 2498
May 27 Correctly Engrossed 2555

LEGISLATIVE BILL 99. By Withem

Jan. 7 Read first time 83
Jan. 11 Referred to Committee on Education 124
Feb. 3 Notice of hearing (3/2) 480
Mar. 30 Placed on General File - Com AM1117 1226
(Provisions/portions of LB 99 amended into LB 348 by AM1292)

LEGISLATIVE BILL 100. By Byars

Jan. 7 Read first time 84
Jan. 11 Referred to Committee on Education 124
Jan. 19 Notice of hearing (1/26) 258
Jan. 28 Placed on General File - Com AM0060 394
Jan. 28 Beutler name added 404
Jan. 29 Committee AM0060 adopted.
Advanced for Review 417
Feb. 2 Placed on Select File - AM5338 447
Feb. 3 AM5338 (E & R) adopted. Bohlke-Byars
AM0161 and Withem FA8 withdrawn.
Withem motion to indefinitely
postpone laid over 475
Feb. 5 Bohlke-Byars-Beutler AM0225 printed 522
Feb. 22 Withem pending motion p. 476 withdrawn.
Bohlke-Byars-Beutler pending AM0225
p. 522 withdrawn. Bohlke-Byars-Beutler
AM0462 adopted. Failed to advance for
Engrossment 714

LEGISLATIVE BILL 101. By Byars

Jan. 7 Read first time 84
Jan. 11 Referred to Committee on Transportation 124
Feb. 11 Notice of hearing (2/23) 594
Mar. 2 Indefinitely postponed 826

LEGISLATIVE BILL 102. By Schellpeper, Hartnett, Hohenstein

Jan. 7 Read first time 84
Jan. 11 Referred to Committee on General Affairs 124
Jan. 25 Notice of hearing (2/1) 367
Feb. 4 Placed on General File 492
Feb. 16 Advanced for Review 632
Feb. 19 Placed on Select File 685
Feb. 22 Passed over 724

Feb. 22 Hall AM0489 printed 728
May 5 Will AM1814 printed 1980

LEGISLATIVE BILL 103. By Schimek, Horgan

Jan. 7 Read first time 84
Jan. 11 Referred to Committee on Health and Human Services 124
Jan. 21 Notice of hearing (1/28) 348
Jan. 29 Placed on General File - Com AM0088 419
Feb. 2 Committee AM0088 adopted. Advanced for Review 462
Feb. 4 Placed on Select File 512
Feb. 8 Advanced for Engrossment 546
Feb. 16 Correctly Engrossed 626
Feb. 19 Final Reading w/E 42-0-7 692
Feb. 19 Speaker signed 702
Feb. 19 Presented to Governor (2/19) 707
Feb. 22 Approved by Governor (2/20) 720

LEGISLATIVE BILL 104. By Schimek, Dierks

Jan. 7 Read first time 84
Jan. 11 Referred to Committee on Health and Human Services 124
Feb. 3 Notice of hearing (3/5) 488
Mar. 18 Indefinitely postponed 1079

LEGISLATIVE BILL 105. By Robinson, Byars

Jan. 7 Read first time 85
Jan. 11 Referred to Committee on Transportation 124
Jan. 14 Notice of hearing (1/26) 228
Feb. 3 Placed on General File 484
Feb. 9 Advanced for Review 575
Feb. 16 Placed on Select File 637
Feb. 18 Advanced for Engrossment 675
Mar. 2 Correctly Engrossed 811
June 3 Final Reading 47-0-2 2745
June 3 Speaker signed 2755
June 3 Presented to Governor (6/3) 2774
June 15 Approved by Governor (6/9) 2856

LEGISLATIVE BILL 105A. By Robinson

Feb. 9 Read first time. Placed on General File 571
Feb. 10 Advanced for Review 583
Feb. 17 Placed on Select File 652
Feb. 18 Advanced for Engrossment 675

Mar. 2 Correctly Engrossed 811
June 3 Final Reading 46-0-3 2746
June 3 Speaker signed 2755
June 3 Presented to Governor (6/3) 2774
June 15 Approved by Governor (6/9) 2856

LEGISLATIVE BILL 106. By Byars

Jan. 7 Read first time 85
Jan. 11 Referred to Committee on Transportation 124
Jan. 22 Notice of hearing (2/1) 361
Feb. 5 Placed on General File 521
Feb. 17 Advanced for Review 664
Mar. 2 Placed on Select File - AM5390 792
Mar. 8 AM5390 (E & R) adopted. Byars AM0658 adopted. Advanced for Engrossment 910
Mar. 18 Correctly Engrossed. ER7220 change 1090
Mar. 25 Returned to Select File for Byars amendment. Byars AM1012 adopted. Advanced for Re-Engrossment 1189
Mar. 30 Correctly Re-Engrossed 1244
Apr. 5 Final Reading 45-0-4 1359
Apr. 5 Speaker signed 1361
Apr. 5 Presented to Governor (4/5) 1363
Apr. 7 Approved by Governor (4/7) 1442

LEGISLATIVE BILL 107. By Horgan

Jan. 7 Read first time 85
Jan. 11 Referred to Committee on Nebraska Retirement Systems 124
Jan. 19 Notice of hearing (1/26) 258
Jan. 27 Placed on General File 379
Jan. 28 Horgan AM0063 adopted. Advanced for Review 396
Jan. 29 Placed on Select File - AM5330 414
Feb. 3 AM5330 (E & R) adopted. Advanced for Engrossment 473
Feb. 5 Correctly Engrossed 514
Feb. 11 Final Reading w/E 40-0-9 598
Feb. 11 President signed 614
Feb. 11 Landis explanation of vote 616
Feb. 11 Presented to Governor (2/11) 621
Feb. 17 Approved by Governor (2/15) 652

LEGISLATIVE BILL 108. By Byars, Hillman

Jan. 7 Read first time 85
Jan. 11 Referred to Committee on Transportation 124
Jan. 14 Notice of hearing (1/25) 228

Jan. 21 Robak name added 357
Jan. 26 Placed on General File - Com AM0018 372
Jan. 27 Committee AM0018 adopted.
Advanced for Review 382
Jan. 28 Placed on Select File - AM5328 394
Feb. 3 AM5328 (E & R) adopted.
Advanced for Engrossment 473
Feb. 4 Correctly Engrossed 512
Feb. 9 Final Reading 38-0-11 565
Feb. 9 President signed 570
Feb. 9 Presented to Governor (2/9).
Robinson explanation of vote 575
Feb. 16 Approved by Governor (2/13) 628

LEGISLATIVE BILL 109. By Schimek, Lindsay, Pedersen

Jan. 7 Read first time 85
Jan. 11 Referred to Committee on Government,
Military and Veterans Affairs 124
Jan. 20 Notice of hearing (1/27) 296
Feb. 1 Placed on General File 440
Feb. 4 Advanced for Review 507
Feb. 11 Placed on Select File 592
Feb. 17 Advanced for Engrossment 661
Feb. 25 Correctly Engrossed 779
Mar. 4 Final Reading 44-0-5 860
Mar. 4 President signed 864
Mar. 4 Presented to Governor (3/4) 873
Mar. 9 Approved by Governor (3/8) 944

LEGISLATIVE BILL 110. By Lindsay, Crosby, Dierks, Witek

Jan. 7 Read first time 85
Jan. 12 Referred to Committee on Judiciary 161
Jan. 28 Notice of hearing (2/4) 392
Feb. 8 Placed on General File - Com AM0223 547
Mar. 2 Landis AM0618 to committee AM0223 printed 814
Mar. 17 Dierks priority bill 1045
Mar. 31 Lindsay AM1201 to committee AM0223 printed 1291
Apr. 1 Bernard-Stevens-Lindsay motion to bracket
until 4/5/93 prevailed 1299
Apr. 2 Lindsay AM1207 to committee AM0223 printed 1339
Apr. 6 Landis pending AM0618 p. 814, Lindsay
pending AM1201 p. 1291, and pending
AM1207 p. 1339 withdrawn. Lindsay-Landis-
Rasmussen-Bohlke AM1309 to committee
AM0223 pending 1388
Apr. 7 Lindsay et al pending AM1309 p. 1388 and

		Chambers FA70 to committee AM0223 adopted. Chambers FA69 and FA71 lost. Chambers motion to reconsider FA71 pending	1437
Apr.	13	Chambers pending motion p. 1441 to reconsider FA71 lost. Lindsay AM1346 to committee AM0223 adopted. Chambers FA73 lost	1481
Apr.	14	Committee AM0223 adopted as amended. Chambers FA83 adopted. Chambers FA84 pending	1520
Apr.	15	Chambers pending FA84 p. 1520 withdrawn. Chambers FA86 pending	1542
Apr.	15	Chambers FA86 and Hohenstein-Beutler-Ashford AM1405 adopted	1543
Apr.	15	Chambers FA87 lost. Advanced for Review	1547
Apr.	15	Chambers FA88, FA89, FA90, and FA91 printed	1562
Apr.	15	Chambers FA92 printed	1563
Apr.	16	Chambers FA94 printed	1575
Apr.	22	Placed on Select File - AM5473 (printed separate)	1688
May	17	Chambers AM1612 to AM5473 printed	2186
May	17	Chambers AM1613, AM1614, AM1615, AM1616, and AM1617 to AM5473 printed	2187
May	18	Lindsay AM2175 and AM2187 to AM5473 printed	2248
May	18	Landis AM2180 to AM5473 printed	2249
May	19	AM5473 (E & R) adopted. Chambers request to substitute amendment prevailed. Chambers pending FA88 p. 1562 withdrawn. Lindsay FA249 to AM1612 adopted. Chambers substitute AM1612 p. 2186 pending	2334
May	19	Chambers pending substitute AM1612 p. 2186 lost as amended. Chambers request to substitute amendment prevailed. Chambers pending FA89 p. 1562 withdrawn. Chambers request to replace substitute AM1613 with substitute FA250. Objection by Lindsay. Chambers motion to replace substitute AM1613 with substitute FA250 ruled in order. Challenge of Chair prevailed. Chambers-Schimek FA251 to substitute AM1613 p. 2187 lost	2342
May	20	Correction	2346
June	1	Bohlke AM2243, Chambers pending AM1613, AM1614, AM1615, AM1616, and AM1617 p. 2187, Chambers pending FA90, FA91, FA92, pp. 1562-1563 and FA94 p. 1575, Lindsay pending AM2175 and AM2187 p. 2248, and Landis pending AM2180 p. 2249 withdrawn. Lindsay-Chambers-Rasmussen AM2548 to AM5473 adopted. Advanced for Engrossment	2597
June	2	Correctly Engrossed. ER7318 change	2643
June	8	Final Reading 39-8-2	2812

June 8 Speaker signed 2825
June 8 Presented to Governor (6/8) 2834
June 8 Approved by Governor (6/8) 2849

LEGISLATIVE BILL 110A. By Lindsay

Apr. 27 Read first time. Placed on General File 1739
May 25 Advanced for Review 2431
June 1 Placed on Select File - AM5535 2564
June 1 AM5535 (E & R) adopted.
Advanced for Engrossment 2602
June 2 Correctly Engrossed 2643
June 8 Final Reading 42-5-2 2813
June 8 Speaker signed 2825
June 8 Presented to Governor (6/8) 2834
June 8 Approved by Governor (6/8) 2849

LEGISLATIVE BILL 111. By Lindsay

Jan. 7 Read first time 86
Jan. 12 Referred to Committee on Banking,
Commerce and Insurance 161
Jan. 25 Notice of hearing (2/1) 367
Feb. 4 Placed on General File - Com AM0133 503
Feb. 16 Committee AM0133 adopted. Advanced for Review 638
Feb. 23 Placed on Select File 733
Mar. 3 Advanced for Engrossment 833
Mar. 11 Correctly Engrossed 974
Mar. 11 ER7216 change 975
Mar. 18 Final Reading 37-0-12 1064
Mar. 18 President signed 1070
Mar. 18 Presented to Governor (3/18) 1073
Mar. 23 Approved by Governor (3/22) 1126

LEGISLATIVE BILL 112. By Lindsay

Jan. 7 Read first time 86
Jan. 12 Referred to Committee on Transportation 161
Jan. 22 Notice of hearing (2/1) 360
Feb. 3 Placed on General File - Com AM0173 490
Feb. 8 Hartnett AM0269 to committee AM0173 printed 555
Feb. 11 Committee AM0173 adopted. Hartnett pending
AM0269 p. 555 withdrawn. Lindsay AM0320
adopted. Advanced for Review 617
Feb. 16 Hohenstein name added 649
Feb. 19 Placed on Select File - AM5374 685
Feb. 25 Withem-Avery-Hohenstein AM0569

printed separate 788
Mar. 2 Lindsay AM0622 printed 815
Mar. 3 AM5374 (E & R) adopted. Hohenstein et al pending AM0569 p. 788 adopted. Lindsay pending AM0622 p. 815 withdrawn. Advanced for Engrossment 832
Mar. 10 Correctly Engrossed. ER7214 change 947
Mar. 17 Final Reading w/E 46-1-2 1031
Mar. 17 Speaker signed 1036
Mar. 17 Presented to Governor (3/17) 1045
Mar. 23 Approved by Governor (3/22) 1126

LEGISLATIVE BILL 113. By Lindsay

Jan. 7 Read first time 86
Jan. 12 Referred to Committee on Judiciary 161
Jan. 19 Notice of hearing (1/28) 259
Jan. 29 Placed on General File 418
Feb. 2 Advanced for Review 448
Feb. 4 Placed on Select File 492
Feb. 10 Advanced for Engrossment 581
Feb. 17 Correctly Engrossed 651
Feb. 24 Final Reading 28-4-17 761
Feb. 24 Speaker signed 776
Feb. 25 Presented to Governor (2/24) 781
Mar. 2 Approved by Governor (2/25) 808

LEGISLATIVE BILL 114. By Lindsay

Jan. 7 Read first time 86
Jan. 12 Referred to Committee on Judiciary 161
Mar. 10 Notice of hearing (3/19) 950
Mar. 22 Indefinitely postponed 1119

LEGISLATIVE BILL 115. By Lindsay

Jan. 7 Read first time 86
Jan. 12 Referred to Committee on Judiciary 161
Feb. 17 Notice of hearing (2/26) 666
Feb. 18 Notice of hearing (Time change) 676
Mar. 2 Indefinitely postponed 825

LEGISLATIVE BILL 116. By Lindsay

Jan. 7 Read first time 87
Jan. 12 Referred to Committee on Banking, Commerce and Insurance 161
Jan. 14 Notice of hearing (1/26) 228
Jan. 28 Placed on General File 389

Jan. 29 Advanced for Review 413
Feb. 2 Placed on Select File - AM5333 446
Feb. 3 AM5333 (E & R) adopted.
Advanced for Engrossment 474
Feb. 8 Correctly Engrossed 556
Feb. 11 Final Reading w/E 43-0-6 608
Feb. 11 President signed 614
Feb. 11 Presented to Governor (2/11) 621
Feb. 17 Approved by Governor (2/16) 653

LEGISLATIVE BILL 117. By Lindsay

Jan. 7 Read first time 87
Jan. 12 Referred to Committee on Judiciary 161
Feb. 17 Notice of hearing (2/25) 666
Mar. 2 Placed on General File 824
Apr. 8 Advanced for Review 1447
Apr. 15 Placed on Select File 1545
Apr. 16 Advanced for Engrossment 1570
Apr. 20 Ashford AM1547 printed 1633
Apr. 22 Ashford pending AM1547 p. 1633 withdrawn.
Ashford motion to return to Select
File for FA112 withdrawn 1681
Apr. 22 Returned to Select File for Ashford
amendment. Ashford FA113 adopted.
Advanced for Engrossment 1682
Apr. 29 Correctly Engrossed. ER7261 change 1817
June 7 Final Reading 47-0-2 2786
June 7 President signed 2799
June 7 Presented to Governor (6/7) 2805
June 15 Approved by Governor (6/9) 2856
(Provisions/portions of LB 83 amended into LB 117 by FA113)

LEGISLATIVE BILL 117A. By Ashford

May 3 Read first time. Placed on General File 1894
May 13 Advanced for Review 2093
May 18 Placed on Select File 2247
May 20 Advanced for Engrossment 2364
May 27 Correctly Engrossed 2538
June 7 Final Reading 46-0-3 2787
June 7 President signed 2799
June 7 Presented to Governor (6/7) 2805
June 15 Approved by Governor (6/9) 2856

LEGISLATIVE BILL 118. By Lindsay

Jan. 7 Read first time 87
Jan. 7 Hartnett name added 95

Jan. 12 Referred to Committee on Business and Labor 161
Jan. 14 Notice of hearing (1/25) 229
Jan. 26 Placed on General File 376
Jan. 27 Advanced for Review 383
Jan. 28 Placed on Select File 394
Feb. 3 Advanced for Engrossment 473
Feb. 5 Correctly Engrossed 514
Feb. 11 Final Reading w/E 41-0-8 599
Feb. 11 President signed 614
Feb. 11 Landis explanation of vote 616
Feb. 11 Presented to Governor (2/11) 621
Feb. 17 Approved by Governor (2/16) 653

LEGISLATIVE BILL 119. By Cudaback

Jan. 7 Read first time 87
Jan. 12 Referred to Committee on Urban Affairs 161
Jan. 26 Notice of hearing (2/2) 376
Feb. 5 Placed on General File - Com AM0178 523
Feb. 17 Committee AM0178 adopted.
Advanced for Review 665
Mar. 2 Placed on Select File - AM5388 794
Mar. 8 AM5388 (E & R) adopted.
Advanced for Engrossment 911
Mar. 19 Correctly Engrossed. ER7222 change 1097
Mar. 25 Final Reading 42-0-7 1183
Mar. 25 Speaker signed 1189
Mar. 25 Presented to Governor (3/25) 1196
Mar. 30 Approved by Governor (3/30) 1225

LEGISLATIVE BILL 120. By Pirsch, Will

Jan. 7 Read first time 87
Jan. 12 Referred to Committee on Judiciary 161
Mar. 10 Notice of hearing (3/18) 949

LEGISLATIVE BILL 121. By Kristensen, Beutler, Landis, Lindsay, Wickersham

Jan. 7 Read first time 88
Jan. 12 Referred to Committee on Banking,
Commerce and Insurance 161
Jan. 14 Notice of hearing (1/26) 228
Feb. 8 Placed on General File - Com AM0199 553
(printed separate)
Mar. 17 Banking, Commerce and Insurance
Committee priority bill 1048
Apr. 16 Committee AM0199 adopted. Advanced for Review ... 1576

Apr.	27	Placed on Select File - AM5478 (printed separate)	1698
Apr.	27	Kristensen AM0039 (on file) printed	1767
May	6	AM5478 (E & R) adopted. Kristensen pending AM0039 p. 1767 adopted. Advanced for Engrossment	2002
May	17	Correctly Engrossed. ER7272 change	2180
May	27	Kristensen motion to return to Select File for FA280 withdrawn. Final Reading 43-0-6	2535
May	27	Speaker signed	2552
May	27	Presented to Governor (5/27)	2563
June	2	Approved by Governor (6/2)	2642

LEGISLATIVE BILL 121A. By Kristensen

Apr.	19	Read first time. Placed on General File	1595
Apr.	22	Advanced for Review	1684
Apr.	29	Placed on Select File	1812
May	6	Advanced for Engrossment	2002
May	17	Correctly Engrossed	2180
May	27	Final Reading 42-0-7	2537
May	27	Speaker signed	2552
May	27	Presented to Governor (5/27)	2563
June	2	Approved by Governor (6/2)	2642

LEGISLATIVE BILL 122. By Pirsch

Jan.	7	Read first time	88
Jan.	12	Referred to Committee on Banking, Commerce and Insurance	161
Jan.	26	Notice of hearing (2/2)	376
Feb.	4	Placed on General File	503
Feb.	16	Advanced for Review	638
Feb.	23	Placed on Select File	733
Mar.	3	Advanced for Engrossment	833
Mar.	10	Correctly Engrossed	947
Mar.	17	Final Reading w/E 46-0-3	1032
Mar.	17	Speaker signed	1036
Mar.	17	Presented to Governor (3/17)	1045
Mar.	23	Approved by Governor (3/22)	1126

LEGISLATIVE BILL 123. By Byars, Lynch

Jan.	7	Read first time	88
Jan.	12	Referred to Committee on Transportation	161
Feb.	8	Notice of hearing (2/16)	555

LEGISLATIVE BILL 124. By Landis, Byars, Robak

Jan.	7	Read first time	88
Jan.	8	Schimek name added	119
Jan.	12	Referred to Committee on Business and Labor	161
Jan.	28	Notice of hearing (2/8)	397
Feb.	24	Placed on General File	759
Mar.	11	Advanced for Review	978
Mar.	25	Placed on Select File - AM5436	1175
Apr.	1	Hall AM1181 printed	1314
Apr.	5	AM5436 (E & R) adopted. Hall pending AM1181 p. 1314 withdrawn. Will AM1276 lost as amended by Chambers FA63. Witek AM1274 lost as amended by Ashford FA64. Passed over	1370
Apr.	5	Attorney General's Opinion #93026 to Hohenstein	1377
Apr.	14	Abboud name added	1536
Apr.	20	Hohenstein AM1583 printed	1648
Apr.	21	Hohenstein pending AM1583 p. 1648 adopted. Advanced for Engrossment	1662
Apr.	28	Correctly Engrossed. ER7255 change	1780
May	14	Hohenstein-Landis AM2010 printed separate	2143
June	2	Hohenstein-Abboud-Will-Crosby AM2550 printed separate	2642
June	3	Hohenstein-Landis pending AM2010 p. 2143 withdrawn. Returned to Select File for Hohenstein et al amendment. Hohenstein et al pending AM2550 p. 2642 adopted. Advanced for Re-Engrossment	2733
June	3	Correctly Re-Engrossed. ER7331 change	2772
June	8	Will motion to suspend rules prevailed. Final Reading 39-8-2	2816
June	8	Speaker signed	2825
June	8	Presented to Governor (6/8)	2834
June	15	Approved by Governor (6/10)	2864

LEGISLATIVE BILL 124A. By Landis

Mar.	3	Read first time. Placed on General File	850
Mar.	11	Advanced for Review	979
Mar.	25	Placed on Select File	1175
Apr.	21	Advanced for Engrossment	1663
Apr.	28	Correctly Engrossed	1780
June	8	Will motion to suspend rules prevailed	2816
June	8	Final Reading 40-2-7	2817
June	8	Speaker signed	2825
June	8	Presented to Governor (6/8)	2834
June	15	Approved by Governor (6/10)	2864

LEGISLATIVE BILL 125. By Elmer, Coordsen, Cudaback, Dierks, Haberman, Hartnett, Hillman, Hohenstein, Horgan, Lynch, McKenzie, Moore, Wehrbein, Wickersham

Jan.	7	Read first time	88
Jan.	12	Referred to Committee on Natural Resources	161
Feb.	17	Notice of hearing (2/25)	653
Mar.	2	Placed on General File	822

LEGISLATIVE BILL 126. By Robak, Lindsay, Moore

Jan.	7	Read first time	89
Jan.	12	Referred to Committee on Transportation	161
Feb.	11	Notice of hearing (3/8)	594
Mar.	17	Placed on General File	1045
Apr.	8	Advanced for Review	1453
Apr.	19	Placed on Select File	1585
Apr.	21	Advanced for Engrossment	1666
Apr.	28	Correctly Engrossed	1786
May	4	Final Reading 35-0-14	1922
May	4	President signed	1928
May	4	Presented to Governor (5/4)	1933
May	11	Approved by Governor (5/6)	2018

LEGISLATIVE BILL 127. By Robak, Lindsay

Jan.	7	Read first time	89
Jan.	12	Referred to Committee on General Affairs	161
Feb.	1	Notice of hearing (2/8)	431
Mar.	18	Indefinitely postponed	1072

LEGISLATIVE BILL 128. By Robak, Hartnett

Jan.	7	Read first time	89
Jan.	12	Referred to Committee on Revenue	161
Jan.	27	Notice of hearing (2/3)	380
Feb.	8	Placed on General File	553
Mar.	5	Advanced for Review	885
Mar.	16	Placed on Select File - AM5407	1014
Mar.	24	AM5407 (E & R) adopted. Advanced for Engrossment	1163
Mar.	30	Correctly Engrossed	1204
Apr.	5	Final Reading 40-0-9	1353
Apr.	5	Speaker signed	1361
Apr.	5	Presented to Governor (4/5)	1363
Apr.	7	Approved by Governor (4/7)	1442

LEGISLATIVE BILL 129. By Robak

Jan. 7 Read first time 89
Jan. 12 Referred to Committee on General Affairs 161
Feb. 1 Notice of hearing (2/8) 431
Mar. 18 Indefinitely postponed 1073

LEGISLATIVE BILL 130. By Robak

Jan. 7 Read first time 89
Jan. 12 Referred to Committee on Judiciary 161
Jan. 19 Notice of hearing (1/28) 259
Feb. 3 Placed on General File - Com AM0112 481
Feb. 9 Committee AM0112 adopted.
Advanced for Review 571
Feb. 16 Placed on Select File - AM5366 637
Feb. 18 AM5366 (E & R) adopted.
Advanced for Engrossment 675
Mar. 2 Correctly Engrossed 811
Mar. 8 Final Reading 40-0-9 904
Mar. 8 Speaker signed 907
Mar. 9 Presented to Governor (3/8) 917
Mar. 16 Approved by Governor (3/11) 991

LEGISLATIVE BILL 131. By Beutler

Jan. 7 Read first time 90
Jan. 12 Referred to Committee on Natural Resources 161
Jan. 21 Notice of hearing (1/28) 340
Feb. 1 Placed on General File 427
Feb. 3 Advanced for Review 486
Feb. 10 Placed on Select File - AM5356 585
Feb. 17 AM5356 (E & R) adopted. Hartnett AM0305
and Beutler AM0393 adopted.
Advanced for Engrossment 654
Feb. 24 Correctly Engrossed. ER7206 change 769
Apr. 2 Final Reading w/E 39-1-9 1326
Apr. 2 Speaker signed 1332
Apr. 2 Presented to Governor (4/2) 1334
Apr. 6 Approved by Governor (4/6) 1388

LEGISLATIVE BILL 131A. By Beutler

Feb. 3 Read first time. Placed on General File 480
Feb. 4 Advanced for Review 503
Feb. 11 Placed on Select File 592
Feb. 17 Advanced for Engrossment 659
Feb. 24 Correctly Engrossed 769
Mar. 30 Returned to Select File for Hartnett
amendment. Hartnett AM1076 adopted.

Advanced for Re-Engrossment 1208
Mar. 30 Correctly Re-Engrossed 1259
Apr. 2 Final Reading 37-0-12 1327
Apr. 2 Speaker signed 1332
Apr. 2 Presented to Governor (4/2) 1334
Apr. 6 Approved by Governor (4/6) 1388

LEGISLATIVE BILL 132. By Will, Wickersham

Jan. 7 Read first time 90
Jan. 12 Referred to Committee on Natural Resources 161
Mar. 16 Notice of hearing (3/25) 1016
Mar. 30 Placed on General File - Com AM1060 1213

LEGISLATIVE BILL 133. By Ashford, Abboud, Horgan, Will

Jan. 7 Read first time 90
Jan. 12 Referred to Committee on Judiciary 161
Jan. 14 Crosby name added 231
Feb. 11 Notice of hearing (2/17) 614
Feb. 23 Indefinitely postponed 735

LEGISLATIVE BILL 134. By Cudaback, Hall, Schellpeper

Jan. 7 Read first time 91
Jan. 12 Referred to Committee on Revenue 161
Jan. 20 Notice of hearing (1/27) 264
Feb. 8 Indefinitely postponed 557
(Provisions/portions of LB 134 amended into LB 346 by AM0640)

LEGISLATIVE BILL 135. By Bernard-Stevens

Jan. 7 Read first time 91
Jan. 12 Referred to Committee on Health and Human Services 161
Jan. 21 Notice of hearing (1/29) 348

LEGISLATIVE BILL 136. By Schellpeper

Jan. 7 Read first time 91
Jan. 12 Referred to Committee on Revenue 161
Feb. 2 Notice of hearing (2/18) 463
Apr. 27 Indefinitely postponed 1768

LEGISLATIVE BILL 137. By Will, Abboud, Hillman, Lindsay, Schellpeper

Jan. 7 Read first time 91
Jan. 12 Referred to Committee on Judiciary 161

Jan. 28 Notice of hearing (2/5) 392
Feb. 9 Placed on General File 572
Mar. 18 Will priority bill 1089
Mar. 18 Schellpeper AM0916 printed 1094
Apr. 15 Crosby AM0416 printed 1561
Apr. 19 Attorney General's Opinion #93029 to Schellpeper 1618
Apr. 29 Avery AM1589 printed 1829
Apr. 30 Avery AM1813 printed 1882
Apr. 30 Bromm AM1807 printed 1886
May 3 Will-Avery AM1817 sustained division of question. Will-Avery FA145 pending 1894
May 4 Will-Avery pending FA145 p. 1894 and FA146 adopted. Bromm FA165, Will-Avery FA147, Schellpeper pending AM0916 p. 1094, Crosby pending AM0416 p. 1561, Avery pending AM1589 p. 1829, Avery pending AM1813 p. 1882, and Bromm pending AM1807 p. 1886 withdrawn. Wehrbein AM1114 pending 1928
May 4 Wehrbein pending AM1114 p. 1930 withdrawn. Bromm FA166 pending 1934
May 4 Bromm pending FA166 p. 1934 withdrawn. Advanced for Review 1935
May 4 Kristensen AM1286 printed 1951
May 11 Placed on Select File - AM5500 2013
May 25 Avery AM2353 to AM5500 printed 2444
June 1 Kristensen-Bromm-Hohenstein-Schellpeper-Crosby AM2161 to AM5500 printed 2624
June 1 Kristensen AM2215 to AM5500 printed 2626
June 1 Kristensen AM2216 to AM5500 printed 2627
June 2 AM5500 (E & R) adopted. Kristensen request to substitute amendment prevailed. Kristensen pending AM1286 p. 1951 withdrawn. Kristensen et al pending AM2161 p. 2624 sustained division of question. Kristensen et al FA292 pending. Bracketed until 1/1/94 2678

LEGISLATIVE BILL 138. By Will, Baack, Schellpeper, Withem, at the request of the Governor

Jan. 7 Read first time 91
Jan. 12 Referred to Committee on General Affairs 161
Jan. 13 Notice of hearing (1/25) 173
Jan. 28 Placed on General File - Com AM0054 400
Jan. 29 Corrected Committee AM0089 printed 421
Feb. 1 Committee AM0089 sustained division of question by Hall request. Committee FA4 adopted. Committee FA5 lost. Committee FA6 lost as amended by Schellpeper AM0107. Schellpeper AM0082 adopted.

Advanced for Review 431
Feb. 4 Placed on Select File - AM5349 491
Feb. 5 Schellpeper AM0200 printed 538
Feb. 8 AM5349 (E & R) adopted. Schellpeper pending AM0200 p. 538 adopted. Pending 545
Feb. 8 Will AM0240 lost. Advanced for Engrossment 545
Feb. 11 Correctly Engrossed. ER7201 change 621
Feb. 16 Wesely AM0322 printed 629
Feb. 23 Will motion to suspend rules to allow Final Reading laid over 737
Feb. 24 Will pending motion p. 737 prevailed. Wesely pending motion to return to Select File for AM0322 p. 629 lost. Chambers motion to return to Select File for AM0519 lost 763
Feb. 24 Preister motions to return to Select File for AM0527 and AM0528 lost. Chambers motion to bracket until 3/10/93 lost. Abboud motion to return to Select File for FA26 withdrawn 770
Feb. 24 Failed on Final Reading w/E 28-20-1 772
Feb. 24 Final Reading 30-19-0 773
Feb. 24 Will motion to reconsider vote on Final Reading prevailed. Final Reading w/E 33-16-0 774
Feb. 24 Speaker signed 776
Feb. 25 Presented to Governor (2/24). Approved by Governor (2/24) 781

LEGISLATIVE BILL 138A. By Will

Feb. 1 Read first time. Placed on General File 439
Feb. 3 Advanced for Review 478
Feb. 9 Placed on Select File 560
Feb. 9 Will AM0251 printed 567
Feb. 10 Will pending AM0251 p. 567 adopted as amended by Will FA22. Chambers motion to indefinitely postpone lost. Advanced for Engrossment 581
Feb. 17 Correctly Engrossed. ER7202 change 651
Feb. 23 Will motion to suspend rules to allow Final Reading laid over 737
Feb. 24 Will pending motion p. 737 prevailed 763
Feb. 24 Final Reading w/E 38-7-4 775
Feb. 24 Speaker signed 776
Feb. 25 Presented to Governor (2/24). Approved by Governor (2/24) 781

LEGISLATIVE BILL 139. By Bernard-Stevens

Jan.	7	Read first time	92
Jan.	12	Referred to Committee on Agriculture	161
Feb.	9	Notice of hearing (2/23)	567
Feb.	25	Placed on General File - Com AM0420	786
Mar.	17	Agriculture Committee priority bill	1045
Apr.	16	Committee AM0420 adopted. Advanced for Review	1573
Apr.	20	Jones AM1559 printed	1641
Apr.	27	Placed on Select File - AM5476	1698
May	20	AM5476 (E & R) adopted. Jones pending AM1559 p. 1641 withdrawn. Advanced for Engrossment	2375
June	1	Correctly Engrossed	2564
June	8	Final Reading 42-0-7	2811
June	8	Speaker signed	2825
June	8	Presented to Governor (6/8)	2834
June	15	Approved by Governor (6/10)	2864

LEGISLATIVE BILL 140. By Bernard-Stevens

Jan.	7	Read first time	92
Jan.	12	Referred to Committee on Business and Labor	161
Jan.	14	Notice of hearing (1/25)	201
Jan.	19	Wickersham name added	259
Jan.	27	Placed on General File - Com AM0036	379
Jan.	28	Committee AM0036 adopted as amended by Bernard-Stevens AM0075. Ashford FA3 lost. Ashford motion to rerefer to committee lost	390
Jan.	28	Vrtiska-Bromm motion to indefinitely postpone lost. Failed to advance for Review	395
Feb.	2	Wickersham motion to indefinitely postpone laid over	448
Feb.	4	Wickersham pending motion p. 448 withdrawn. Ashford FA11 withdrawn. Elmer FA12 adopted. Pending	505
Feb.	4	Advanced for Review	506
Feb.	11	Placed on Select File - AM5353	592
Feb.	17	AM5353 (E & R) adopted. Failed to advance for Engrossment	661
Feb.	22	Advanced for Engrossment	723
Mar.	3	Correctly Engrossed	829

LEGISLATIVE BILL 140A. By Bernard-Stevens

Jan.	28	Read first time. Placed on General File	398
Feb.	4	Advanced for Review	507
Feb.	11	Placed on Select File	592
Feb.	22	Advanced for Engrossment	724
Mar.	3	Correctly Engrossed	829

LEGISLATIVE BILL 141. By Wickersham

Jan. 7 Read first time 92
Jan. 12 Referred to Committee on Urban Affairs 161
Jan. 19 Notice of hearing (1/26) 259
Jan. 28 Placed on General File 398
Feb. 1 Advanced for Review 429
Feb. 2 Placed on Select File - AM5337 460
Feb. 3 AM5337 (E & R) adopted.
Advanced for Engrossment 476
Feb. 8 Correctly Engrossed 556
Feb. 11 Final Reading 45-0-4 608
Feb. 11 President signed 614
Feb. 11 Presented to Governor (2/11) 621
Feb. 17 Approved by Governor (2/15) 652

LEGISLATIVE BILL 142. By Wickersham

Jan. 7 Read first time 92
Jan. 12 Referred to Committee on Judiciary 161
Feb. 11 Notice of hearing (2/19) 614
Feb. 23 Indefinitely postponed 735

LEGISLATIVE BILL 143. By Lindsay

Jan. 7 Read first time 93
Jan. 12 Referred to Committee on Banking,
Commerce and Insurance 161
Jan. 29 Notice of hearing (2/9) 415
Mar. 24 Indefinitely postponed 1162

LEGISLATIVE BILL 144. By Bernard-Stevens

Jan. 7 Read first time 93
Jan. 12 Referred to Committee on Natural Resources 161
Jan. 27 Notice of hearing (2/3) 384
Feb. 9 Placed on General File - Com AM0209 561
(Provisions/portions of LB 144 amended into LB 237 by AM1822)

LEGISLATIVE BILL 145. By Bernard-Stevens

Jan. 7 Read first time 93
Jan. 12 Referred to Committee on Transportation 161
Jan. 14 Notice of hearing (1/26) 228
Feb. 9 Placed on General File 567
Mar. 5 Advanced for Review 887
Mar. 16 Placed on Select File - AM5406 1015
Mar. 24 AM5406 (E & R) adopted. Advanced for Engrossment 1164
Mar. 30 Correctly Engrossed 1204

June 3 Final Reading 45-0-4 2746
June 3 Speaker signed 2755
June 3 Presented to Governor (6/3) 2774
June 15 Returned by Governor without approval (6/10) 2858

LEGISLATIVE BILL 145A. By Bernard-Stevens

Mar. 25 Read first time. Placed on General File 1200
Mar. 31 Advanced for Review 1279
Apr. 6 Placed on Select File 1397
Apr. 13 Advanced for Engrossment 1489
Apr. 19 Correctly Engrossed 1578
June 3 Final Reading 46-0-3 2747
June 3 Speaker signed 2755
June 3 Presented to Governor (6/3) 2774
June 15 Returned by Governor without approval (6/10) 2858

LEGISLATIVE BILL 146. By Bernard-Stevens

Jan. 7 Read first time 93
Jan. 12 Referred to Committee on Government, Military and Veterans Affairs 161
Feb. 18 Bernard-Stevens motion to withdraw laid over 676
Feb. 19 Bernard-Stevens pending motion p. 676 prevailed. Withdrawn 703

LEGISLATIVE BILL 147. By Dierks, Crosby, Hillman, Horgan, Preister

Jan. 7 Read first time 93
Jan. 12 Referred to Committee on Agriculture 161
Jan. 19 Notice of hearing (1/26) 258
Feb. 8 Placed on General File - Com AM0129 557

LEGISLATIVE BILL 148. By Dierks, Preister

Jan. 7 Read first time 93
Jan. 12 Referred to Committee on Natural Resources 161
Mar. 2 Notice of hearing (3/11) 807

LEGISLATIVE BILL 149. By Dierks, Preister

Jan. 7 Read first time 94
Jan. 12 Referred to Committee on Natural Resources 161
Mar. 2 Notice of hearing (3/11) 807

LEGISLATIVE BILL 150. By Dierks, Hohenstein, Schellpeper, Wesely

Jan. 7 Read first time 94
Jan. 12 Referred to Committee on Banking, Commerce and Insurance 162
Jan. 26 Notice of hearing (2/2) 376

LEGISLATIVE BILL 151. By Dierks, Hohenstein

Jan. 7 Read first time 94
Jan. 12 Referred to Committee on Judiciary 162
Jan. 22 Notice of hearing (1/29) 361
Feb. 1 Indefinitely postponed 441

LEGISLATIVE BILL 152. By Dierks, Horgan, Schellpeper

Jan. 7 Read first time 94
Jan. 12 Referred to Committee on Health and Human Services 162
Feb. 3 Notice of hearing (2/19) 488
Mar. 17 Placed on General File - Com AM0449 1038
Mar. 18 Vrtiska priority bill 1089
Mar. 23 Vrtiska name added 1148
Mar. 30 Vrtiska AM0992 printed 1223
Apr. 6 Dierks AM1311 printed 1394
Apr. 6 Vrtiska AM1240 printed 1395
Apr. 15 Landis AM1457 printed 1538
Apr. 29 Vrtiska AM1402 printed 1819
Apr. 30 Committee AM0449 adopted. Dierks pending AM1311 p. 1394 and Vrtiska pending AM1402 p. 1819 adopted. Vrtiska pending AM0992 p. 1223, AM1240 p. 1395 and Landis pending AM1457 p. 1538 withdrawn. Wesely request if AM1457 is germane. Advanced for Review 1874
May 11 Placed on Select File 2009
June 2 Advanced for Engrossment 2677
June 3 Correctly Engrossed 2710
June 8 Will motion to suspend rules prevailed 2816
June 8 Moore motion to return to Select File for FA308 withdrawn. Final Reading 33-13-3 2818
June 8 Speaker signed 2825
June 8 Presented to Governor (6/8) 2834
June 15 Approved by Governor (6/10) 2864

LEGISLATIVE BILL 152A. By Dierks, Vrtiska

Mar. 25 Read first time. Placed on General File 1200
Apr. 6 Dierks AM1280 printed 1395
Apr. 30 Dierks pending AM1280 p. 1395

adopted. Advanced for Review 1875
May 11 Placed on Select File 2009
June 2 Advanced for Engrossment 2678
June 3 Correctly Engrossed 2710
June 8 Will motion to suspend rules prevailed 2816
June 8 Final Reading 36-8-5 2819
June 8 Speaker signed 2825
June 8 Presented to Governor (6/8) 2834
June 15 Approved by Governor with line-item veto (6/10) 2867
June 15 Message from Secretary of State 2869

LEGISLATIVE BILL 153. By Dierks, Jones

Jan. 7 Read first time 94
Jan. 12 Referred to Committee on Transportation 162
Feb. 11 Notice of hearing (2/23) 594
Mar. 16 Attorney General's Opinion #93014 to Dierks 993

LEGISLATIVE BILL 154. By Withem

Jan. 7 Read first time 95
Jan. 12 Referred to Committee on Judiciary 162
Jan. 19 Notice of hearing (1/27) 259
Jan. 28 Placed on General File - Com AM0014 399
Feb. 1 Committee AM0014 adopted.
Advanced for Review 430
Feb. 2 Placed on Select File - AM5344 462
Feb. 3 AM5344 (E & R) adopted.
Advanced for Engrossment 478
Feb. 8 Correctly Engrossed 556
Feb. 11 Final Reading w/E 43-0-6 609
Feb. 11 President signed 614
Feb. 11 Presented to Governor (2/11) 621
Feb. 17 Approved by Governor (2/16) 653

LEGISLATIVE BILL 155. By Fisher

Jan. 7 Read first time 95
Jan. 12 Referred to Committee on Natural Resources 162
Feb. 9 Notice of hearing (2/17) 562
Feb. 24 Fisher priority bill 761
Mar. 2 Placed on General File - Com AM0552 822
Mar. 4 Committee AM0552 adopted. Advanced for Review 865
Mar. 16 Placed on Select File 1013
Mar. 23 Advanced for Engrossment 1132
Mar. 30 Correctly Engrossed. ER7228 change 1204
Apr. 2 Final Reading 42-1-6 1330
Apr. 2 Speaker signed 1332

Apr. 2 Presented to Governor (4/2) 1334
Apr. 6 Approved by Governor (4/6) 1388

LEGISLATIVE BILL 156. By Dierks, Horgan, Lindsay, Witek

Jan. 7 Read first time 95
Jan. 8 Jones name added 119
Jan. 12 Referred to Committee on Judiciary 162
Jan. 28 Notice of hearing (2/4) 392

LEGISLATIVE BILL 157. By Hillman

Jan. 7 Read first time 95
Jan. 12 Referred to Committee on Urban Affairs 162
Jan. 19 Notice of hearing (1/26) 259
Jan. 28 Placed on General File 398
Feb. 1 Advanced for Review 429
Feb. 2 Placed on Select File - AM5339 460
Feb. 3 AM5339 (E & R) adopted. Beutler FA9 adopted. Advanced for Engrossment 476
Feb. 8 Correctly Engrossed 556
Feb. 11 Final Reading 44-0-5 610
Feb. 11 President signed 614
Feb. 11 Presented to Governor (2/11) 621
Feb. 17 Approved by Governor (2/16) 653

LEGISLATIVE BILL 158. By Hillman, Baack, Elmer, Fisher, Lynch, Robak, Wesely, Wickersham, at the request of the Governor

Jan. 7 Read first time 95
Jan. 12 Referred to Committee on Transportation 162
Jan. 14 Notice of hearing (1/25) 228
Feb. 3 Placed on General File - Com AM0021 484
Feb. 11 Committee AM0021 adopted. Advanced for Review 616
Feb. 17 Placed on Select File - AM5371 667
Feb. 22 AM5371 (E & R) adopted. Advanced for Engrossment 723
Mar. 3 Correctly Engrossed. ER7211 change 829
June 3 Final Reading 38-9-2 2748
June 3 Speaker signed 2755
June 3 Presented to Governor (6/3) 2774
June 15 Approved by Governor (6/9) 2856

LEGISLATIVE BILL 158A. By Hillman

Feb. 8 Read first time. Placed on General File 554
Feb. 11 Advanced for Review 616

Feb. 17 Placed on Select File 668
Feb. 22 Advanced for Engrossment 723
Mar. 3 Correctly Engrossed 829
June 3 Final Reading 34-9-6 2749
June 3 Speaker signed 2755
June 3 Presented to Governor (6/3) 2774
June 15 Approved by Governor (6/9) 2856

LEGISLATIVE BILL 159. By Jones, Avery, Bromm, Coordsen, Dierks, Elmer, Moore, Schellpeper, Schmitt, Vrtiska

Jan. 8 Read first time 100
Jan. 12 Referred to Committee on Revenue 162
Feb. 3 Notice of hearing (2/24) 479
Mar. 5 Schmitt priority bill 884
Mar. 11 Indefinitely postponed 983

LEGISLATIVE BILL 160. By Kristensen

Jan. 8 Read first time 100
Jan. 12 Referred to Committee on Judiciary 162
Feb. 17 Notice of hearing (2/26) 666
Feb. 18 Notice of hearing (Time change) 676
Mar. 2 Placed on General File - Com AM0065 824
(Provisions/portions of LB 160 amended into LB 523 by AM1406)

LEGISLATIVE BILL 161. By Kristensen

Jan. 8 Read first time 100
Jan. 12 Referred to Committee on Revenue 162
Jan. 20 Notice of hearing (1/27) 264
Jan. 21 Byars name added 357
Feb. 2 Placed on General File - Com AM0069 458
Feb. 9 Committee AM0069 adopted.
Advanced for Review 566
Feb. 16 Placed on Select File 636
Feb. 18 Kristensen AM0411 printed 677
Feb. 22 Kristensen pending AM0411 p. 677 sustained division of question. Kristensen FA24 and FA25 adopted. Advanced for Engrossment 722
Mar. 3 Correctly Engrossed. ER7208 change 829
Mar. 9 Final Reading 41-2-6 925
Mar. 9 President signed 935
Mar. 9 Presented to Governor (3/9) 945
Mar. 16 Approved by Governor (3/12) 992

LEGISLATIVE BILL 162. By Coordsen

Jan.	8	Read first time	100
Jan.	12	Referred to Committee on Business and Labor	162
Jan.	14	Notice of hearing (1/25)	202
Feb.	2	Placed on General File - Com AM0114	460
Feb.	9	Committee AM0114 adopted. Beutler FA21 adopted. Advanced for Review	570
Feb.	16	Placed on Select File - AM5365	637
Feb.	18	AM5365 (E & R) adopted. Beutler AM0307 adopted. Advanced for Engrossment	674
Mar.	2	Correctly Engrossed. ER7207 change	795
Mar.	8	Final Reading 39-0-10	905
Mar.	8	Speaker signed	907
Mar.	9	Presented to Governor (3/8)	917
Mar.	16	Approved by Governor (3/11)	991

LEGISLATIVE BILL 163. By Coordsen, Schmitt

Jan.	8	Read first time	100
Jan.	12	Referred to Committee on Judiciary	162
Jan.	19	Notice of hearing (1/28)	259
Jan.	29	Placed on General File	418
Feb.	2	Advanced for Review	448
Feb.	4	Placed on Select File - AM5347	492
Feb.	8	AM5347 (E & R) adopted. Passed over	546
Feb.	16	Coordsen AM0378 printed	640
Feb.	17	Coordsen AM0253 and pending AM0378 p. 640 adopted. Advanced for Engrossment	654
Feb.	24	Correctly Engrossed	769
Mar.	4	Final Reading 41-0-8	857
Mar.	4	President signed	864
Mar.	4	Presented to Governor (3/4)	873
Mar.	9	Approved by Governor (3/8)	944

LEGISLATIVE BILL 164. By Coordsen

Jan.	8	Read first time	101
Jan.	12	Referred to Committee on Transportation	162
Feb.	11	Notice of hearing (2/22)	593
Mar.	2	Indefinitely postponed	826

(Provisions/portions of LB 164 amended into LB 575 by AM0531)

LEGISLATIVE BILL 165. By Coordsen

Jan.	8	Read first time	101
Jan.	12	Referred to Committee on Transportation	162
Feb.	11	Notice of hearing (3/8)	594

LEGISLATIVE BILL 166. By Wehrbein

Jan. 8 Read first time 101
Jan. 12 Referred to Committee on Government, Military and Veterans Affairs 162
Jan. 13 Witek name added 196
Mar. 11 Notice of hearing (3/18) 988

LEGISLATIVE BILL 167. By Wehrbein

Jan. 8 Read first time 101
Jan. 12 Referred to Committee on Health and Human Services 162
Feb. 3 Notice of hearing (2/25) 488

LEGISLATIVE BILL 168. By Wehrbein

Jan. 8 Read first time 101
Jan. 12 Referred to Committee on Health and Human Services 162
Feb. 3 Notice of hearing (2/18) 487
Mar. 23 Indefinitely postponed 1139

LEGISLATIVE BILL 169. By Coordsen

Jan. 8 Read first time 102
Jan. 12 Referred to Committee on Government, Military and Veterans Affairs 162
Jan. 27 Notice of hearing (2/3) 380

LEGISLATIVE BILL 170. By Coordsen

Jan. 8 Read first time 102
Jan. 12 Referred to Committee on Government, Military and Veterans Affairs 162
Feb. 24 Notice of hearing (3/5) 760
Mar. 17 Placed on General File 1048
Apr. 8 Advanced for Review 1454
Apr. 19 Placed on Select File - AM5465 1596
Apr. 21 AM5465 (E & R) adopted. Advanced for Engrossment 1666
Apr. 28 Correctly Engrossed 1786
May 4 Final Reading 36-0-13 1923
May 4 President signed 1928
May 4 Presented to Governor (5/4) 1933
May 11 Approved by Governor (5/6) 2018

LEGISLATIVE BILL 171. By Elmer

Jan. 8 Read first time 102
Jan. 12 Referred to Committee on Revenue 162

Jan. 27 Notice of hearing (2/3) 380
Feb. 8 Indefinitely postponed 554

LEGISLATIVE BILL 172. By Lynch

Jan. 8 Read first time 102
Jan. 12 Referred to Committee on Natural Resources 162
Jan. 27 Notice of hearing (2/3) 384
Mar. 10 Placed on General File - Com AM0757 961

LEGISLATIVE BILL 173. By Robak, Crosby, Hartnett, Hillman, Schimek

Jan. 8 Read first time 102
Jan. 12 Referred to Committee on Transportation 162
Feb. 8 Notice of hearing (2/16) 555

LEGISLATIVE BILL 174. By Coordsen, Byars, Dierks, Jones, Schellpeper

Jan. 8 Read first time 103
Jan. 12 Referred to Committee on Revenue 162
Feb. 2 Notice of hearing (2/18) 463
Apr. 27 Indefinitely postponed 1768

LEGISLATIVE BILL 175. By Coordsen, Byars, Dierks, Jones, Schellpeper

Jan. 8 Read first time 103
Jan. 12 Referred to Committee on Revenue 162
Jan. 13 Wehrbein name added 196
Feb. 2 Notice of hearing (2/18) 463
Apr. 27 Indefinitely postponed 1768

LEGISLATIVE BILL 176. By Coordsen, Byars, Dierks, Jones

Jan. 8 Read first time 103
Jan. 12 Referred to Committee on Transportation 162
Jan. 22 Notice of hearing (2/1) 360
Feb. 3 Placed on General File - Com AM0025 485
Feb. 9 Committee AM0025 adopted.
Advanced for Review 576
Feb. 11 Kristensen AM0319 printed 593
Feb. 16 Placed on Select File - AM5369 646
Feb. 18 AM5369 (E & R) adopted. Kristensen pending AM0319 p. 593 lost.
Advanced for Engrossment 675
Mar. 2 Correctly Engrossed. ER7209 change 811
Mar. 8 Final Reading 25-17-7 906

Mar. 8 Speaker signed 907
Mar. 9 Presented to Governor (3/8) 917
Mar. 16 Approved by Governor (3/11) 991

LEGISLATIVE BILL 177. By Hartnett

Jan. 8 Read first time 103
Jan. 12 Referred to Committee on Education 162
Jan. 13 Notice of hearing (1/25) 172
Jan. 27 Placed on General File - Com AM0037 384
Jan. 28 Committee AM0037 adopted as amended by Wickersham AM0078. Advanced for Review 396
Feb. 2 Placed on Select File - AM5332 446
Feb. 3 AM5332 (E & R) adopted. Advanced for Engrossment 474
Feb. 8 Correctly Engrossed. ER7197 change 556
Feb. 11 Final Reading 43-0-6 611
Feb. 11 President signed 614
Feb. 11 Presented to Governor (2/11) 621
Feb. 17 Approved by Governor (2/15) 652

LEGISLATIVE BILL 178. By Hartnett

Jan. 8 Read first time 103
Jan. 12 Referred to Committee on Judiciary 162
Jan. 19 Notice of hearing (1/28) 259
Jan. 29 Placed on General File 418
Feb. 2 Advanced for Review 448
Feb. 4 Placed on Select File 492
Feb. 8 Advanced for Engrossment 546
Feb. 16 Correctly Engrossed 626
Feb. 19 Witek motion to return to Select File for FA23 withdrawn. Final Reading 28-14-7 693
Feb. 19 Speaker signed 702
Feb. 19 Presented to Governor (2/19) 707
Feb. 22 Approved by Governor (2/20) 726

LEGISLATIVE BILL 179. By Chambers

Jan. 8 Read first time 103
Jan. 12 Referred to Committee on Education 162
Jan. 19 Notice of hearing (1/26) 258
Feb. 8 Indefinitely postponed 543

LEGISLATIVE BILL 180. By Withem, Hartnett

Jan. 8 Read first time 104
Jan. 12 Referred to Committee on Revenue 162

Feb. 2 Notice of hearing (2/17) 463
Mar. 2 Indefinitely postponed 807

LEGISLATIVE BILL 181. By Ashford, Pedersen

Jan. 8 Read first time 104
Jan. 12 Referred to Committee on Education 162
Jan. 13 Notice of hearing (1/25) 173

LEGISLATIVE BILL 182. By Schellpeper

Jan. 8 Read first time 104
Jan. 12 Referred to Committee on Natural Resources 162
Jan. 22 Notice of hearing (1/29) 361
Feb. 1 Placed on General File 427
Feb. 3 Advanced for Review 486
Feb. 8 Schellpeper AM0233 printed 543
Feb. 10 Placed on Select File 585
Feb. 17 Schellpeper pending AM0233 p. 543
adopted. Advanced for Engrossment 659
Feb. 24 Correctly Engrossed 769
Feb. 24 ER7205 change 770
Mar. 4 Final Reading 35-1-13 858
Mar. 4 President signed 864
Mar. 4 Presented to Governor (3/4) 873
Mar. 9 Approved by Governor (3/8) 944

LEGISLATIVE BILL 183. By General Affairs Committee

Jan. 8 Read first time 104
Jan. 12 Referred to Committee on General Affairs 162
Jan. 13 Notice of hearing (1/25) 173
Jan. 28 Placed on General File 393
Jan. 29 Advanced for Review 413
Feb. 2 Placed on Select File 446
Feb. 3 Advanced for Engrossment 474
Feb. 8 Correctly Engrossed 556
Feb. 11 Final Reading w/E 37-3-9 611
Feb. 11 President signed 614
Feb. 11 Presented to Governor (2/11) 621
Feb. 17 Approved by Governor (2/15) 652

LEGISLATIVE BILL 184. By Ashford

Jan. 8 Read first time 105
Jan. 12 Referred to Committee on Education 162
Feb. 3 Notice of hearing (3/8) 480
Mar. 9 Indefinitely postponed 935

LEGISLATIVE BILL 185. By Beutler, Avery, Bromm, Jones, Wickersham

Jan. 8 Read first time 105
Jan. 12 Referred to Committee on Government, Military and Veterans Affairs 162
Feb. 10 Notice of hearing (2/19) 589
Mar. 16 Placed on General File - Com AM0875 1009

LEGISLATIVE BILL 186. By Schimek, Hillman, McKenzie, Rasmussen, Robinson, Withem

Jan. 8 Read first time 105
Jan. 12 Referred to Committee on Education 162
Jan. 19 Notice of hearing (1/26) 258
Mar. 2 Placed on General File - Com AM0584 800
(Provisions/portions of LB 186 amended into LB 348 by AM1496)

LEGISLATIVE BILL 187. By Robinson, Byars, Crosby, Dierks, Schellpeper

Jan. 8 Read first time 106
Jan. 12 Referred to Committee on Health and Human Services 162
Jan. 28 Notice of hearing (2/4) 392
Feb. 5 Placed on General File - Com AM0236 528
Feb. 23 Committee AM0236 adopted. Advanced for Review 748
Mar. 5 Placed on Select File - AM5399 889
Apr. 1 AM5399 (E & R) adopted. Advanced for Engrossment 1308
Apr. 13 Correctly Engrossed. ER7247 change 1474
Apr. 19 Final Reading 42-0-7 1588
Apr. 19 President signed 1595
Apr. 19 Robak explanation of vote 1604
Apr. 19 Presented to Governor (4/19) 1607
Apr. 27 Approved by Governor (4/22) 1699

LEGISLATIVE BILL 187A. By Robinson

Feb. 25 Read first time. Placed on General File 786
Mar. 2 Advanced for Review 810
Mar. 8 Placed on Select File 899
Apr. 1 Advanced for Engrossment 1308
Apr. 13 Correctly Engrossed 1474
Apr. 19 Final Reading 39-0-10 1589
Apr. 19 President signed 1595
Apr. 19 Robak explanation of vote 1604

Apr. 19 Presented to Governor (4/19) 1607
Apr. 27 Approved by Governor (4/22) 1699

LEGISLATIVE BILL 188. By Lindsay

Jan. 8 Read first time 106
Jan. 12 Referred to Committee on Judiciary 162
Mar. 17 Notice of hearing (3/25) 1027
Apr. 1 Placed on General File - Com AM1205 1315

LEGISLATIVE BILL 189. By Horgan, Cudaback, Dierks, Elmer, Robinson, Schellpeper, Wehrbein

Jan. 8 Read first time 106
Jan. 12 Referred to Committee on Revenue 162
Feb. 3 Notice of hearing (2/25) 479
Mar. 2 Indefinitely postponed 807
(Provisions/portions of LB 189 amended into LB 658 by AM2021)

LEGISLATIVE BILL 190. By Baack, Ashford, Avery, Beutler, Bohlke, Bromm, Coordsen, Cudaback, Day, Dierks, Haberman, Hartnett, Hillman, Hohenstein, Janssen, Landis, McKenzie, Robak, Robinson, Schellpeper, Schimek, Schmitt, Vrtiska, Wehrbein, Wesely, Wickersham, Withem, at the request of the Governor

Jan. 8 Read first time 106
Jan. 12 Referred to Committee on Government, Military and Veterans Affairs 162
Jan. 12 Hall name added 171
Jan. 20 Notice of hearing (1/28) 296
Feb. 1 Placed on General File 440
Feb. 4 Advanced for Review 508
Feb. 11 Placed on Select File 592
Feb. 17 Baack AM0395 adopted. Advanced for Engrossment 662
Mar. 10 Correctly Engrossed 947
June 8 Will motion to suspend rules prevailed 2816
June 8 Final Reading w/E 45-1-3 2819
June 8 Speaker signed 2825
June 8 Presented to Governor (6/8) 2834
June 15 Approved by Governor (6/8) 2856

LEGISLATIVE BILL 190A. By Baack

Feb. 3 Read first time. Placed on General File 480
Feb. 4 Advanced for Review 508
Feb. 4 Preister name added 512
Feb. 11 Placed on Select File 592
Feb. 17 Advanced for Engrossment 662

Feb.	25	Baack AM0562 printed	784
Mar.	3	Returned to Select File for Baack amendment. Baack pending AM0562 p. 784 adopted. Advanced for Engrossment	834
Mar.	11	Correctly Engrossed	980
June	3	Returned to Select File for Moore amendment. Moore AM2390 adopted. Advanced for Re-Engrossment	2734
June	3	Correctly Re-Engrossed	2772
June	8	Will motion to suspend rules prevailed	2816
June	8	Final Reading w/E 41-1-7	2820
June	8	Speaker signed	2825
June	8	Presented to Governor (6/8)	2834
June	15	Approved by Governor (6/8)	2856

LEGISLATIVE BILL 191. By Crosby

Jan.	8	Read first time	107
Jan.	12	Referred to Committee on Transportation	162
Feb.	1	Notice of hearing (2/9)	431
Feb.	18	Placed on General File	676
Mar.	5	Advanced for Review	896
Mar.	18	Placed on Select File - AM5419	1055
Mar.	30	AM5419 (E & R) adopted. Advanced for Engrossment	1257
Apr.	2	Correctly Engrossed	1346
Apr.	7	Final Reading 42-0-7	1418
Apr.	7	President signed	1427
Apr.	7	Presented to Governor (4/7)	1433
Apr.	13	Approved by Governor (4/12)	1480

LEGISLATIVE BILL 192. By Cudaback, Lynch, Schellpeper

Jan.	8	Read first time	107
Jan.	12	Referred to Committee on General Affairs	162
Jan.	25	Notice of hearing (2/1)	367
Feb.	4	Placed on General File	492
Feb.	16	Advanced for Review	637
Feb.	23	Placed on Select File	733
Mar.	3	Advanced for Engrossment	833
Mar.	10	Correctly Engrossed	947
Mar.	17	Final Reading w/E 48-0-1	1033
Mar.	17	Speaker signed	1036
Mar.	17	Presented to Governor (3/17)	1045
Mar.	23	Approved by Governor (3/22)	1126

LEGISLATIVE BILL 193. By Cudaback, Lynch, Schellpeper

Jan.	8	Read first time	107
Jan.	12	Referred to Committee on General Affairs	162
Jan.	25	Notice of hearing (2/1)	367
Feb.	25	Placed on General File - Com AM0546	780
Mar.	16	Cudaback priority bill	1019
Mar.	31	Committee AM0546 adopted. Advanced for Review	1275
Apr.	6	Placed on Select File - AM5445	1396
Apr.	8	Will-Cudaback AM1333 printed	1465
Apr.	13	AM5445 (E & R) adopted. Will-Cudaback pending AM1333 p. 1465 withdrawn. Cudaback AM1400 adopted. Beutler FA79 lost. Pending	1495
Apr.	13	Beutler FA80 pending. Bracketed until 4/14/93	1508
Apr.	14	Beutler pending FA80 p. 1508 withdrawn. Beutler AM1441 adopted. Advanced for Engrossment	1522
Apr.	20	Correctly Engrossed	1652
Apr.	20	ER7249 change	1653
Apr.	30	Final Reading 37-0-12	1835
Apr.	30	Speaker signed	1849
Apr.	30	Presented to Governor (4/30)	1872
May	4	Approved by Governor (5/4)	1940

LEGISLATIVE BILL 194. By Dierks, Pirsch

Jan.	8	Read first time	107
Jan.	12	Referred to Committee on Education	162
Jan.	13	Notice of hearing (1/25)	173
Feb.	2	Indefinitely postponed	447

LEGISLATIVE BILL 195. By Dierks, Elmer, Haberman

Jan.	8	Read first time	108
Jan.	11	Hall name added	149
Jan.	12	Referred to Committee on Revenue	162
Jan.	20	Jones name added	305
Mar.	3	Notice of hearing (3/18)	850
Apr.	28	Indefinitely postponed	1805

LEGISLATIVE BILL 196. By Robak, Hillman

Jan.	8	Read first time	108
Jan.	12	Referred to Committee on Transportation	162
Feb.	11	Notice of hearing (3/2)	594

LEGISLATIVE BILL 197. By Byars

Jan. 8 Read first time 109
Jan. 12 Referred to Committee on Transportation 163
Feb. 11 Notice of hearing (3/8) 594

LEGISLATIVE BILL 198. By Byars

Jan. 8 Read first time 109
Jan. 12 Referred to Committee on Transportation 163
Jan. 14 Notice of hearing (1/26) 228
Feb. 3 Placed on General File 484
Feb. 9 Advanced for Review 576
Feb. 16 Placed on Select File 645
Feb. 18 Advanced for Engrossment 675
Mar. 3 Correctly Engrossed 811
Mar. 9 Final Reading 35-0-14 919
Mar. 9 President signed 935
Mar. 9 Presented to Governor (3/9) 945
Mar. 16 Approved by Governor (3/11) 991

LEGISLATIVE BILL 199. By Byars

Jan. 8 Read first time 109
Jan. 12 Referred to Committee on Urban Affairs 163
Feb. 16 Notice of hearing (3/9) 649
Mar. 30 Indefinitely postponed 1217

LEGISLATIVE BILL 200. By Byars

Jan. 8 Read first time 110
Jan. 12 Referred to Committee on Transportation 163
Jan. 22 Notice of hearing (2/1) 361
Feb. 5 Placed on General File - Com AM0174 521
Feb. 17 Committee AM0174 adopted.
Advanced for Review 664
Mar. 2 Placed on Select File 792
Mar. 8 Advanced for Engrossment 911
Mar. 18 Correctly Engrossed 1090
Mar. 25 Final Reading 44-0-5 1187
Mar. 25 Speaker signed 1189
Mar. 25 Presented to Governor (3/25) 1196
Mar. 30 Approved by Governor (3/30) 1225

LEGISLATIVE BILL 201. By Byars

Jan. 8 Read first time 110
Jan. 12 Referred to Committee on Transportation 163
Jan. 13 Pedersen name added 196
Jan. 22 Notice of hearing (2/8) 361
Feb. 9 Placed on General File 567

Mar. 11 Advanced for Review 973
Mar. 23 Placed on Select File - AM5427 1135
Mar. 30 AM5427 (E & R) adopted.
Advanced for Engrossment 1258
Apr. 2 Correctly Engrossed 1346
Apr. 7 Final Reading 42-0-7 1418
Apr. 7 President signed 1427
Apr. 7 Presented to Governor (4/7) 1433
Apr. 13 Approved by Governor (4/12) 1480

LEGISLATIVE BILL 202. By Landis

Jan. 8 Read first time 110
Jan. 14 Referred to Committee on Judiciary 198
Jan. 22 Notice of hearing (1/29) 361
Feb. 17 Placed on General File - Com AM0374 652

LEGISLATIVE BILL 203. By Horgan, Ashford, Bernard-Stevens, Cudaback, Rasmussen, Robinson

Jan. 8 Read first time 110
Jan. 13 Wehrbein name added 196
Jan. 14 Referred to Committee on Natural Resources 198
Jan. 14 Chambers name added 231
Feb. 3 Attorney General's Opinion #93004 to Robinson 470
Feb. 11 Notice of hearing (2/19) 593
Mar. 17 Horgan priority bill 1045
Apr. 27 Placed on General File - Com AM1677 1718
(printed separate)
Apr. 29 Committee AM1677 adopted. Advanced for Review ... 1809
May 4 Hartnett name added 1953
May 5 Placed on Select File - AM5496 1974
May 19 AM5496 (E & R) adopted. Beutler AM1880
adopted. Advanced for Engrossment 2332
May 27 Correctly Engrossed. ER7284 change 2538
June 7 Final Reading w/E 46-0-3 2787
June 7 President signed 2799
June 7 Presented to Governor (6/7) 2805
June 15 Approved by Governor (6/10) 2864
(Provisions/portions of LB 674 amended into LB 203 by AM1677)

LEGISLATIVE BILL 203A. By Horgan

May 11 Read first time. Placed on General File 2028
May 12 Advanced for Review 2073
May 18 Placed on Select File 2244
May 20 Advanced for Engrossment 2375
May 27 Correctly Engrossed 2538
June 7 Final Reading w/E 45-0-4 2788

June 7 President signed 2799
June 7 Presented to Governor (6/7) 2805
June 15 Approved by Governor (6/10) 2864

LEGISLATIVE BILL 204. By Schmitt

Jan. 8 Read first time 110
Jan. 14 Referred to Committee on Business and Labor 198
Jan. 20 Robak name added 305
Jan. 28 Notice of hearing (2/8) 397

LEGISLATIVE BILL 205. By Rasmussen, Schimek

Jan. 8 Read first time 110
Jan. 14 Referred to Committee on Health and Human Services 198
Jan. 21 Notice of hearing (1/28) 348
Jan. 29 Placed on General File - Com AM0055 419
Feb. 3 Committee AM0055 adopted. Advanced for Review 478
Feb. 9 Placed on Select File 560
Feb. 10 Rasmussen AM0299 adopted. Advanced for Engrossment 582
Feb. 17 Rasmussen AM0371 printed 668
Feb. 19 Returned to Select File for Rasmussen amendment. Rasmussen pending AM0371 p. 668 adopted. Advanced for Engrossment 703
Mar. 2 Correctly Engrossed 811
Mar. 2 ER7203 change 812
Mar. 9 Returned to Select File for Rasmussen amendment. Rasmussen AM0792 adopted. Advanced for Re-Engrossment 926
Mar. 19 Correctly Re-Engrossed 1097
Mar. 25 Final Reading 42-0-7 1183
Mar. 25 Speaker signed 1189
Mar. 25 Presented to Governor (3/25) 1196
Mar. 30 Approved by Governor (3/30) 1225
(Provisions/portions of LB 531 amended into LB 205 by AM0792)

LEGISLATIVE BILL 206. By Horgan, Pedersen

Jan. 8 Read first time 111
Jan. 14 Referred to Committee on General Affairs 198
Feb. 1 Notice of hearing (2/8) 431
Mar. 18 Placed on General File - Com AM0355 1071

LEGISLATIVE BILL 207. By Hartnett, Schimek, Will

Jan.	8	Read first time	111
Jan.	14	Referred to Committee on Urban Affairs	198
Jan.	19	Notice of hearing (1/26)	259
Jan.	28	Placed on General File - Com AM0033	398
Feb.	1	Committee AM0033 adopted. Advanced for Review	429
Feb.	2	Placed on Select File - AM5345	461
Feb.	3	AM5345 (E & R) adopted. Hartnett AM0164 adopted. Advanced for Engrossment	477
Feb.	8	Correctly Engrossed	556
Feb.	19	Final Reading 41-0-8	690
Feb.	19	Speaker signed	702
Feb.	19	Presented to Governor (2/19)	707
Feb.	22	Approved by Governor (2/20)	720

LEGISLATIVE BILL 208. By Hartnett, Schimek, Will

Jan.	8	Read first time	111
Jan.	14	Referred to Committee on Urban Affairs	198
Jan.	19	Notice of hearing (1/26)	259
Jan.	28	Placed on General File	398
Feb.	1	Advanced for Review	429
Feb.	2	Placed on Select File - AM5341	461
Feb.	3	AM5341 (E & R) adopted. Advanced for Engrossment	477
Feb.	8	Correctly Engrossed	556
Feb.	11	Final Reading 41-0-8	612
Feb.	11	President signed	614
Feb.	11	Presented to Governor (2/11)	621
Feb.	17	Approved by Governor (2/15)	652

LEGISLATIVE BILL 209. By Hartnett, Schimek, Will

Jan.	8	Read first time	111
Jan.	14	Referred to Committee on Urban Affairs	199
Jan.	19	Notice of hearing (1/26)	259
Jan.	28	Placed on General File	398
Feb.	1	Advanced for Review	429
Feb.	2	Placed on Select File - AM5346	461
Feb.	3	AM5346 (E & R) adopted. Advanced for Engrossment	477
Feb.	8	Correctly Engrossed	556
Feb.	11	Final Reading 41-0-8	613
Feb.	11	President signed	614
Feb.	11	Presented to Governor (2/11)	621
Feb.	17	Approved by Governor (2/15)	652

LEGISLATIVE BILL 210. By Hartnett, Schimek, Will

Jan. 8 Read first time 111
Jan. 14 Referred to Committee on Urban Affairs 199
Jan. 19 Notice of hearing (1/26) 259
Jan. 28 Placed on General File 398
Feb. 1 Advanced for Review 429
Feb. 2 Placed on Select File - AM5340 461
Feb. 4 Witek AM0183 printed 494
Feb. 8 AM5340 (E & R) adopted. Hohenstein AM0151 and Witek pending AM0183 p. 494 adopted. Advanced for Engrossment 544
Feb. 11 Correctly Engrossed 621
Feb. 19 Final Reading 41-0-8 691
Feb. 19 Speaker signed 702
Feb. 19 Presented to Governor (2/19) 707
Feb. 22 Approved by Governor (2/20) 720

LEGISLATIVE BILL 211. By Hillman, Horgan, Wesely

Jan. 8 Read first time 112
Jan. 14 Referred to Committee on Transportation 199
Jan. 14 Notice of hearing (1/26) 228
Feb. 16 Ashford name added 649
Feb. 25 Placed on General File - Com AM0529 783

LEGISLATIVE BILL 211A. By Hillman

Mar. 11 Read first time. Placed on General File 976

LEGISLATIVE BILL 212. By Hillman, Baack

Jan. 8 Read first time 112
Jan. 14 Referred to Committee on Government, Military and Veterans Affairs 199
Mar. 3 Notice of hearing (3/11) 845

LEGISLATIVE BILL 213. By Cudaback, Bromm, Horgan

Jan. 8 Read first time 112
Jan. 14 Referred to Committee on Government, Military and Veterans Affairs 199
Feb. 10 Notice of hearing (2/18) 588

LEGISLATIVE BILL 214. By Will

Jan. 8 Read first time 112
Jan. 14 Referred to Committee on Banking, Commerce and Insurance 199
Jan. 29 Notice of hearing (2/8) 415
Feb. 25 Indefinitely postponed 780

LEGISLATIVE BILL 215. By Will

Jan.	8	Read first time	112
Jan.	14	Referred to Committee on General Affairs	199
Jan.	25	Notice of hearing (2/1)	367
Feb.	4	Placed on General File	492
Feb.	16	Advanced for Review	637
Feb.	23	Placed on Select File - AM5372	733
Mar.	3	AM5372 (E & R) adopted. Advanced for Engrossment	833
Mar.	10	Correctly Engrossed	947
Mar.	17	Final Reading 47-0-2	1034
Mar.	17	Speaker signed	1036
Mar.	17	Presented to Governor (3/17)	1045
Mar.	23	Approved by Governor (3/22)	1126

LEGISLATIVE BILL 216. By Landis

Jan.	8	Read first time	116
Jan.	14	Referred to Committee on Banking, Commerce and Insurance	199
Jan.	25	Notice of hearing (2/1)	367
Feb.	4	Placed on General File - Com AM0134	504
Feb.	8	Landis AM0257 printed	555
Feb.	16	Committee AM0134 adopted. Landis pending AM0257 p. 555 adopted. Advanced for Review	644
Feb.	24	Placed on Select File - AM5383	755
Mar.	10	Landis AM0782 printed	964
Apr.	1	Landis AM1084 printed	1313
Apr.	21	AM5383 (E & R) adopted. Landis pending AM0782 p. 964 and AM1084 p. 1313 adopted. Advanced for Engrossment	1662
Apr.	28	Correctly Engrossed. ER7264 change	1780
May	4	Final Reading 39-0-10	1924
May	4	President signed	1928
May	4	Witek explanation of vote. Presented to Governor (5/4)	1933
May	11	Approved by Governor (5/6)	2018

LEGISLATIVE BILL 217. By Landis

Jan.	8	Read first time	116
Jan.	14	Referred to Committee on Banking, Commerce and Insurance	199
Jan.	25	Notice of hearing (2/1)	367
Feb.	3	Placed on General File	465
Feb.	9	Advanced for Review	571

Feb. 16 Placed on Select File - AM5364 637
Feb. 18 AM5364 (E & R) adopted.
Advanced for Engrossment 674
Mar. 2 Correctly Engrossed 795
Mar. 9 Final Reading 36-0-13 919
Mar. 9 President signed 935
Mar. 9 Presented to Governor (3/9) 945
Mar. 16 Approved by Governor (3/11) 991

LEGISLATIVE BILL 218. By Landis

Jan. 8 Read first time 116
Jan. 14 Referred to Committee on Banking,
Commerce and Insurance 199
Jan. 25 Notice of hearing (2/1) 367
Feb. 4 Placed on General File - Com AM0135 504
Feb. 16 Committee AM0135 adopted.
Advanced for Review 644
Feb. 24 Placed on Select File - AM5380 756
Feb. 25 Landis AM0561 printed 787
Mar. 3 AM5380 (E & R) adopted. Landis
pending AM0561 p. 787 adopted.
Advanced for Engrossment 833
Mar. 11 Correctly Engrossed 974
Mar. 11 ER7213 change 975
June 1 Landis AM2520 printed 2593
June 2 Returned to Select File for Landis amendment.
Landis pending AM2520 p. 2593 adopted.
Advanced for Re-Engrossment 2648
June 3 Correctly Re-Engrossed. ER7322 change 2710
June 8 Will motion to suspend rules prevailed 2816
June 8 Final Reading 46-0-3 2821
June 8 Speaker signed 2825
June 8 Presented to Governor (6/8) 2834
June 15 Approved by Governor (6/10) 2864

LEGISLATIVE BILL 219. By Landis

Jan. 8 Read first time 117
Jan. 14 Referred to Committee on Banking,
Commerce and Insurance 199
Jan. 29 Notice of hearing (2/16) 415
Mar. 3 Placed on General File - Com AM0625 830
Mar. 10 Landis AM0742 printed 965

LEGISLATIVE BILL 220. By Landis

Jan. 8 Read first time 117
Jan. 14 Referred to Committee on Revenue 199

Jan.	21	Notice of hearing (1/28)	340
Mar.	9	Placed on General File - Com AM0756	936
Mar.	17	Revenue Committee priority bill	1024
Mar.	18	Hudkins priority bill	1073
Mar.	18	Hudkins name added	1095
Apr.	5	Warner-Landis AM1241 to committee AM0756 printed	1363
Apr.	15	Committee AM0756 adopted as amended by Landis-Warner pending AM1241 p. 1363. Advanced for Review	1563
Apr.	22	Placed on Select File - AM5472	1688
Apr.	27	Will AM1522 printed	1756
Apr.	29	Will AM1781 printed	1823
Apr.	30	Landis AM1806 printed	1878
May	14	AM5472 (E & R) adopted. Will pending AM1522 p. 1756 and AM1781 p. 1823 withdrawn. Landis pending AM1806 p. 1878 adopted. Advanced for Engrossment	2147
May	17	Will AM2069 printed	2154
May	24	Correctly Engrossed. ER7281 change	2381
June	1	Will pending AM2069 p. 2154 withdrawn. Final Reading w/E 46-0-3	2582
June	1	President signed	2583
June	1	Presented to Governor (6/1)	2589
June	7	Approved by Governor (6/4)	2777

LEGISLATIVE BILL 221. By Lindsay, Ashford, Lynch, Will, Withem

Jan.	8	Read first time	117
Jan.	14	Referred to Committee on Transportation	199
Jan.	26	Withem name withdrawn	377
Feb.	11	Notice of hearing (3/9)	594

LEGISLATIVE BILL 222. By Will, Withem

Jan.	8	Read first time	118
Jan.	14	Referred to Committee on Revenue	199
Feb.	2	Notice of hearing (2/18)	463
Apr.	27	Indefinitely postponed	1768

LEGISLATIVE BILL 223. By Crosby

Jan.	8	Read first time	118
Jan.	14	Referred to Committee on Banking, Commerce and Insurance	199
Feb.	10	Notice of hearing (2/22)	578

LEGISLATIVE BILL 224. By Crosby

Jan. 8 Read first time 118
Jan. 14 Referred to Committee on Judiciary 199
Feb. 17 Notice of hearing (2/26) 666
Feb. 18 Notice of hearing (Time change) 676
Mar. 2 Indefinitely postponed 826

LEGISLATIVE BILL 225. By Crosby

Jan. 8 Read first time 119
Jan. 14 Referred to Committee on Judiciary 199
Jan. 22 Notice of hearing (1/29) 361
Feb. 1 Indefinitely postponed 441

LEGISLATIVE BILL 226. By Crosby

Jan. 8 Read first time 119
Jan. 14 Referred to Committee on Health and Human Services 199
Jan. 21 Notice of hearing (1/29) 348
Feb. 1 Placed on General File - Com AM0073 (printed separate) 431
Feb. 3 Committee AM0073 adopted. Advanced for Review 487
Feb. 11 Placed on Select File - AM5357 (printed separate) 591
Feb. 17 AM5357 (E & R) adopted. Crosby AM0404 to AM5357 adopted. Advanced for Engrossment. 659
Feb. 25 Correctly Engrossed 779
Feb. 25 ER7204 change 780
Mar. 4 Final Reading 44-0-5 861
Mar. 4 President signed 864
Mar. 4 Presented to Governor (3/4) 873
Mar. 10 Approved by Governor (3/10) 970

LEGISLATIVE BILL 227. By Schmitt

Jan. 11 Read first time 126
Jan. 14 Referred to Committee on Transportation 199
Feb. 11 Notice of hearing (2/23) 594

LEGISLATIVE BILL 228. By Warner, Baack, Chambers, Haberman, Hall, Moore

Jan. 11 Read first time 126
Jan. 14 Referred to Committee on Executive Board 199
Jan. 29 Notice of hearing (2/10) 414
Feb. 19 Indefinitely postponed 685

LEGISLATIVE BILL 229. By Warner, Baack, Chambers, Haberman, Hall, Moore

Jan. 11 Read first time 126
Jan. 14 Referred to Committee on Executive Board 199
Jan. 29 Notice of hearing (2/10) 414
Feb. 19 Indefinitely postponed 685
(Provisions/portions of LB 229 amended into LB 579 by AM0434)

LEGISLATIVE BILL 230. By Coordsen

Jan. 11 Read first time 126
Jan. 14 Referred to Committee on Banking, Commerce and Insurance 199
Jan. 26 Notice of hearing (2/2) 376
Feb. 4 Placed on General File - Com AM0167 504
Feb. 16 Committee AM0167 adopted. Advanced for Review 644
Feb. 24 Placed on Select File - AM5379 757
Mar. 3 AM5379 (E & R) adopted. Advanced for Engrossment 833
Mar. 11 Correctly Engrossed 974
Mar. 18 Final Reading w/E 37-0-12 1065
Mar. 18 President signed 1070
Mar. 18 Presented to Governor (3/18) 1073
Mar. 23 Approved by Governor (3/22) 1126

LEGISLATIVE BILL 231. By Schellpeper

Jan. 11 Read first time 126
Jan. 14 Referred to Committee on General Affairs 199
Feb. 10 Notice of hearing (2/22) 589
Feb. 24 Placed on General File 778
Mar. 3 General Affairs Committee priority bill 845
Mar. 9 Ashford AM0798 printed 945
Mar. 10 Hall FA32 withdrawn 966
Apr. 14 Ashford AM1127 printed 1521
Apr. 16 Schellpeper AM1485 printed 1575
Apr. 20 Ashford FA108 pending 1640
Apr. 20 Ashford pending FA108 p. 1640 lost. Ashford pending AM0798 p. 945 withdrawn. Ashford request to substitute amendment prevailed. Ashford pending AM1127 p. 1521 withdrawn. Ashford substitute AM1581 adopted as amended by Beutler AM1590. Schellpeper pending AM1485 p. 1575 sustained division of question. Schellpeper FA109 withdrawn. Schellpeper FA110 adopted.

Advanced for Review 1641
Apr. 27 Placed on Select File - AM5480 1730
Apr. 27 Attorney General's Opinion #93033 to Beutler and Ashford 1740
May 6 AM5480 (E & R) adopted. Preister FA176 lost. Advanced for Engrossment 1995
May 11 Hohenstein AM1927 to AM5480 printed 2048
May 12 Correctly Engrossed 2087
June 1 Returned to Select File for Hohenstein amendment. Hohenstein pending AM1927 p. 2048 pending 2583
June 1 Hohenstein pending AM1927 p. 2048 adopted. Advanced for Re-Engrossment. Returned to Select File for Chambers amendment. Chambers FA283 adopted. Advanced for Re-Engrossment 2589
June 1 Returned to Select File for Chambers amendment. Chambers FA284 adopted. Advanced for Re-Engrossment. Returned to Select File for Beutler amendment. Beutler FA282 lost. Advanced for Re-Engrossment 2590
June 2 Correctly Re-Engrossed. ER7317 change 2641
June 8 Final Reading w/E 39-7-3 2814
June 8 Speaker signed 2825
June 8 Presented to Governor (6/8) 2834
June 15 Approved by Governor (6/10) 2864

LEGISLATIVE BILL 232. By Cudaback, Bromm

Jan. 11 Read first time 127
Jan. 14 Referred to Committee on Government, Military and Veterans Affairs 199
Feb. 3 Notice of hearing (2/10) 465

LEGISLATIVE BILL 233. By Kristensen

Jan. 11 Read first time 127
Jan. 13 Witek name added 196
Jan. 14 Referred to Committee on Government, Military and Veterans Affairs 199
Jan. 26 Jones name added 377
Mar. 11 Notice of hearing (3/18) 988

LEGISLATIVE BILL 234. By Lynch

Jan. 11 Read first time 128
Jan. 14 Referred to Committee on Natural Resources 199

Jan. 28 Notice of hearing (2/4) 390
Feb. 9 Indefinitely postponed 561

LEGISLATIVE BILL 235. By Baack

Jan. 11 Read first time 128
Jan. 14 Referred to Committee on Natural Resources 199
Jan. 29 Notice of hearing (2/5) 415
Feb. 22 Placed on General File - Com AM0396 725
Mar. 18 Baack priority bill 1057
Mar. 31 Beutler AM1147 printed separate 1289
Apr. 1 Committee AM0396 adopted. Beutler pending AM1147 p. 1289 adopted 1315
Apr. 19 Beutler AM1231, Wehrbein AM1269, and Moore AM1474 adopted. Advanced for Review 1597
Apr. 27 Placed on Select File - AM5482 (printed separate) 1730
Apr. 29 Pirsch AM1696 to AM5482 printed 1813
May 17 Schimek AM2073 to AM5482 printed 2175
May 27 Beutler AM1941 and AM2144 to AM5482 printed 2548
June 1 AM5482 (E & R) adopted. Pirsch pending AM1696 p. 1813, Beutler pending AM1941 and AM2144 p. 2548 and Schimek pending AM2073 p. 2175 adopted. Wickersham FA285 withdrawn. Janssen AM2182 adopted as amended by Beutler FA286 2608
June 1 Chambers FA287 adopted. Advanced for Engrossment 2622
June 3 Correctly Engrossed 2710
June 3 ER7320 change 2711
June 8 Will motion to suspend rules prevailed 2816
June 8 Final Reading 46-1-2 2823
June 8 President signed 2838
June 8 Presented to Governor (6/8) 2843
June 15 Approved by Governor (6/10) 2864
(Provisions/portions of LB 77 amended into LB 235 by AM2073)
(Provisions/portions of LB 359 amended into LB 235 by AM1696)
(Provisions/portions of LB 481 amended into LB 235 by AM2144)
(Provisions/portions of LB 596 amended into LB 235 by AM2182)
(Provisions/portions of LB 622 amended into LB 235 by AM1147)
(Provisions/portions of LB 708 amended into LB 235 by AM1269)
(Provisions/portions of LB 773 amended into LB 235 by AM1941)

LEGISLATIVE BILL 236. By Robinson, Schimek

Jan. 11 Read first time 128
Jan. 14 Referred to Committee on Government,

Military and Veterans Affairs 199
Jan. 20 Notice of hearing (1/29) 296
Feb. 8 Placed on General File 547
Mar. 3 Advanced for Review 847
Mar. 16 Placed on Select File 1013
Apr. 1 Advanced for Engrossment 1310
Apr. 13 Correctly Engrossed 1474
Apr. 19 Final Reading w/E 42-0-7 1590
Apr. 19 President signed 1595
Apr. 19 Robak explanation of vote 1604
Apr. 19 Presented to Governor (4/19) 1607
Apr. 27 Approved by Governor (4/22) 1699

LEGISLATIVE BILL 237. By Bromm

Jan. 11 Read first time 128
Jan. 13 Robinson name added 196
Jan. 14 Referred to Committee on Natural Resources 199
Feb. 1 Hillman name added 442
Feb. 4 Baack name added 512
Feb. 11 Bernard-Stevens name added 622
Feb. 23 Notice of hearing (3/4) 750
Mar. 19 Speaker priority bill 1115
Mar. 23 Placed on General File - Com AM0827 1136
Apr. 8 Bernard-Stevens AM1079 printed 1449
May 3 Committee AM0827 adopted as amended by Bromm-Bernard-Stevens AM1822. Bernard-Stevens pending AM1079 p. 1449 withdrawn. Advanced for Review 1907
May 4 Hohenstein name added 1953
May 11 Placed on Select File - AM5502 (printed separate) 2009
May 17 AM5502 (E & R) adopted. Advanced for Engrossment 2164
May 24 Correctly Engrossed 2394
June 1 Final Reading w/E 47-0-2 2571
June 1 President signed 2583
June 1 Presented to Governor (6/1) 2589
June 7 Approved by Governor (6/4) 2777
(Provisions/portions of LB 144 amended into LB 237 by AM1822)

LEGISLATIVE BILL 238. By Hillman, Byars, Dierks, Pedersen, Robak, Schmitt

Jan. 11 Read first time 128
Jan. 14 Referred to Committee on Transportation 199
Feb. 11 Notice of hearing (2/23) 593
Mar. 11 Placed on General File 975
(Provisions/portions of LB 238 amended into LB 575 by AM1066)

LEGISLATIVE BILL 239. By Hillman, Baack, Wickersham

Jan.	11	Read first time	129
Jan.	14	Referred to Committee on Education	199
Jan.	25	Notice of hearing (2/1)	367
Feb.	16	Placed on General File - Com AM0263	626
Mar.	10	Baack-Wickersham-Hillman AM0807 printed	962
Mar.	19	Speaker priority bill	1115
Apr.	8	Withem AM1295 printed separate	1461
May	3	Committee AM0263 adopted. Baack et al pending AM0807 p. 962 adopted as amended by Hillman-Baack-Moore AM1751. Withem pending AM1295 p. 1461 and Hillman-Moore AM1832 withdrawn. Advanced for Review	1908
May	11	Placed on Select File - AM5505 (printed separate)	2010
May	17	AM5505 (E & R) adopted. Advanced for Engrossment	2164
May	27	Returned to Select File for Withem amendment. Withem AM2421 (on file) adopted. Advanced for Engrossment	2553
June	1	Correctly Engrossed. ER7314 change	2623
June	7	Final Reading 45-0-4	2794
June	7	President signed	2807
June	8	Presented to Governor (6/7)	2808
June	15	Approved by Governor (6/10)	2864

(Provisions/portions of LB 263 amended into LB 239 by AM2421)

LEGISLATIVE BILL 240. By Landis, Beutler, Bohlke, Bromm, Byars, Chambers, Coordsen, Day, Dierks, Hall, Hillman, Janssen, Lynch, McKenzie, Preister, Rasmussen, Robak, Schellpeper, Schimek, Schmitt, Warner, Wesely, Wickersham, Will, Withem, at the request of the Governor

Jan.	11	Read first time	129
Jan.	14	Referred to Committee on Revenue	199
Jan.	27	Notice of hearing (2/5)	381
Feb.	11	Placed on General File	617
Feb.	16	Landis priority bill	629
Feb.	18	Moore AM0414 (on file) lost. Moore motion to bracket until 6/1/93 withdrawn. Advanced for Review	672
Feb.	19	Hall AM0402 printed	686
Mar.	2	Placed on Select File - AM5392	795
Mar.	9	Moore AM0771, AM0768, AM0770 and AM0769 printed	928
Mar.	9	Moore AM0772, AM0418, and AM0728 printed	929
Mar.	16	AM5392 (E & R) adopted. Landis request	

to substitute Hall AM0402 prevailed.
Landis-Hall substitute AM0869 adopted.
Moore request to substitute AM0768 prevailed.
Moore pending AM0768 p. 928 withdrawn.
Moore substitute pending AM0728 p. 929
lost. Moore pending AM0771, AM0770, AM0769,
AM0772, and AM0418 pages 928-929 withdrawn.
Advanced for Engrossment 1002
Mar. 30 Correctly Engrossed 1204
Apr. 7 Landis-Warner motion to suspend rules and
allow Final Reading lost 1426
Apr. 7 Hall pending AM0402 p. 686 withdrawn 1427
Apr. 7 Day motion to reconsider action p. 1426
to suspend rules laid over 1441
Apr. 14 Day pending motion p. 1441 to reconsider
action prevailed. Landis-Warner reoffered
motion p. 1426 to suspend rules to allow
Final Reading prevailed 1517
Apr. 14 Moore motion to return to Select File
for FA82 withdrawn. Final Reading 31-13-5 1518
Apr. 14 President signed 1521
Apr. 14 Presented to Governor (4/14) 1522
Apr. 15 Dierks explanation of vote 1541
Apr. 15 Approved by Governor (4/15) 1560

LEGISLATIVE BILL 240A. By Landis

Feb. 24 Read first time. Placed on General File 776
Mar. 2 Advanced for Review 810
Mar. 8 Placed on Select File 899
Mar. 16 Advanced for Engrossment 1006
Mar. 30 Correctly Engrossed 1204
Apr. 7 Landis-Warner motion to suspend rules
and allow Final Reading lost 1426
Apr. 7 Day motion to reconsider action p. 1426
to suspend rules laid over 1441
Apr. 14 Day pending motion p. 1441 to reconsider
action prevailed. Landis-Warner reoffered
motion p. 1426 to suspend rules to allow
Final Reading prevailed 1517
Apr. 14 Final Reading 32-11-6 1519
Apr. 14 President signed 1521
Apr. 14 Presented to Governor (4/14) 1522
Apr. 15 Dierks explanation of vote 1541
Apr. 15 Approved by Governor (4/15) 1560

LEGISLATIVE BILL 241. By Landis

Jan.	11	Read first time	129
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	199
Jan.	19	Crosby name added	259
Jan.	21	Lynch name added	357
Jan.	22	Wehrbein name added	360
Jan.	25	Coordsen name added	370
Jan.	27	Will and Pedersen names added	388
Feb.	2	Fisher name added	463
Feb.	3	Hall, Bromm, and Preister names added	490
Feb.	8	Horgan name added	559
Feb.	9	Vrtiska name added	576
Feb.	10	Beutler name added	589
Feb.	11	Wickersham name added	622
Feb.	16	Hillman and Bernard-Stevens names added	649
Feb.	19	Robak, Hudkins, Robinson and Hohenstein names added	708
Feb.	22	Schellpeper name added	729
Feb.	24	Notice of hearing (3/5)	760
Feb.	24	Jones and Rasmussen names added	778
Mar.	2	Schimek name added	827
Mar.	3	Elmer and Ashford names added	851
Mar.	5	Avery name added	896
Mar.	16	Placed on General File - Com AM0647	1006

LEGISLATIVE BILL 242. By Schimek, Bohlke, Crosby, Hillman, Horgan, Rasmussen, Robak, Wickersham

Jan.	11	Read first time	129
Jan.	14	Referred to Committee on Business and Labor	199
Feb.	11	Notice of hearing (3/22)	595

LEGISLATIVE BILL 243. By Wickersham, Bromm, Coordsen, Dierks, Jones, Schellpeper

Jan.	11	Read first time	130
Jan.	14	Referred to Committee on Revenue	199
Feb.	3	Notice of hearing (2/25)	479
Apr.	27	Indefinitely postponed	1768

LEGISLATIVE BILL 244. By Wickersham, Coordsen, Hillman, Pirsch, Schellpeper, Wehrbein

Jan.	11	Read first time	130
Jan.	14	Referred to Committee on Judiciary	199
Jan.	19	Notice of hearing (1/28)	259
Jan.	29	Indefinitely postponed	418

LEGISLATIVE BILL 245. By Wickersham, Byars, Crosby, Pirsch

Jan.	11	Read first time	130
Jan.	14	Referred to Committee on Natural Resources	199
Mar.	16	Notice of hearing (3/25)	1016
Mar.	30	Placed on General File - Com AM1059	1214

LEGISLATIVE BILL 246. By Jones, Schmitt

Jan.	11	Read first time	130
Jan.	14	Referred to Committee on Agriculture	199
Feb.	9	Notice of hearing (2/23)	567
Feb.	25	Jones priority bill	785
Feb.	25	Placed on General File	786
Mar.	4	Advanced for Review	865
Mar.	8	Withem AM0723 printed	908
Mar.	9	Schellpeper AM0735 printed	943
Mar.	16	Placed on Select File	1013
Mar.	30	Withem pending AM0723 p. 908 withdrawn. Schellpeper pending AM0735 p. 943 lost. Advanced for Engrossment	1217
Apr.	1	Correctly Engrossed	1300
Apr.	7	Schellpeper motion to return to Select File for AM1128 and Dierks motion to return to Select File for FA67 withdrawn	1425
Apr.	7	Final Reading 31-12-6	1426
Apr.	7	President signed	1427
Apr.	7	Presented to Governor (4/7)	1433
Apr.	13	Approved by Governor (4/13)	1505

LEGISLATIVE BILL 247. By Jones

Jan.	11	Read first time	130
Jan.	14	Referred to Committee on Natural Resources	199
Jan.	21	Notice of hearing (1/28)	340
Feb.	1	Placed on General File	427
Feb.	3	Advanced for Review	486
Feb.	10	Placed on Select File	585
Feb.	17	Advanced for Engrossment	659
Feb.	25	Correctly Engrossed	779
Mar.	4	Final Reading 45-0-4	861
Mar.	4	President signed	864
Mar.	4	Presented to Governor (3/4)	873
Mar.	9	Approved by Governor (3/8)	944

LEGISLATIVE BILL 248. By Lynch, Hartnett, Will, Withem

Jan. 11 Read first time 130
Jan. 14 Referred to Committee on Business and Labor 199
Jan. 14 Notice of hearing (1/25) 202
Mar. 18 Business and Labor Committee priority bill 1057
Mar. 18 Placed on General File - Com AM0335 1085
Apr. 28 Committee AM0335 adopted.
Lynch AM1762 adopted 1790
May 3 Lynch AM1778 printed 1889
May 17 Lynch AM2040 printed 2174

LEGISLATIVE BILL 248A. By Lynch

Apr. 28 Read first time. Placed on General File 1773

LEGISLATIVE BILL 249. By Landis, Crosby, Horgan, Wesely

Jan. 11 Read first time 131
Jan. 14 Referred to Committee on Government,
Military and Veterans Affairs 199
Jan. 20 Notice of hearing (1/29) 296
Feb. 11 Placed on General File 616
Mar. 19 Speaker priority bill 1115
(Provisions/portions of LB 249 amended into LB 44 by AM1209)

LEGISLATIVE BILL 249A. By Landis

Feb. 23 Read first time. Placed on General File 750

LEGISLATIVE BILL 250. By Landis, Lindsay

Jan. 11 Read first time 131
Jan. 14 Referred to Committee on Judiciary 199
Mar. 3 Notice of hearing (3/10) 829
Mar. 16 Placed on General File 1008
Apr. 8 Advanced for Review 1448
Apr. 19 Placed on Select File 1585
Apr. 21 Advanced for Engrossment 1663
Apr. 28 Correctly Engrossed. ER7266 change 1786
May 4 Final Reading 41-0-8 1925
May 4 President signed 1928
May 4 Presented to Governor (5/4) 1933
May 11 Approved by Governor (5/6) 2018

LEGISLATIVE BILL 251. By Robak

Jan. 11 Read first time 131
Jan. 14 Referred to Committee on Judiciary 199
Jan. 19 Notice of hearing (1/28) 259
Jan. 29 Placed on General File 418

Feb. 2 Lindsay AM0119 adopted. Advanced for Review 449
Feb. 4 Placed on Select File - AM5350 511
Feb. 8 AM5350 (E & R) adopted.
Advanced for Engrossment 546
Feb. 16 Correctly Engrossed 626
Feb. 19 Final Reading 42-0-7 694
Feb. 19 Speaker signed 702
Feb. 19 Presented to Governor (2/19) 707
Feb. 22 Approved by Governor (2/20) 720
(Provisions/portions of LB 402 amended into LB 251 by AM0119)

LEGISLATIVE BILL 252. By Vrtiska, Schimek

Jan. 11 Read first time 131
Jan. 14 Referred to Committee on Judiciary 199
Feb. 24 Notice of hearing (3/5) 760
Mar. 9 Placed on General File - Com AM0767 941

LEGISLATIVE BILL 253. By Kristensen, Fisher

Jan. 11 Read first time 132
Jan. 14 Referred to Committee on Judiciary 199
Feb. 24 Notice of hearing (3/3) 760
Mar. 4 Placed on General File - Com AM0632 874
Mar. 17 Kristensen priority bill 1048
Apr. 1 Committee AM0632 adopted. Advanced for Review ... 1300
Apr. 6 Kristensen AM1257 printed 1387
Apr. 7 Placed on Select File - AM5448 1433
Apr. 14 AM5448 (E & R) adopted. Kristensen pending
AM1257 p. 1387 adopted. Beutler FA85
lost. Advanced for Engrossment 1524
Apr. 20 Correctly Engrossed 1652
Apr. 22 Wesely AM1603 printed 1675
Apr. 30 Wesely motion to return to Select File
for pending AM1603 p. 1675 withdrawn 1848
Apr. 30 Final Reading w/E 33-2-14. Speaker signed 1849
Apr. 30 Presented to Governor (4/30) 1872
May 4 Approved by Governor (5/4) 1933

LEGISLATIVE BILL 254. By Kristensen

Jan. 11 Read first time 132
Jan. 14 Referred to Committee on Judiciary 199
Feb. 10 Wickersham name added 589
Mar. 19 Speaker priority bill 1115
Mar. 22 Notice of hearing (3/30) 1121
Apr. 1 Placed on General File - Com AM1186 1298
June 8 Kristensen AM2284 to committee AM1186
printed 2835

LEGISLATIVE BILL 255. By Byars, Lynch

Jan.	11	Read first time	132
Jan.	14	Referred to Committee on Business and Labor	199
Feb.	11	Notice of hearing (2/22)	594
Feb.	22	Attorney General's Opinion #93009 to Bromm	709
Feb.	23	Indefinitely postponed	747

LEGISLATIVE BILL 256. By Wickersham

Jan.	11	Read first time	132
Jan.	14	Referred to Committee on Banking, Commerce and Insurance	200
Jan.	29	Notice of hearing (2/16)	415
Mar.	3	Indefinitely postponed	848

LEGISLATIVE BILL 257. By Wickersham

Jan.	11	Read first time	132
Jan.	14	Referred to Committee on Banking, Commerce and Insurance	200
Jan.	29	Notice of hearing (2/16)	415
Mar.	3	Indefinitely postponed	848

LEGISLATIVE BILL 258. By Crosby

Jan.	11	Read first time	144
Jan.	14	Referred to Committee on Agriculture	200
Jan.	26	Notice of hearing (2/2)	376
Mar.	4	Indefinitely postponed	883

LEGISLATIVE BILL 259. By Crosby

Jan.	11	Read first time	144
Jan.	14	Referred to Committee on Transportation	200
Feb.	11	Notice of hearing (2/23)	594
Mar.	11	Indefinitely postponed	975

LEGISLATIVE BILL 260. By Crosby

Jan.	11	Read first time	144
Jan.	14	Referred to Committee on Health and Human Services	200
Feb.	3	Notice of hearing (3/5)	488
Mar.	23	Placed on General File	1139
Apr.	8	Pending	1454

LEGISLATIVE BILL 261. By Lindsay

Jan. 11 Read first time 144
Jan. 14 Referred to Committee on Government, Military and Veterans Affairs 200
Jan. 20 Notice of hearing (1/28) 296
Jan. 21 Byars name added 357
Feb. 1 Placed on General File 440
Feb. 5 Haberman motion to indefinitely postpone withdrawn. Advanced for Review 519
Feb. 11 Placed on Select File - AM5355 592
Feb. 17 AM5355 (E & R) adopted. Advanced for Engrossment 662
Feb. 25 Correctly Engrossed 779
Mar. 4 Final Reading 45-0-4 862
Mar. 4 President signed 864
Mar. 4 Presented to Governor (3/4) 873
Mar. 10 Approved by Governor (3/10) 970

LEGISLATIVE BILL 262. By Abboud, Lindsay

Jan. 11 Read first time 145
Jan. 14 Referred to Committee on Judiciary 200
Feb. 4 Notice of hearing (2/11) 508
Feb. 23 Placed on General File - Com AM0357 735
Mar. 17 Judiciary Committee priority bill 1049
Apr. 28 Committee AM0357 adopted. Bracketed until 5/14/93 1785

LEGISLATIVE BILL 263. By Withem

Jan. 11 Read first time 145
Jan. 14 Referred to Committee on Education 200
Jan. 25 Notice of hearing (2/1) 367
Mar. 30 Placed on General File - Com AM1102 1226
(Provisions/portions of LB 263 amended into LB 239 by AM2421)

LEGISLATIVE BILL 264. By Withem

Jan. 11 Read first time 145
Jan. 14 Referred to Committee on Education 200
Feb. 3 Notice of hearing (2/23) 479
Mar. 30 Placed on General File - Com AM1103 1229
Apr. 8 Withem AM1290 to committee AM1103 printed 1457

LEGISLATIVE BILL 265. By Withem

Jan. 11 Read first time 145
Jan. 14 Referred to Committee on Education 200

Feb. 3 Notice of hearing (2/22) 479
Mar. 24 Indefinitely postponed 1157

LEGISLATIVE BILL 266. By Coordsen, Dierks, Haberman

Jan. 11 Read first time 145
Jan. 12 Jones name added 163
Jan. 14 Referred to Committee on Revenue 200
Feb. 2 Notice of hearing (2/18) 463
Apr. 27 Indefinitely postponed 1768

LEGISLATIVE BILL 267. By Agriculture Committee

Jan. 11 Read first time 146
Jan. 14 Referred to Committee on Agriculture 200
Feb. 4 Notice of hearing (2/16) 508
Feb. 24 Placed on General File 778
Mar. 11 Advanced for Review 988
Mar. 30 Placed on Select File - AM5439 1201
Apr. 5 AM5439 (E & R) adopted. Coordsen AM1267 (on file) adopted. Advanced for Engrossment 1375
Apr. 13 Correctly Engrossed. ER7244 change 1503
Apr. 21 Final Reading 44-0-5 1654
Apr. 21 Speaker signed 1656
Apr. 21 Presented to Governor (4/21) 1659
Apr. 27 Approved by Governor (4/22) 1699

LEGISLATIVE BILL 268. By Agriculture Committee

Jan. 11 Read first time 146
Jan. 14 Referred to Committee on Agriculture 200
Feb. 4 Notice of hearing (2/16) 508
Feb. 17 Placed on General File 668
Mar. 5 Advanced for Review 896
Mar. 18 Placed on Select File - AM5421 1055
Mar. 30 AM5421 (E & R) adopted. Advanced for Engrossment 1257
Apr. 2 Correctly Engrossed. ER7237 change 1346
Apr. 13 Final Reading 39-0-10 1476
Apr. 13 President signed 1480
Apr. 13 Presented to Governor (4/13) 1484
Apr. 15 Approved by Governor (4/15) 1560

LEGISLATIVE BILL 269. By Schimek

Jan. 11 Read first time 146
Jan. 14 Referred to Committee on Judiciary 200
Mar. 10 Notice of hearing (3/17) 949
Mar. 22 Indefinitely postponed 1119

LEGISLATIVE BILL 270. By Wesely

Jan.	11	Read first time	150
Jan.	14	Referred to Committee on Banking, Commerce and Insurance	200
Jan.	25	Notice of hearing (2/1)	367
Feb.	4	Placed on General File - Com AM0136	504
Feb.	16	Committee AM0136 adopted. Advanced for Review	645
Feb.	24	Placed on Select File - AM5381	757
Mar.	3	AM5381 (E & R) adopted. Advanced for Engrossment	833
Mar.	11	Correctly Engrossed	974
Mar.	11	ER7217 change	975
Mar.	18	Final Reading 40-0-9	1065
Mar.	18	President signed	1070
Mar.	18	Presented to Governor (3/18)	1073
Mar.	23	Approved by Governor (3/22)	1126

LEGISLATIVE BILL 271. By Wesely

Jan.	11	Read first time	150
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	200
Jan.	20	Notice of hearing (1/28)	296
Feb.	2	Placed on General File - Com AM0041	452
Feb.	4	Wesely AM0070 to committee AM0041 printed	511
Feb.	8	Committee AM0041 adopted as amended by Wesely pending AM0070 p. 511. Advanced for Review	550
Feb.	16	Placed on Select File	625
Feb.	18	Advanced for Engrossment	673
Mar.	2	Correctly Engrossed	795
Mar.	9	Final Reading 37-0-12	920
Mar.	9	President signed	935
Mar.	9	Presented to Governor (3/9)	945
Mar.	16	Approved by Governor (3/11)	991

LEGISLATIVE BILL 272. By Pirsch, Crosby, Pedersen, Schmitt, Vrtiska, Witek

Jan.	11	Read first time	150
Jan.	14	Referred to Committee on Judiciary	200
Jan.	14	Bohlke name added	230
Jan.	20	Bohlke name withdrawn	305
Feb.	24	Notice of hearing (3/4)	760
Mar.	8	Indefinitely postponed	915
Mar.	10	Pedersen motion to place on General	

File laid over 966
Mar. 18 Pedersen pending motion p. 966 lost 1070

LEGISLATIVE BILL 273. By Pirsch, Cudaback, Hillman, Janssen, McKenzie, Schmitt, Vrtiska, Witek

Jan. 11 Read first time 150
Jan. 14 Referred to Committee on Judiciary 200
Jan. 14 Bohlke name added 230
Feb. 17 Notice of hearing (2/25) 666
Mar. 8 Indefinitely postponed 915

LEGISLATIVE BILL 274. By Will

Jan. 11 Read first time 150
Jan. 14 Referred to Committee on Transportation 200
Jan. 22 Notice of hearing (2/8) 361
Feb. 9 Indefinitely postponed 567

LEGISLATIVE BILL 275. By Wesely

Jan. 11 Read first time 151
Jan. 14 Referred to Committee on Transportation 200
Jan. 22 Notice of hearing (2/8) 361
Mar. 4 Placed on General File - Com AM0437 865
(Provisions/portions of LB 275 amended into LB 305 by AM1100)

LEGISLATIVE BILL 276. By Pirsch, Hohenstein, Lindsay, Witek

Jan. 11 Read first time 151
Jan. 14 Referred to Committee on Judiciary 200
Mar. 17 Notice of hearing (3/24) 1027

LEGISLATIVE BILL 277. By Pirsch, Hohenstein, Lindsay, Witek

Jan. 11 Read first time 151
Jan. 14 Referred to Committee on Judiciary 200
Feb. 3 Notice of hearing (2/10) 478
Feb. 16 Placed on General File - Com AM0338 639

LEGISLATIVE BILL 277A. By Pirsch

Mar. 18 Placed on General File 1068

LEGISLATIVE BILL 278. By Pirsch, Lindsay, Pedersen, Witek

Jan. 11 Read first time 151
Jan. 14 Referred to Committee on Judiciary 200
Jan. 21 Notice of hearing (1/29) 361

Feb. 1 Placed on General File 441
Feb. 5 Advanced for Review 527
Feb. 11 Placed on Select File 616
Feb. 17 Advanced for Engrossment 662
Mar. 2 Correctly Engrossed 795
Mar. 9 Final Reading 41-0-8 921
Mar. 9 President signed 935
Mar. 9 Presented to Governor (3/9) 945
Mar. 16 Approved by Governor (3/11) 991

LEGISLATIVE BILL 279. By Pirsch

Jan. 11 Read first time 151
Jan. 14 Referred to Committee on Judiciary 200
Feb. 17 Notice of hearing (2/25) 666
Mar. 8 Indefinitely postponed 915

LEGISLATIVE BILL 280. By Moore

Jan. 12 Read first time 156
Jan. 14 Referred to Committee on General Affairs 200
Feb. 19 Notice of hearing (3/8) 707
Mar. 9 Placed on General File 935
Apr. 8 Advanced for Review 1447
Apr. 15 Placed on Select File - AM5452 1546
Apr. 16 AM5452 (E & R) adopted.
Advanced for Engrossment 1572
Apr. 22 Correctly Engrossed 1688
Apr. 30 Final Reading 39-0-10 1838
Apr. 30 Speaker signed 1849
Apr. 30 Presented to Governor (4/30) 1872
May 4 Approved by Governor (5/4) 1933

LEGISLATIVE BILL 281. By Coordsen

Jan. 12 Read first time 156
Jan. 14 Referred to Committee on Government,
Military and Veterans Affairs 200
Feb. 24 Notice of hearing (3/5) 760

LEGISLATIVE BILL 282. By Coordsen

Jan. 12 Read first time 156
Jan. 14 Referred to Committee on Transportation 200
Feb. 11 Notice of hearing (2/22) 593
Mar. 2 Indefinitely postponed 826
(Provisions/portions of LB 282 amended into LB 575 by AM0531)

LEGISLATIVE BILL 283. By Haberman

Jan. 12 Read first time 156
Jan. 14 Referred to Committee on Banking, Commerce and Insurance 200
Jan. 25 Notice of hearing (2/1) 367
Feb. 4 Placed on General File - Com AM0137 504
Feb. 16 Committee AM0137 adopted. Advanced for Review 645
Feb. 24 Placed on Select File - AM5382 757
Mar. 3 AM5382 (E & R) adopted. Advanced for Engrossment 834
Mar. 11 Correctly Engrossed 974
Mar. 18 Final Reading 40-0-9 1066
Mar. 18 President signed 1070
Mar. 18 Presented to Governor (3/18) 1073
Mar. 23 Approved by Governor (3/22) 1126

LEGISLATIVE BILL 284. By Kristensen, Byars, Janssen, Lynch

Jan. 12 Read first time 157
Jan. 14 Referred to Committee on Revenue 200
Jan. 27 Notice of hearing (2/4) 385
Apr. 28 Indefinitely postponed 1805
(Provisions/portions of LB 284 amended into LB 658 by AM1516)

LEGISLATIVE BILL 285. By Hall

Jan. 12 Read first time 157
Jan. 14 Referred to Committee on Business and Labor 200
Jan. 21 Notice of hearing (2/1) 347

LEGISLATIVE BILL 286. By Hall

Jan. 12 Read first time 157
Jan. 14 Referred to Committee on Business and Labor 200
Jan. 21 Notice of hearing (2/1) 347
Feb. 2 Placed on General File - Com AM0132 452
Feb. 5 Coordsen FA16 to committee AM0132 printed 524
Feb. 5 Coordsen FA17 and FA18 to committee AM0132 printed 525
Feb. 5 Coordsen AM0201, AM0239, AM0241, AM0203 and AM0202 (on file) printed 526
Feb. 8 Hall AM0243 to committee AM0132 adopted. Coordsen pending FA16 p. 524 and FA17 p. 525 withdrawn. Coordsen pending FA18 p. 525 pending 551

LEGISLATIVE BILL 287. By Hall

Jan. 12 Read first time 157
Jan. 14 Referred to Committee on General Affairs 200
Feb. 19 Notice of hearing (3/22) 708

LEGISLATIVE BILL 288. By Vrtiska

Jan. 12 Read first time 157
Jan. 14 Referred to Committee on Banking, Commerce and Insurance 200
Jan. 26 Notice of hearing (2/2) 376
Feb. 4 Placed on General File 503
Feb. 16 Advanced for Review 638
Feb. 23 Placed on Select File 733
Mar. 3 Advanced for Engrossment 833
Mar. 10 Correctly Engrossed 947
Mar. 17 Final Reading w/E 47-0-2 1035
Mar. 17 Speaker signed 1036
Mar. 17 Presented to Governor (3/17) 1045
Mar. 23 Approved by Governor (3/22) 1126

LEGISLATIVE BILL 289. By Wehrbein

Jan. 12 Read first time 157
Jan. 14 Referred to Committee on Natural Resources 200
Mar. 9 Notice of hearing (3/19) 945
Apr. 7 Indefinitely postponed 1435

LEGISLATIVE BILL 290. By Coordsen, Ashford, Byars, Lynch

Jan. 12 Read first time 158
Jan. 14 Referred to Committee on Revenue 200
Feb. 5 Notice of hearing (3/3) 539
Mar. 9 Placed on General File - Com AM0694 940
(Provisions/portions of LB 290 amended into LB 346 by AM0977)

LEGISLATIVE BILL 291. By Robak, Bernard-Stevens, Bohlke, Byars, Moore, Wesely

Jan. 12 Read first time 158
Jan. 14 Referred to Committee on Health and Human Services 200
Jan. 28 Notice of hearing (2/5) 392
Feb. 10 Placed on General File - Com AM0273 577

LEGISLATIVE BILL 291A. By Robak

Mar. 3 Read first time. Placed on General File 845

LEGISLATIVE BILL 292. By Crosby, Fisher

Jan.	12	Read first time	158
Jan.	14	Referred to Committee on Nebraska Retirement Systems	200
Feb.	16	Crosby AM0349 printed	641
Feb.	19	Notice of hearing (3/4)	701
Mar.	17	Lynch priority bill	1024
Mar.	18	Placed on General File - Com AM0879	1079
Mar.	25	Attorney General's Opinion #93020 to Horgan	1197
Apr.	5	Moore AM1101 to committee AM0879 adopted. Hall FA62 withdrawn	1363
Apr.	6	Committee AM0879 adopted as amended. Crosby pending AM0349 p. 641 withdrawn. Advanced for Review	1386
Apr.	6	Beutler AM1078 printed	1395
Apr.	6	Hartnett AM1285 printed	1411
Apr.	13	Placed on Select File - AM5450	1498
Apr.	15	AM5450 (E & R) adopted. Beutler request to substitute amendment prevailed. Beutler pending AM1078 p. 1395 withdrawn. Beutler substitute AM1435 lost. Hartnett pending AM1285 p. 1411 and Wesely AM1437 (on file) withdrawn. Moore-Horgan AM1492, Horgan AM1460 and Hall AM1497 to AM5450 adopted. Advanced for Engrossment	1551
Apr.	19	Attorney General's Opinion #93030 to Horgan	1623
Apr.	22	Returned to Select File for Crosby amendment. Crosby AM1649 adopted. Advanced for Engrossment	1681
Apr.	29	Correctly Engrossed. ER7259 change	1817
May	13	Horgan-Fisher-Lynch-Moore-Crosby-Robak-Day AM2030 printed	2130
May	18	Dierks AM2185 printed	2234
May	19	Dierks AM2233 printed	2297
May	20	Returned to Select File for Horgan amendment. Horgan et al pending AM2030 p. 2130 adopted. Advanced for Re-Engrossment	2358
May	20	Dierks pending AM2185 p. 2234 and AM2233 p. 2297 withdrawn. Dierks motion to return to Select File for AM2288 lost	2359
May	24	Expedited	2425
May	25	Correctly Re-Engrossed	2427
June	3	Final Reading w/E 43-4-2	2749
June	3	Speaker signed	2755
June	3	Presented to Governor (6/3)	2774
June	7	Approved by Governor (6/4)	2777

LEGISLATIVE BILL 292A. By Crosby

Apr. 15 Read first time. Placed on General File 1547
Apr. 22 Crosby AM1599 adopted. Advanced for Review 1682
Apr. 29 Placed on Select File 1812
May 20 Crosby AM2084 adopted.
Advanced for Engrossment 2362
May 24 Expedited 2425
May 25 Correctly Engrossed 2427
June 3 Final Reading w/E 46-0-3 2750
June 3 Speaker signed 2755
June 3 Presented to Governor (6/3) 2774
June 7 Approved by Governor (6/4) 2777

LEGISLATIVE BILL 293. By Lynch

Jan. 12 Read first time 158
Jan. 14 Referred to Committee on Government,
Military and Veterans Affairs 200
Feb. 17 Notice of hearing (2/24) 665
Mar. 8 Indefinitely postponed 913

LEGISLATIVE BILL 294. By Lynch

Jan. 12 Read first time 159
Jan. 14 Referred to Committee on Judiciary 200
Feb. 24 Notice of hearing (3/3) 760
Feb. 25 Pedersen name added 789
Mar. 4 Indefinitely postponed 876

LEGISLATIVE BILL 295. By Lynch

Jan. 12 Read first time 159
Jan. 14 Referred to Committee on Judiciary 200
Feb. 24 Notice of hearing (3/5) 760
Mar. 8 Indefinitely postponed 915

LEGISLATIVE BILL 296. By Lynch

Jan. 12 Read first time 159
Jan. 14 Referred to Committee on Nebraska
Retirement Systems 200
Feb. 9 Notice of hearing (2/18) 575

LEGISLATIVE BILL 297. By Hartnett

Jan. 12 Read first time 159
Jan. 13 Will name added 196
Jan. 14 Referred to Committee on Transportation 200
Feb. 11 Notice of hearing (2/23) 594

Mar. 2 Indefinitely postponed 826
(Provisions/portions of LB 297 amended into LB 575 by AM0531)

LEGISLATIVE BILL 298. By Hartnett

Jan. 12 Read first time 159
Jan. 14 Referred to Committee on Revenue 200
Jan. 27 Notice of hearing (2/4) 385
Apr. 6 Indefinitely postponed 1394

LEGISLATIVE BILL 299. By Robak, Pirsch, Schimek

Jan. 12 Read first time 160
Jan. 13 Pedersen name added 196
Jan. 14 Referred to Committee on Judiciary 200
Jan. 28 Notice of hearing (2/5) 392
Feb. 9 Placed on General File 572
Mar. 4 Robak priority bill 874
Mar. 5 Advanced for Review 887
Mar. 16 Placed on Select File - AM5411 1015
Mar. 30 AM5411 (E & R) adopted. Beutler FA47 and Robak FA48 adopted. Advanced for Engrossment 1234
Apr. 1 Correctly Engrossed. ER7231 change 1310
Apr. 7 Final Reading w/E 39-0-10 1415
Apr. 7 President signed. Bromm explanation of vote 1427
Apr. 7 Presented to Governor (4/7) 1433
Apr. 13 Approved by Governor (4/12) 1480

LEGISLATIVE BILL 300. By Lynch

Jan. 12 Read first time 160
Jan. 14 Referred to Committee on Revenue 200
Jan. 14 Hall name added 231
Jan. 21 Horgan name added 356
Feb. 5 Notice of hearing (3/3) 539
Apr. 27 Indefinitely postponed 1768

LEGISLATIVE BILL 301. By Beutler

Jan. 12 Read first time 163
Jan. 14 Referred to Committee on Natural Resources 200
Jan. 19 Notice of hearing (1/27) 258
Feb. 23 Attorney General's Opinion #93011 to Hudkins 739
Mar. 4 Preister priority bill 883
Mar. 11 Placed on General File - Com AM0747 (printed separate) 977
Mar. 17 Committee AM0747 adopted. Advanced for Review ... 1044
Mar. 23 Preister name added 1148

Mar.	30	Placed on Select File - AM5441	1203
Apr.	6	AM5441 (E & R) adopted. Beutler AM1283 adopted. Advanced for Engrossment	1385
Apr.	13	Correctly Engrossed	1503
Apr.	13	ER7245 change	1504
June	3	Final Reading 46-0-3	2751
June	3	Speaker signed	2755
June	3	Presented to Governor (6/3)	2774
June	8	Approved by Governor (6/8)	2837

LEGISLATIVE BILL 301A. By Beutler

Mar.	23	Read first time. Placed on General File	1133
Mar.	25	Advanced for Review	1193
Mar.	30	Placed on Select File	1244
Apr.	6	Advanced for Engrossment	1386
Apr.	13	Correctly Engrossed	1503
June	3	Final Reading 47-0-2	2752
June	3	Speaker signed	2755
June	3	Presented to Governor (6/3)	2774
June	8	Approved by Governor (6/8)	2837

LEGISLATIVE BILL 302. By Wickersham, Baack, Bernard-Stevens, Bohlke, Cudaback, Elmer, Fisher, Hillman, Jones, McKenzie

Jan.	12	Read first time	164
Jan.	14	Referred to Committee on Natural Resources	200
Mar.	8	Notice of hearing (3/17)	907
Mar.	18	Wickersham priority bill	1057
Apr.	19	Placed on General File - Com AM1501	1607
Apr.	29	Committee AM1501 adopted. Advanced for Review	1811
May	5	Placed on Select File - AM5492	1975
May	17	Wickersham AM2063 printed	2154
June	2	AM5492 (E & R) adopted. Wickersham pending AM2063 p. 2154 adopted. Advanced for Engrossment	2677
June	3	Correctly Engrossed	2710
June	8	Will motion to suspend rules prevailed	2816
June	8	Final Reading w/E 48-0-1	2824
June	8	President signed	2838
June	8	Presented to Governor (6/8)	2843
June	15	Approved by Governor (6/10)	2864

LEGISLATIVE BILL 302A. By Wickersham

Apr.	28	Read first time. Placed on General File	1778
Apr.	29	Advanced for Review	1811

May 5 Placed on Select File 1975
June 2 Wickersham AM2159 adopted.
Advanced for Engrossment 2677
June 3 Correctly Engrossed 2710
June 8 Will motion to suspend rules prevailed 2816
June 8 Final Reading w/E 44-0-5 2825
June 8 President signed 2838
June 8 Presented to Governor (6/8) 2843
June 15 Approved by Governor (6/10) 2864

LEGISLATIVE BILL 303. By Wickersham

Jan. 12 Read first time 164
Jan. 14 Referred to Committee on Education 201
Jan. 29 Notice of hearing (2/8) 405

LEGISLATIVE BILL 304. By Wesely, Schimek

Jan. 12 Read first time 164
Jan. 14 Referred to Committee on Judiciary 201
Mar. 10 Notice of hearing (3/17) 949
Mar. 22 Indefinitely postponed 1119

LEGISLATIVE BILL 305. By McKenzie, Bohlke, Day

Jan. 12 Read first time 164
Jan. 14 Referred to Committee on Transportation 201
Feb. 8 Notice of hearing (2/16) 555
Mar. 4 Placed on General File - Com AM0353 866
Mar. 10 McKenzie priority bill 948
Mar. 10 Committee AM0353 adopted. Baack AM0028
adopted. Advanced for Review 951
Mar. 23 Placed on Select File - AM5425 1134
Mar. 30 AM5425 (E & R) adopted. McKenzie
AM1006 and Wesely AM1100 (on file)
adopted. Advanced for Engrossment 1235
Apr. 2 Correctly Engrossed. ER7234 change 1318
Apr. 7 Final Reading 44-0-5 1419
Apr. 7 President signed 1427
Apr. 7 Presented to Governor (4/7) 1433
Apr. 13 Approved by Governor (4/12) 1480
(Provisions/portions of LB 275 amended into LB 305 by AM1100)

LEGISLATIVE BILL 305A. By McKenzie

Mar. 18 Read first time. Placed on General File 1056
Mar. 22 Advanced for Review 1117
Mar. 23 Placed on Select File 1135
Mar. 30 Advanced for Engrossment 1235

Apr. 2 Correctly Engrossed 1318
Apr. 7 Final Reading 43-0-6 1420
Apr. 7 President signed 1427
Apr. 7 Presented to Governor (4/7) 1433
Apr. 13 Approved by Governor (4/12) 1480

LEGISLATIVE BILL 306. By Beutler

Jan. 12 Read first time 164
Jan. 14 Referred to Committee on Judiciary 201
Jan. 27 Notice of hearing (2/3) 384
Feb. 5 Placed on General File - Com AM0198 531
Feb. 17 Wickersham AM0408 to committee AM0198 printed ... 669
Feb. 23 Wickersham pending AM0408 p. 669 to committee amendment adopted 749
Feb. 23 Beutler AM0498 lost. Committee AM0198 adopted as amended. Advanced for Review 750
Mar. 5 Placed on Select File - AM5397 891
Mar. 10 Wickersham AM0598 to AM5397 printed 963
Apr. 1 AM5397 (E & R) adopted. Wickersham pending AM0598 p. 963 adopted. Beutler AM0676 lost. Advanced for Engrossment 1308
Apr. 13 Correctly Engrossed 1474
Apr. 13 ER7240 change 1475
Apr. 19 Final Reading 39-1-9 1590
Apr. 19 President signed 1595
Apr. 19 Robak explanation of vote 1604
Apr. 19 Presented to Governor (4/19) 1607
Apr. 27 Approved by Governor (4/22) 1699

LEGISLATIVE BILL 307. By Lynch

Jan. 12 Read first time 164
Jan. 14 Referred to Committee on Revenue 201
Jan. 21 Notice of hearing (1/28) 340
Mar. 16 Indefinitely postponed 991

LEGISLATIVE BILL 308. By Hohenstein, Witek

Jan. 12 Read first time 165
Jan. 13 Pedersen and Witek names added 173
Jan. 14 Correction 198
Jan. 14 Referred to Committee on Judiciary 201
Mar. 22 Notice of hearing (3/30) 1121

LEGISLATIVE BILL 309. By Pirsch

Jan. 12 Read first time 165
Jan. 14 Referred to Committee on Transportation 201
Feb. 11 Notice of hearing (3/16) 594

LEGISLATIVE BILL 310. By Warner

Jan. 12 Read first time 170
Jan. 14 Referred to Committee on Natural Resources 201
Mar. 8 Notice of hearing (3/18) 907
Mar. 19 Speaker priority bill 1115
Apr. 13 Placed on General File - Com AM1345 1484
May 3 Committee AM1345 adopted. Advanced for Review ... 1910
May 11 Placed on Select File - AM5497 2010
May 17 AM5497 (E & R) adopted. Passed over 2164
May 17 Preister AM2156 and Beutler AM2130 adopted. Advanced for Engrossment 2177
May 19 Will-Warner AM2250 printed separate 2298
May 20 Returned to Select File for Will-Warner amendment. Will-Warner pending AM2250 p. 2298 adopted. Advanced for Engrossment 2375
June 1 Correctly Engrossed. ER7288 change 2564
June 7 Final Reading w/E 43-1-5 2795
June 7 President signed 2807
June 8 Presented to Governor (6/7) 2808
June 15 Approved by Governor (6/10) 2864
(Provisions/portions of LB 763 amended into LB 310 by AM2250)

LEGISLATIVE BILL 311. By Warner

Jan. 12 Read first time 170
Jan. 14 Referred to Committee on Government, Military and Veterans Affairs 201
Jan. 20 Notice of hearing (1/28) 296
Feb. 3 Placed on General File - Com AM0117 480
Feb. 10 Committee AM0117 adopted. Advanced for Review 584
Feb. 17 Placed on Select File 667
Feb. 18 Advanced for Engrossment 676
Mar. 2 Correctly Engrossed 811
Mar. 10 Warner AM0791 printed 954
Mar. 17 Returned to Select File for Warner amendment. Warner pending AM0791 p. 954 adopted. Advanced for Re-Engrossment 1036
Mar. 30 Correctly Reengrossed. ER7223 change 1204
Apr. 2 Final Reading 41-0-8 1328
Apr. 2 Speaker signed 1332
Apr. 2 Presented to Governor (4/2) 1334
Apr. 6 Approved by Governor (4/6) 1388

LEGISLATIVE BILL 312. By Warner

Jan. 12 Read first time 171
Jan. 14 Referred to Committee on Government, Military and Veterans Affairs 201
Feb. 24 Notice of hearing (3/4) 760
Mar. 25 Placed on General File - Com AM0296 1196
(Provisions/portions of LB 312 amended into LB 719 by AM2287)

LEGISLATIVE BILL 313. By Warner

Jan. 12 Read first time 171
Jan. 14 Referred to Committee on Appropriations 201
Mar. 8 Notice of hearing (3/19) 913
Mar. 31 Placed on General File 1280

LEGISLATIVE BILL 314. By Warner, Beutler, Bohlke, Crosby, Lynch, Schimek

Jan. 13 Read first time 184
Jan. 14 Referred to Committee on Appropriations 201
Feb. 9 Notice of hearing (2/24) 568

LEGISLATIVE BILL 315. By Wickersham

Jan. 13 Read first time 185
Jan. 14 Referred to Committee on Judiciary 201
Mar. 3 Notice of hearing (3/10) 829
Mar. 11 Placed on General File 983
Apr. 8 Advanced for Review 1448
Apr. 15 Placed on Select File 1546
Apr. 16 Advanced for Engrossment 1572
Apr. 22 Correctly Engrossed 1688
Apr. 30 Final Reading 39-0-10 1838
Apr. 30 Speaker signed 1849
Apr. 30 Presented to Governor (4/30) 1872
May 4 Approved by Governor (5/4) 1933

LEGISLATIVE BILL 316. By Wesely

Jan. 13 Read first time 185
Jan. 14 Referred to Committee on Health and Human Services 201
Jan. 21 Notice of hearing (1/29) 348
Feb. 1 Placed on General File 431
Feb. 3 Wesely FA10 adopted. Advanced for Review 486
Feb. 10 Placed on Select File 585
Feb. 17 Advanced for Engrossment 659
Feb. 25 Correctly Engrossed 779
Mar. 4 Final Reading w/E 44-0-5 863

Mar. 4 President signed 864
Mar. 4 Presented to Governor (3/4) 873
Mar. 9 Approved by Governor (3/8) 944

LEGISLATIVE BILL 317. By Wesely

Jan. 13 Read first time 185
Jan. 14 Referred to Committee on Transportation 201
Feb. 8 Notice of hearing (2/16) 555
Mar. 4 Placed on General File - Com AM0387 867
(Provisions/portions of LB 317 amended into LB 575 by AM1040)

LEGISLATIVE BILL 318. By Wesely

Jan. 13 Read first time 185
Jan. 14 Referred to Committee on Education 201
Jan. 29 Notice of hearing (2/9) 406
Feb. 25 Indefinitely postponed 784

LEGISLATIVE BILL 319. By Wesely

Jan. 13 Read first time 185
Jan. 14 Referred to Committee on Health and Human Services 201
Jan. 27 Notice of hearing (2/3) 383
Feb. 5 Placed on General File - Com AM0245 528
Feb. 17 Wesely AM0385 printed 669
Feb. 23 Committee AM0245 adopted. Wesely pending AM0385 p. 669 adopted. Advanced for Review 748
Mar. 5 Placed on Select File - AM5395 890
Apr. 21 AM5395 (E & R) adopted. Advanced for Engrossment 1662
Apr. 28 Correctly Engrossed 1780
May 4 Final Reading 42-0-7 1926
May 4 President signed 1928
May 4 Presented to Governor (5/4) 1933
May 11 Approved by Governor (5/6) 2018

LEGISLATIVE BILL 320. By Warner, Robinson

Jan. 13 Read first time 185
Jan. 20 Referred to Committee on Revenue 261
Jan. 21 Notice of hearing (1/29) 340
Feb. 3 Placed on General File - Com AM0143 484
Feb. 10 Committee AM0143 adopted. Advanced for Review 584
Feb. 17 Placed on Select File - AM5370 667
Feb. 22 AM5370 (E & R) adopted.

Advanced for Engrossment 723
Mar. 3 Correctly Engrossed 829

LEGISLATIVE BILL 320A. By Warner

May 25 Read first time. Placed on General File 2460
June 1 Advanced for Review 2567
June 1 Placed on Select File - AM5537 2593

LEGISLATIVE BILL 321. By Appropriations Committee

Jan. 13 Read first time 186
Jan. 14 Referred to Committee on Appropriations 201
Mar. 8 Notice of hearing (3/16) 912
Apr. 30 Placed on General File - Com AM0980 1866
May 11 Committee AM0980 adopted. Advanced for Review ... 2037
May 17 Placed on Select File - AM5517 2199
May 24 AM5517 (E & R) adopted.
Advanced for Engrossment 2415
May 25 Correctly Engrossed 2474
June 1 Final Reading 47-0-2 2574
June 1 President signed 2583
June 1 Presented to Governor (6/1) 2589
June 8 Approved by Governor (6/7) 2808

LEGISLATIVE BILL 322. By Appropriations Committee, at the request of the Governor

Jan. 13 Read first time 186
Jan. 14 Referred to Committee on Appropriations 201
Feb. 1 Notice of hearing (2/17) 439
Mar. 18 Appropriations Committee priority bill 1057
Apr. 30 Placed on General File - Com AM1682 1868
May 24 Wesely AM2310 to committee AM1682 printed 2401

LEGISLATIVE BILL 322A. By Moore

May 3 Read first time. Placed on General File 1903

LEGISLATIVE BILL 323. By Appropriations Committee

Jan. 13 Read first time 186
Jan. 14 Referred to Committee on Appropriations 201
Feb. 9 Notice of hearing (3/9) 570
Apr. 30 Placed on General File 1867
May 11 Advanced for Review 2037
May 17 Placed on Select File 2200
May 24 Advanced for Engrossment 2415
May 25 Correctly Engrossed 2474

June 1 Final Reading w/E 48-0-1 2575
June 1 President signed 2583
June 1 Presented to Governor (6/1) 2589
June 8 Approved by Governor (6/7) 2808

LEGISLATIVE BILL 324. By Withem

Jan. 13 Read first time 186
Jan. 14 Referred to Committee on Education 201
Feb. 3 Notice of hearing (2/23) 479
Mar. 30 Placed on General File - Com AM1104 1231
(Provisions/portions of LB 324 amended into LB 505 by AM1230)

LEGISLATIVE BILL 325. By Speaker Baack, at the request of the Governor

Jan. 13 Read first time 187
Jan. 14 Referred to Committee on Appropriations 201
Feb. 9 Notice of hearing (3/4) 569
Apr. 30 Placed on General File - Com AM1596 1853
May 11 Committee AM1596 adopted. Advanced for Review ... 2034
May 13 Placed on Select File - AM5513 2109
May 20 Appropriations Committee AM2228 to AM5513 printed 2369
May 24 AM5513 (E & R) adopted. Appropriations Committee AM2228 p. 2369 adopted. Advanced for Engrossment 2391
May 25 Correctly Engrossed 2436
June 1 Final Reading w/E 46-0-3 2576
June 1 President signed 2583
June 1 Presented to Governor (6/1) 2589
June 8 Approved by Governor (6/7) 2808

LEGISLATIVE BILL 325A. By Speaker Baack, at the request of the Governor

Jan. 13 Read first time 187
Jan. 14 Referred to Committee on Appropriations 201
Apr. 30 Placed on General File - Com AM1680 1855
May 11 Committee AM1680 adopted. Advanced for Review ... 2034
May 13 Placed on Select File - AM5514 2111
May 24 AM5514 (E & R) adopted. Advanced for Engrossment 2391
May 25 Correctly Engrossed 2436
June 1 Final Reading w/E 47-0-2 2577
June 1 President signed 2583
June 1 Presented to Governor (6/1) 2589
June 8 Approved by Governor (6/7) 2808

LEGISLATIVE BILL 326. By Speaker Baack, at the request of the Governor

Jan.	13	Read first time	187
Jan.	14	Referred to Committee on Appropriations	201
Feb.	9	Notice of hearing (3/4)	569
Apr.	30	Placed on General File - Com AM1681	1859
May	11	Committee AM1681 adopted. Advanced for Review	2034
May	13	Placed on Select File - AM5512	2111
May	24	AM5512 (E & R) adopted. Advanced for Engrossment	2392
May	25	Correctly Engrossed	2436
June	1	Final Reading w/E 47-0-2	2577
June	1	President signed	2583
June	1	Presented to Governor (6/1)	2589
June	8	Approved by Governor (6/7)	2808

LEGISLATIVE BILL 327. By Speaker Baack, at the request of the Governor

Jan.	13	Read first time	187
Jan.	14	Referred to Committee on Appropriations	201
Mar.	8	Notice of hearing (3/19)	913
Apr.	30	Placed on General File - Com AM1709	1863
May	11	Committee AM1709 adopted. Advanced for Review	2035
May	13	Placed on Select File	2111
May	24	Advanced for Engrossment	2392
May	25	Correctly Engrossed	2436
June	1	Final Reading w/E 46-0-3	2578
June	1	President signed	2583
June	1	Presented to Governor (6/1)	2589
June	8	Approved by Governor (6/7)	2808

LEGISLATIVE BILL 328. By Speaker Baack, at the request of the Governor

Jan.	13	Read first time	187
Jan.	14	Referred to Committee on Appropriations	201
Mar.	8	Notice of hearing (3/19)	913
Apr.	30	Placed on General File	1864
May	11	Advanced for Review	2035
May	13	Placed on Select File	2111
May	24	Advanced for Engrossment	2392
May	25	Correctly Engrossed	2436
June	1	Final Reading w/E 45-0-4	2579
June	1	President signed	2583
June	1	Presented to Governor (6/1)	2589
June	8	Approved by Governor (6/7)	2808

LEGISLATIVE BILL 329. By Speaker Baack, at the request of the Governor

Jan.	13	Read first time	188
Jan.	14	Referred to Committee on Appropriations	201
Mar.	8	Notice of hearing (3/19)	913
Apr.	30	Placed on General File - Com AM1688	1864
May	11	Committee AM1688 adopted. Advanced for Review	2035
May	17	Placed on Select File - AM5519	2171
May	20	Appropriations Comittee AM2226 printed	2369
May	24	AM5519 (E & R) adopted. Appropriations Committee pending AM2226 p. 2369 adopted. Advanced for Engrossment	2392
May	25	Correctly Engrossed. ER7298 change	2474
June	1	Final Reading w/E 45-0-4	2580
June	1	President signed	2583
June	1	Presented to Governor (6/1)	2589
June	8	Approved by Governor (6/7)	2808

LEGISLATIVE BILL 330. By Speaker Baack, at the request of the Governor

Jan.	13	Read first time	188
Jan.	14	Referred to Committee on Appropriations	201
Mar.	8	Notice of hearing (3/19)	913
May	17	Placed on General File - Com AM1705 (printed separate)	2176
May	18	Committee AM1705 adopted. Wesely FA222 lost. Advanced for Review	2207
May	24	Moore AM2300 printed	2382
May	24	Placed on Select File - AM5533	2404
May	24	Lynch AM2362 printed	2425
May	25	Dierks AM2367 and Pedersen AM2190 printed	2434
May	25	Wesely AM2379 printed	2435
May	25	Moore AM2396 printed	2437
May	25	Wesely AM2393 printed	2438
May	25	Chambers AM2392 printed	2444
May	25	Wesely AM2313 printed	2445
May	25	Robak AM2343, AM2341, and AM2342 printed	2451
May	25	Coordsen AM2418 (on file) printed	2465
May	25	Kristensen FA272 printed	2475
May	25	Wesely-Byars-Rasmussen AM2422 printed	2476
May	26	Schmitt-Pedersen-Baack-Day AM1834 printed	2493
May	26	AM5533 (E & R) adopted. Moore pending AM2300 p. 2382 adopted as amended by Moore AM2475. Rasmussen name added to Lynch AM2362. Rasmussen-Lynch pending AM2362 p. 2425 adopted. Warner AM2058 sustained division of question. Warner	

FA275 (1st division) adopted as amended by Moore FA277. Warner FA276 (2nd division) lost 2511
May 26 Chambers pending AM2392 p. 2444 adopted. Dierks pending AM2367 p. 2434 lost. Pedersen request to substitute amendment prevailed. Pedersen pending AM2190 p. 2434 withdrawn. Beutler substitute AM2439 (on file) lost 2516
May 26 Robinson AM2459 to committee AM1705 printed 2518
May 26 Robinson AM2462, AM2460, AM2455, AM2456, AM2457, and AM2458 printed 2519
May 26 Wickersham-Hillman AM2471, Moore AM2470, Robinson FA278, and Rasmussen AM2488 printed 2520
May 26 Beutler AM2490 printed 2521
May 26 Wesely pending AM2379 p. 2435 lost as amended by Rasmussen AM2480. Wesely pending AM2393 p. 2438 adopted. Wesely pending AM2313 p. 2445 and Robak pending AM2341 p. 2451 lost. Moore pending AM2396 p. 2437, Robak pending AM2343 and AM2342 p. 2451, and Coordsen pending AM2418 p. 2465 withdrawn 2525
May 26 Kristensen pending FA272 p. 2475 and Schmitt et al pending AM1834 p. 2493 lost 2529
May 26 Robinson pending AM2456 and AM2462 p. 2519 lost. Hall FA279, Robinson pending AM2460, AM2455, AM2457, and AM2458 p. 2519, Moore pending AM2470 p. 2520, Wickersham-Hillman pending AM2471 p. 2520, Beutler pending AM2490 p. 2521, Robinson pending AM2459 p. 2518 and FA278 p. 2520, and Rasmussen pending AM2488 p. 2520 withdrawn. Wesely et al pending AM2422 p. 2476 adopted. Advanced for Engrossment 2530
May 27 Correction 2534
June 1 Correctly Engrossed 2587
June 3 Moore motion to suspend rules prevailed 2703
June 3 Final Reading w/E 40-7-2 2707
June 3 Speaker signed 2710
June 3 Presented to Governor (6/3) 2726
June 8 Approved by Governor with line-item veto (6/7) 2809
June 8 Apprpriations committee report on line-item vetoes 2838
June 8 Communication 2852
June 15 Message from Secretary of State and Certificate 2859

LEGISLATIVE BILL 331. By Speaker Baack, at the request of the Governor

Jan.	13	Read first time	188
Jan.	14	Referred to Committee on Appropriations	201
Mar.	8	Notice of hearing (3/19)	913
Apr.	30	Placed on General File - Com AM1690 (printed separate)	1866
May	11	Committee AM1690 adopted. Advanced for Review	2035
May	17	Placed on Select File - AM5515	2171
May	20	Appropriations Committee AM1960 and AM2230 printed	2368
May	24	AM5515 (E & R) adopted. Appropriations Committee pending AM1960 and AM2230 p. 2368 adopted. Advanced for Engrossment	2392
May	25	Correctly Engrossed. ER7292 change	2474
June	1	Final Reading w/E 45-0-4	2580
June	1	President signed	2583
June	1	Presented to Governor (6/1)	2589
June	8	Approved by Governor (6/7)	2808

LEGISLATIVE BILL 332. By Haberman

Jan.	13	Read first time	188
Jan.	14	Referred to Committee on General Affairs	201
Feb.	1	Notice of hearing (2/8)	431
Feb.	9	Placed on General File - Com AM0265	571
Feb.	19	Haberman priority bill	708
Feb.	22	Committee AM0265 adopted. Advanced for Review	713
Feb.	23	Beutler AM0484 printed	736
Mar.	3	Placed on Select File - AM5393	828
Mar.	18	Haberman AM0890 printed	1091
Mar.	19	AM5393 (E & R) adopted. Beutler pending AM0484 p. 736 withdrawn. Haberman pending AM0890 p. 1091 and Schellpeper AM0929 lost. Haberman FA35 pending	1112
Mar.	22	Hartnett-Will AM0972 printed	1123
Mar.	23	Horgan motion to reconsider Haberman AM0890 p. 1091 prevailed. Haberman reconsidered AM0890 p. 1091, Haberman pending FA35 p. 1114 and Hartnett-Will pending AM0972 adopted. Advanced for Engrossment	1131
Mar.	30	Correctly Engrossed. ER7226 change	1204
June	3	Final Reading w/E 39-10-0	2752
June	3	Speaker signed	2755
June	3	Presented to Governor (6/3)	2774
June	15	Approved by Governor (6/9)	2856

LEGISLATIVE BILL 332A. By Haberman

Mar. 24 Read first time. Placed on General File 1151
Mar. 25 Advanced for Review 1193
Mar. 30 Placed on Select File 1244
Mar. 31 Advanced for Engrossment 1279
Apr. 6 Correctly Engrossed 1394
June 3 Final Reading w/E 44-0-5 2753
June 3 Speaker signed 2755
June 3 Presented to Governor (6/3) 2774
June 15 Approved by Governor (6/9) 2856

LEGISLATIVE BILL 333. By Haberman

Jan. 13 Read first time 188
Jan. 20 Referred to Committee on Government, Military and Veterans Affairs 261
Jan. 27 Notice of hearing (2/5) 380
Feb. 9 Placed on General File 561
Mar. 5 Warner motion to indefinitely postpone pending 886
Mar. 5 Will-Haberman FA28 printed 894

LEGISLATIVE BILL 334. By Landis

Jan. 13 Read first time 189
Jan. 20 Referred to Committee on Business and Labor 261
Jan. 21 Notice of hearing (2/1) 348
Feb. 2 Placed on General File 452
Feb. 8 Advanced for Review 551
Feb. 16 Placed on Select File - AM5362 626
Feb. 18 AM5362 (E & R) adopted. Landis AM0370 adopted. Advanced for Engrossment 674
Mar. 2 Correctly Engrossed 795
Mar. 9 Final Reading 41-0-8 922
Mar. 9 President signed 935
Mar. 9 Presented to Governor (3/9) 945
Mar. 16 Approved by Governor (3/12) 902

LEGISLATIVE BILL 335. By Bernard-Stevens

Jan. 13 Read first time 189
Jan. 20 Referred to Committee on Agriculture 261
Jan. 26 Notice of hearing (2/9) 376
Feb. 11 Placed on General File - Com AM0289 618
(Provisions/portions of LB 335 amended into LB 830 by FA50)

LEGISLATIVE BILL 336. By Bernard-Stevens

Jan. 13 Read first time 189
Jan. 20 Referred to Committee on Education 261
Jan. 29 Notice of hearing (2/8) 405
Feb. 25 Indefinitely postponed 784

LEGISLATIVE BILL 337. By Bohlke, Bernard-Stevens, Byars, Moore, Robak, Wesely

Jan. 13 Read first time 189
Jan. 20 Referred to Committee on Health and Human Services 262
Jan. 28 Notice of hearing (2/5) 392
Feb. 10 Placed on General File - Com AM0232 578

LEGISLATIVE BILL 338. By Cudaback, Bohlke, Hillman, Schimek

Jan. 13 Read first time 189
Jan. 20 Referred to Committee on Health and Human Services 262
Jan. 28 Notice of hearing (2/4) 392
Apr. 1 Placed on General File - Com AM1081 ..... 1295 (printed separate)

LEGISLATIVE BILL 338A. By Cudaback

Apr. 29 Read first time. Placed on General File 1816

LEGISLATIVE BILL 339. By Hartnett

Jan. 13 Read first time 189
Jan. 20 Referred to Committee on Banking, Commerce and Insurance 262
Jan. 29 Notice of hearing (2/8) 415
Feb. 10 Placed on General File 586
(Provisions/portions of LB 339 amended into LB 536 by FA234)

LEGISLATIVE BILL 340. By Wickersham, Hohenstein

Jan. 13 Read first time 190
Jan. 20 Referred to Committee on Transportation 262
Jan. 22 Notice of hearing (2/8) 361
Feb. 9 Placed on General File 567
Mar. 5 Advanced for Review 887
Mar. 16 Placed on Select File - AM5408 1015
Mar. 24 AM5408 (E & R) adopted. Wickersham AM0936 adopted. Advanced for Engrossment 1164
Mar. 30 Correctly Engrossed. ER7227 change 1244
Apr. 5 Final Reading w/E 40-0-9 1355

Apr. 5 Speaker signed 1361
Apr. 5 Presented to Governor (4/5) 1363
Apr. 7 Approved by Governor (4/7) 1442

LEGISLATIVE BILL 341. By Lynch

Jan. 13 Read first time 190
Jan. 20 Referred to Committee on Transportation 262
Jan. 22 Notice of hearing (2/1) 361
Feb. 3 Indefinitely postponed 485

LEGISLATIVE BILL 342. By Coordsen

Jan. 13 Read first time 190
Jan. 20 Referred to Committee on Transportation 262
Feb. 11 Notice of hearing (2/22) 593
Mar. 11 Placed on General File 975

LEGISLATIVE BILL 342A. By Coordsen

Mar. 17 Read first time. Placed on General File 1046

LEGISLATIVE BILL 343. By Hall

Jan. 13 Read first time 190
Jan. 20 Referred to Committee on Judiciary 262
Feb. 24 Notice of hearing (3/3) 760
Mar. 10 Placed on General File - Com AM0766 948

LEGISLATIVE BILL 344. By Will

Jan. 13 Read first time 190
Jan. 20 Referred to Committee on Health and Human Services 262
Feb. 3 Notice of hearing (2/24) 488
Mar. 10 Indefinitely postponed 954

LEGISLATIVE BILL 345. By Revenue Committee

Jan. 13 Read first time 191
Jan. 20 Referred to Committee on Revenue 262
Jan. 20 Notice of hearing (1/27) 264
Feb. 9 Placed on General File - Com AM0210 (printed separate) 567
Mar. 9 Elmer AM0753 printed 930
Mar. 9 Warner AM0719 to committee AM0210 printed 942
Mar. 17 Revenue Committee priority bill 1024
Mar. 17 Elmer AM0861 printed 1028
Apr. 15 Withem AM1255 printed separate 1548

Apr. 27 Warner AM1664 to committee AM0210 printed 1719
Apr. 28 Warner request to substitute amendment prevailed. Warner pending AM0719 p. 942 withdrawn. Committee AM0210 adopted as amended by Warner substitute pending AM1664 p. 1719. Elmer pending AM0753 p. 930 withdrawn. Advanced for Review 1785
May 5 Placed on Select File - AM5490 ..... 1974 (printed separate)
May 6 Warner-Kristensen-Schellpeper-Withem-Beutler-Wickersham-Will-Landis-Coordsen AM1844 to AM5490 printed 2003
May 11 Hall AM1809 to AM5490 printed 2048
May 11 Hall AM1810 to AM5490 printed 2051
May 12 Elmer-Haberman AM1922 to AM5490 printed 2064
May 12 Warner-Will-Hall AM1991 to AM5490 printed 2076
May 17 Ashford-Horgan-Hartnett AM2157 to AM5490 printed 2188
May 18 Abboud AM2082 printed 2203
May 19 Schellpeper AM2160 printed 2272
May 19 Schellpeper-Will AM2072 (on file) printed 2273
May 24 Schellpeper AM2306 to AM5490 printed 2396
May 24 Hall AM2276 to AM5490 printed 2401
May 27 Preister-Ashford AM2485 to AM2060 printed 2552
June 1 Withem AM2489 printed separate 2597
June 1 Chambers AM2544 to AM2157 printed 2603
June 1 Wickersham AM2545 to AM5490 printed 2621
June 3 AM5490 (E & R) adopted. Elmer request to substitute amendment prevailed. Elmer pending AM0861 p. 1028 withdrawn. Elmer substitute AM2590 to AM5490 adopted. Withem AM2509 withdrawn. Kristensen name added to AM2489. Withem pending AM1255 p. 1548 adopted as amended by Kristensen-Withem pending AM2489 p. 2597. Warner et al pending AM1844 p. 2003 adopted. Hall request to substitute amendment prevailed. Hall pending AM1809 p 2048 withdrawn. Hall-Warner-Will substitute AM1991 p. 2076 adopted. Hall request to substitute amendment prevailed. Hall pending AM1810 p. 2051 withdrawn. Warner motion to suspend rules and allow consideration of AM2276 prevailed. Hall substitute AM2276 p. 2401 withdrawn. Haberman FA300 and Abboud FA301 lost 2727
June 3 Preister-Ashford request to substitute amendment prevailed. Preister-Ashford pending AM2485 p. 2552 withdrawn. Preister-Ashford substitute AM2580 to AM2157 adopted.

Ashford et al pending AM2157 p. 2188, Haberman-Elmer pending AM1922 p. 2064, Chambers pending AM2544 p. 2603, Abboud pending AM2082 p. 2203, Schellpeper pending AM2160 p. 2272 and AM2306 p. 2396, Schellpeper-Will pending AM2072 p. 2273, and Wickersham pending AM2545 p. 2621 withdrawn. Warner-Hall AM2364 adopted. Advanced for Engrossment 2735
June 3 Kristensen-Ashford AM2595 to AM2157 printed 2743
June 3 Correctly Engrossed 2772
June 3 ER7333 change 2773
June 8 Will motion to suspend rules prevailed 2816
June 8 Final Reading w/E 47-0-2 2826
June 8 President signed 2838
June 8 Presented to Governor (6/8) 2843
June 15 Approved by Governor (6/10) 2864
(Provisions/portions of LB 658 amended into LB 345 by AM2489)

LEGISLATIVE BILL 345A. By Warner

May 19 Read first time. Placed on General File 2299
May 24 Advanced for Review 2387
May 25 Placed on Select File 2445
June 3 Warner AM2599 adopted. Advanced for Engrossment 2737
June 3 Correctly Engrossed 2772
June 3 ER7332 change 2773
June 8 Will motion to suspend rules prevailed 2816
June 8 Final Reading w/E 46-0-3 2827
June 8 President signed 2838
June 8 Presented to Governor (6/8) 2843
June 15 Approved by Governor (6/10) 2864

LEGISLATIVE BILL 346. By Revenue Committee

Jan. 13 Read first time 191
Jan. 20 Referred to Committee on Revenue 262
Jan. 20 Notice of hearing (1/27) 264
Feb. 8 Placed on General File - Com AM0211 553
Mar. 3 Hohenstein priority bill 830
Mar. 4 Cudaback AM0640 printed 880
Mar. 4 Hohenstein name added 883
Mar. 8 Committee AM0211 adopted. Cudaback pending AM0640 p. 880 adopted. Advanced for Review 909
Mar. 11 Warner AM0808 printed 985
Mar. 18 Placed on Select File - AM5422 1056
Mar. 22 Coordsen AM0977 printed 1122

Mar. 25 Warner AM1029 printed 1194
Mar. 30 AM5422 (E & R) adopted. Warner pending AM0808 p. 985 withdrawn. Coordsen pending AM0977 p. 1122 adopted. Hohenstein FA46 to AM1029 pending 1217
Mar. 30 Warner pending AM1029 p. 1194 adopted as amended by Hohenstein pending FA46 p. 1218. Lindsay AM1107 to AM0640 adopted. Advanced for Engrossment 1218
Apr. 1 Correctly Engrossed 1310
Apr. 1 ER7232 change 1311
Apr. 7 Final Reading w/E 41-0-8 1416
Apr. 7 President signed 1427
Apr. 7 Presented to Governor (4/7) 1433
Apr. 13 Approved by Governor (4/13) 1488
(Provisions/portions of LB 11 amended into LB 346 by AM0211)
(Provisions/portions of LB 134 amended into LB 346 by AM0640)
(Provisions/portions of LB 290 amended into LB 346 by AM0977)

LEGISLATIVE BILL 347. By Revenue Committee

Jan. 13 Read first time 192
Jan. 20 Referred to Committee on Revenue 262
Jan. 21 Notice of hearing (1/29) 340
Feb. 2 Indefinitely postponed 460

LEGISLATIVE BILL 348. By Withem

Jan. 13 Read first time 192
Jan. 20 Referred to Committee on Education 262
Jan. 29 Notice of hearing (2/8) 405
Mar. 2 Placed on General File - Com AM0098 796
Mar. 4 Education Committee priority bill 853
Mar. 8 Bernard-Stevens AM0670 to committee AM0098 printed 908
Mar. 30 Robinson AM0805 printed 1223
Apr. 8 Withem AM1292 and AM1294 to committee AM0098 printed separate 1457
Apr. 14 Committee AM0098 adopted as amended by Withem pending AM1292 and AM1294 p. 1457, Withem AM1427, Bernard-Stevens pending AM0670 p. 908, Bernard-Stevens AM1446, and Hall AM1444. Robinson pending AM0805 p. 1223 adopted. Advanced for Review 1527
Apr. 20 Withem-Baack-Bernard-Stevens AM1541 printed separate 1632
Apr. 22 Placed on Select File - AM5471 (printed separate) 1688

Apr. 28 Schimek AM1496 to AM5471 printed 1787
Apr. 28 Wickersham AM1739 to AM5471 printed 1790
Apr. 28 Schellpeper AM1757 to AM5471 printed 1792
Apr. 28 Baack AM1738 to AM5471 printed 1795
May 4 Withem AM1869 to AM5471 printed 1947
May 13 Baack AM2011 to AM5471 printed 2094
May 14 Withem AM1985 to AM5471 printed 2132
May 14 Withem AM1989 and AM1988 to AM5471 printed 2133
May 19 Withem AM2263 to AM5471 printed 2340
June 1 Wickersham AM2539 and AM2540 to AM5471 printed 2606
June 2 AM5471 (E & R) adopted 2679
June 3 Withem et al request to substitute amendment prevailed. Withem et al pending AM1541 p. 1632 withdrawn. Withem substitute AM2582 sustained division of question. Withem FA296 adopted. Withem FA297 and FA298 lost. Schimek pending AM1496 p. 1787, Baack pending AM1738 p. 1795, and Schellpeper AM2589 to AM5471 adopted. Wickersham pending AM1739 p. 1790, Withem pending AM1869 p. 1947, AM1985 p. 2132, AM1989 and AM1988 p. 2133, and AM2263 p. 2340, Baack pending AM2011 p. 2094, Wickersham pending AM2539 and AM2540 p. 2606, and Schellpeper pending AM1757 p. 1792 withdrawn. Wickersham AM2579 and Withem FA299 lost. Advanced for Engrossment 2714
June 3 Correctly Engrossed 2772
June 3 ER7330 change 2773
June 8 Will motion to suspend rules prevailed 2816
June 8 Final Reading w/E 47-0-2 2828
June 8 President signed 2838
June 8 Presented to Governor (6/8) 2843
June 15 Approved by Governor (6/10) 2864
(Provisions/portions of LB 96 amended into LB 348 by AM1294)
(Provisions/portions of LB 99 amended into LB 348 by AM1292)
(Provisions/portions of LB 186 amended into LB 348 by AM1496)
(Provisions/portions of LB 349 amended into LB 348 by AM1294)
(Provisions/portions of LB 445 amended into LB 348 by AM0805)
(Provisions/portions of LB 452 amended into LB 348 by FA296)
(Provisions/portions of LB 679 amended into LB 348 by AM1294)

LEGISLATIVE BILL 348A. By Withem

Apr. 27 Read first time. Placed on General File 1724
May 3 Advanced for Review 1890
May 11 Placed on Select File 2009

June 3 Advanced for Engrossment 2726
June 3 Correctly Engrossed 2772
June 8 Will motion to suspend rules prevailed 2816
June 8 Final Reading w/E 46-0-3 2830
June 8 President signed 2838
June 8 Presented to Governor (6/8) 2843
June 15 Approved by Governor (6/10) 2864

LEGISLATIVE BILL 349. By Withem

Jan. 13 Read first time 192
Jan. 20 Referred to Committee on Education 262
Jan. 25 Notice of hearing (2/1) 367
Mar. 2 Placed on General File - Com AM0261 797
(Provisions/portions of LB 349 amended into LB 348 by AM1294)

LEGISLATIVE BILL 349A. By Withem

Mar. 22 Read first time. Placed on General File 1119

LEGISLATIVE BILL 350. By Withem, Rasmussen, Robinson

Jan. 13 Read first time 193
Jan. 20 Referred to Committee on Education 262
Jan. 26 Notice of hearing (2/2) 372
Mar. 30 Indefinitely postponed 1260

LEGISLATIVE BILL 351. By Byars, at the request of the Governor

Jan. 13 Read first time 193
Jan. 20 Referred to Committee on Appropriations 262
Mar. 8 Notice of hearing (3/19) 913
Mar. 31 Indefinitely postponed 1280

LEGISLATIVE BILL 352. By Pirsch, Ashford, Hohenstein, Lindsay, Pedersen, Robak, Vrtiska, Wickersham, Witek

Jan. 13 Read first time 193
Jan. 20 Referred to Committee on Judiciary 262
Feb. 3 Notice of hearing (2/10) 478
Feb. 11 Indefinitely postponed 620

LEGISLATIVE BILL 353. By Hudkins, Hohenstein, Pedersen, Robak, Schmitt, Vrtiska

Jan. 13 Read first time 193
Jan. 20 Referred to Committee on Judiciary 262
Feb. 11 Notice of hearing (2/17) 614

Feb. 24 Placed on General File 758
Mar. 11 Hall FA33 adopted. Pending. Hall requested ruling of Chair on time limit.
Hudkins challenge of Chair withdrawn 977
(Provisions/portions of LB 353 amended into LB 575 by AM1222)

LEGISLATIVE BILL 354. By Witek, Pedersen

Jan. 13 Read first time 194
Jan. 20 Referred to Committee on Transportation 262
Feb. 3 Fisher name added 490
Feb. 11 Notice of hearing (2/22) 593

LEGISLATIVE BILL 355. By Witek, Pedersen, Pirsch

Jan. 13 Read first time 194
Jan. 20 Referred to Committee on Government, Military and Veterans Affairs 262
Feb. 19 Attorney General's Opinion #93008 to Witek 696
Mar. 3 Notice of hearing (3/11) 845

LEGISLATIVE BILL 356. By Witek

Jan. 13 Read first time 194
Jan. 20 Referred to Committee on Banking, Commerce and Insurance 262
Jan. 26 Notice of hearing (2/2) 376
Feb. 4 Placed on General File 503
Feb. 16 Advanced for Review 638
Feb. 23 Placed on Select File 733
Mar. 3 Advanced for Engrossment 833
Mar. 10 Correctly Engrossed 947
Mar. 10 ER7215 change 948
Mar. 17 Final Reading w/E 47-0-2 1035
Mar. 17 Speaker signed 1036
Mar. 17 Presented to Governor (3/17) 1045
Mar. 23 Approved by Governor (3/22) 1126

LEGISLATIVE BILL 357. By Rasmussen, Hall, Pirsch, Robak, Withem

Jan. 13 Read first time 194
Jan. 20 Referred to Committee on Government, Military and Veterans Affairs 262
Jan. 27 Notice of hearing (2/4) 380
Mar. 10 Placed on General File - Com AM0182 969
Apr. 14 Robak AM1421 printed 1533
(Provisions/portions of LB 357 amended into LB 697 by AM1794)

LEGISLATIVE BILL 358. By Schmitt

Jan. 13 Read first time 194
Jan. 20 Referred to Committee on Transportation 262
Feb. 11 Notice of hearing (2/23) 593
Mar. 16 Placed on General File - Com AM0883 1006

LEGISLATIVE BILL 359. By Pirsch, Haberman, Wickersham

Jan. 13 Read first time 194
Jan. 20 Referred to Committee on Natural Resources 262
Feb. 17 Notice of hearing (2/25) 653
Mar. 24 Placed on General File - Com AM0795 1158
(Provisions/portions of LB 359 amended into LB 235 by AM1696)

LEGISLATIVE BILL 360. By Rasmussen

Jan. 13 Read first time 195
Jan. 20 Referred to Committee on Business and Labor 262
Jan. 21 Notice of hearing (2/1) 348
Feb. 2 Placed on General File - Com AM0099 452
Feb. 2 Abboud name added 463
Feb. 5 Rasmussen AM0224 printed 538
Feb. 9 Committee AM0099 adopted. Rasmussen pending AM0224 p. 538 adopted. Advanced for Review 566
Feb. 16 Placed on Select File - AM5367 636
Feb. 18 AM5367 (E & R) adopted. Advanced for Engrossment 674
Mar. 2 Correctly Engrossed 795
June 3 Final Reading 47-0-2 2754
June 3 Speaker signed 2761
June 3 Presented to Governor (6/3) 2774
June 15 Approved by Governor (6/9) 2856

LEGISLATIVE BILL 360A. By Rasmussen

Feb. 10 Read first time. Placed on General File 589
Feb. 16 Advanced for Review 631
Feb. 19 Placed on Select File 685
Feb. 22 Advanced for Engrossment 724
Mar. 3 Correctly Engrossed 829
June 3 Final Reading 45-0-4 2755
June 3 Speaker signed 2761
June 3 Presented to Governor (6/3) 2774
June 15 Approved by Governor (6/9) 2856

LEGISLATIVE BILL 361. By Will

Jan. 13 Read first time 195
Jan. 20 Referred to Committee on General Affairs 262
Feb. 19 Notice of hearing (3/22) 708

LEGISLATIVE BILL 362. By Will

Jan. 13 Read first time 195
Jan. 20 Referred to Committee on Judiciary 262
Mar. 3 Notice of hearing (3/11) 829
Mar. 16 Indefinitely postponed 1009

LEGISLATIVE BILL 363. By Horgan

Jan. 13 Read first time 195
Jan. 20 Referred to Committee on Nebraska Retirement Systems 262
Jan. 26 Notice of hearing (2/2) 375
Feb. 5 Placed on General File - Com AM0152 515
Feb. 17 Committee AM0152 adopted. Advanced for Review 663
Feb. 19 Landis AM0417 printed 707
Mar. 2 Placed on Select File 791
Mar. 3 Lindsay AM0451 printed 851
Mar. 8 Landis pending AM0417 p. 707 and Horgan AM0745 adopted. Lindsay pending AM0451 p. 851 withdrawn. Advanced for Engrossment 909
Mar. 18 Correctly Engrossed. ER7219 change 1090
Mar. 25 Final Reading w/E 39-0-10 1180
Mar. 25 Speaker signed 1189
Mar. 25 Presented to Governor (3/25) 1196
Mar. 30 Approved by Governor (3/30) 1225
(Provisions/portions of LB 405 amended into LB 363 by AM0417)

LEGISLATIVE BILL 364. By Wehrbein, McKenzie

Jan. 13 Read first time 195
Jan. 20 Referred to Committee on Natural Resources 262
Feb. 9 Notice of hearing (2/19) 562
Feb. 24 Wehrbein priority bill 778
Mar. 2 Placed on General File - Com AM0599 803
Mar. 4 Committee AM0599 adopted. Advanced for Review 865
Mar. 16 Placed on Select File - AM5413 1013
Mar. 16 Wehrbein AM0870 printed 1019
Mar. 30 AM5413 (E & R) adopted. Wehrbein pending AM0870 p. 1019 and Lynch FA45 adopted. Lynch AM1119 withdrawn. Advanced for Engrossment 1209
Apr. 1 Correctly Engrossed 1300
Apr. 14 Bernard-Stevens motion to return to Select

File for FA81 withdrawn. Returned to Select File for Bernard-Stevens amendment. Bernard-Stevens AM1433 pending. Withem motion to bracket until 4/15 prevailed 1515
Apr. 15 Bernard-Stevens-Wehrbein-McKenzie AM1490 printed 1560
Apr. 16 Bernard-Stevens pending AM1433 p. 1516 withdrawn. Advanced for Re-Engrossment. Returned to Select File for Bernard-Stevens et al amendment. Bernard-Stevens et al pending AM1490 p. 1560 adopted. Advanced for Re-Engrossment 1569
Apr. 22 Correctly Re-Engrossed 1688
Apr. 30 Final Reading w/E 37-0-12 1839
Apr. 30 Speaker signed 1849
Apr. 30 Presented to Governor (4/30) 1872
May 4 Approved by Governor (5/4) 1946

LEGISLATIVE BILL 364A. By Wehrbein

Mar. 5 Read first time. Placed on General File 894
Mar. 8 Advanced for Review 907
Mar. 18 Placed on Select File 1055
Mar. 30 Advanced for Engrossment 1209
Apr. 1 Correctly Engrossed 1300
Apr. 30 Final Reading w/E 36-0-13 1840
Apr. 30 Speaker signed 1849
Apr. 30 Presented to Governor (4/30) 1872
May 4 Approved by Governor (5/4) 1946

LEGISLATIVE BILL 365. By Will

Jan. 13 Read first time 196
Jan. 20 Referred to Committee on Revenue 262
Jan. 20 Pedersen name added 305
Jan. 27 Notice of hearing (2/4) 385
Feb. 3 Hall name added 490
Feb. 11 Placed on General File 617
Mar. 5 Pedersen priority bill 884
Mar. 17 Advanced for Review 1044
Mar. 30 Placed on Select File 1203
Apr. 2 Chambers motion to indefinitely postpone lost. Haberman motion to bracket until 4/6 withdrawn. Chambers FA58 pending 1332
Apr. 2 Chambers pending FA58 p. 1334 and FA59 lost. Chambers FA60 adopted as amended by Hall-Will FA61. Advanced for Engrossment 1345
Apr. 6 Correction 1384
Apr. 13 Correctly Engrossed 1503

May 3 Chambers FA148 printed 1911
May 3 Chambers FA149, FA150, FA151, FA152, FA153, FA154, FA155, FA156, FA157, FA158, FA159, and FA160 printed 1912
May 3 Chambers FA161, FA162, and FA163 printed 1913
May 4 Chambers FA168 printed 1944
May 4 Chambers FA169, FA170, FA171, and FA172 printed 1945
May 17 Abboud AM2083 printed 2160
June 3 Chambers motion to return to Select File for FA148 withdrawn. Chambers pending FA148 p. 1911, pending FA149 through FA160 p. 1912, pending FA161 through FA163 p. 1913, pending FA168 p. 1944, pending FA169 through FA172 p. 1945 and Abboud pending AM2083 p. 2160 withdrawn. Final Reading 37-9-3 2756
June 3 Speaker signed 2761
June 3 Presented to Governor (6/3) 2774
June 15 Approved by Governor (6/9) 2856

LEGISLATIVE BILL 366. By Crosby

Jan. 13 Read first time 197
Jan. 20 Referred to Committee on Nebraska Retirement Systems 262
Feb. 9 Notice of hearing (2/16) 575

LEGISLATIVE BILL 367. By Pirsch, Ashford, Horgan, Rasmussen, Will, Witek

Jan. 13 Read first time 197
Jan. 20 Referred to Committee on Urban Affairs 262
Jan. 26 Notice of hearing (2/2) 376
Feb. 3 Preister name added 490
Feb. 5 Placed on General File 523
Feb. 17 Preister-Will-Hartnett-Robinson-Abboud-Bromm-Pirsch-Schimek AM0389 adopted. Advanced for Review 664
Mar. 2 Placed on Select File - AM5387 792
Mar. 8 AM5387 (E & R) adopted. Pirsch AM0739 adopted. Advanced for Engrossment 911
Mar. 19 Correctly Engrossed 1097
Mar. 19 ER7221 change 1098
Mar. 25 Final Reading 44-0-5 1184
Mar. 25 Speaker signed 1189
Mar. 25 Presented to Governor (3/25) 1196
Mar. 30 Approved by Governor (3/30) 1225

LEGISLATIVE BILL 368. By Will

Jan. 14 Read first time 203
Jan. 20 Referred to Committee on Urban Affairs 262
Feb. 16 Notice of hearing (3/2) 649

LEGISLATIVE BILL 369. By Lynch, at the request of the Governor

Jan. 14 Read first time 203
Jan. 20 Referred to Committee on Health and Human Services 262
Jan. 27 Notice of hearing (2/3) 383
Feb. 5 Placed on General File 528
Feb. 23 Advanced for Review 748
Mar. 4 Placed on Select File 852
Mar. 8 Advanced for Engrossment 912
Mar. 19 Correctly Engrossed 1097
Mar. 25 Final Reading w/E 42-0-7 1185
Mar. 25 Speaker signed 1189
Mar. 25 Presented to Governor (3/25) 1196
Mar. 30 Approved by Governor (3/30) 1225

LEGISLATIVE BILL 370. By Kristensen

Jan. 14 Read first time 203
Jan. 20 Referred to Committee on Transportation 262
Jan. 22 Notice of hearing (2/2) 361
Feb. 3 Placed on General File 490
Feb. 16 Advanced for Review 637
Feb. 23 Placed on Select File - AM5378 731
Mar. 3 AM5378 (E & R) adopted. Advanced for Engrossment 833
Mar. 16 Correctly Engrossed. ER7218 change 990
Apr. 1 Final Reading 42-0-7 1303
Apr. 1 President signed 1307
Apr. 1 Presented to Governor (4/1) 1313
Apr. 6 Approved by Governor (4/6) 1388

LEGISLATIVE BILL 371. By Moore

Jan. 14 Read first time 204
Jan. 20 Referred to Committee on Transportation 262
Feb. 11 Notice of hearing (3/9) 594
May 24 Placed on General File - Com AM2049 2395

LEGISLATIVE BILL 372. By Lynch

Jan. 14 Read first time 204
Jan. 20 Referred to Committee on Government,

Military and Veterans Affairs 262
Jan. 27 Notice of hearing (2/5) 380
Mar. 16 Indefinitely postponed 1006

LEGISLATIVE BILL 373. By Health and Human Services Committee

Jan. 14 Read first time 205
Jan. 20 Referred to Committee on Health and Human Services 262
Feb. 3 Notice of hearing (3/11) 488
Mar. 18 Indefinitely postponed 1079

LEGISLATIVE BILL 374. By Health and Human Services Committee

Jan. 14 Read first time 205
Jan. 20 Referred to Committee on Health and Human Services 262
Jan. 28 Notice of hearing (2/4) 392
Feb. 22 Indefinitely postponed 722

LEGISLATIVE BILL 375. By Health and Human Services Committee

Jan. 14 Read first time 205
Jan. 20 Referred to Committee on Health and Human Services 262
Feb. 3 Notice of hearing (2/10) 487
Feb. 16 Placed on General File 646
Mar. 5 Advanced for Review 895
Mar. 17 Placed on Select File 1023
Apr. 21 Advanced for Engrossment 1662
Apr. 28 Correctly Engrossed 1780
May 4 Final Reading 42-0-7 1926
May 4 President signed 1928
May 4 Presented to Governor (5/4) 1933
May 11 Approved by Governor (5/6) 2018

LEGISLATIVE BILL 376. By Health and Human Services Committee

Jan. 14 Read first time 205
Jan. 20 Referred to Committee on Health and Human Services 262
Feb. 3 Notice of hearing (2/18) 487
Feb. 22 Placed on General File - Com AM0461 724
May 13 Wesely AM1983 printed separate 2112

LEGISLATIVE BILL 377. By Health and Human Services Committee

Jan.	14	Read first time	206
Jan.	20	Referred to Committee on Health and Human Services	262
Jan.	27	Notice of hearing (2/3)	383
Feb.	8	Placed on General File - Com AM0238	546
Feb.	23	Horgan-Rasmussen AM0502 printed	752
Mar.	3	Committee AM0238 adopted. Advanced for Review	846
Mar.	10	Horgan-Rasmussen AM0784 printed	968
Mar.	11	Placed on Select File - AM5402 (printed separate)	980
Mar.	18	Horgan-Rasmussen AM0921 to AM5402 printed	1074
Mar.	30	Wesely AM0810 to AM5402 printed	1262
Apr.	21	AM5402 (E & R) adopted. Horgan-Rasmussen pending AM0502 p. 752 and AM0784 p. 968 withdrawn. Horgan-Rasmussen pending AM0921 p. 1074 and Wesely pending AM0810 p. 1262 adopted. Advanced for Engrossment	1662
Apr.	28	Correctly Engrossed	1780
Apr.	28	ER7263 change	1781
June	3	Final Reading 46-0-3	2757
June	3	Speaker signed	2761
June	3	Presented to Governor (6/3)	2774
June	15	Approved by Governor (6/9)	2856

LEGISLATIVE BILL 377A. By Wesely

Mar.	2	Read first time. Placed on General File	827
Mar.	8	Advanced for Review	901
Mar.	18	Placed on Select File	1055
Apr.	21	Advanced for Engrossment	1662
Apr.	28	Correctly Engrossed	1780
June	3	Final Reading 47-0-2	2758
June	3	Speaker signed	2761
June	3	Presented to Governor (6/3)	2774
June	15	Approved by Governor (6/9)	2856

LEGISLATIVE BILL 378. By Schellpeper

Jan.	14	Read first time	208
Jan.	20	Referred to Committee on General Affairs	262
Feb.	1	Notice of hearing (2/8)	431
Feb.	9	Placed on General File	571

(Provisions/portions of LB 378 amended into LB 741 by AM2154)

LEGISLATIVE BILL 379. By Abboud, Bromm

Jan. 14 Read first time 208
Jan. 20 Referred to Committee on Judiciary 262
Feb. 11 Notice of hearing (2/19) 615
Feb. 24 Placed on General File - Com AM0477 758

LEGISLATIVE BILL 380. By Withem, Abboud

Jan. 14 Read first time 208
Jan. 20 Referred to Committee on Government, Military and Veterans Affairs 262
Mar. 3 Notice of hearing (3/11) 845

LEGISLATIVE BILL 381. By Chambers

Jan. 14 Read first time 209
Jan. 20 Referred to Committee on Education 262
Feb. 3 Notice of hearing (3/2) 479
Mar. 9 Placed on General File 935
Mar. 19 Speaker priority bill 1115

LEGISLATIVE BILL 382. By Wesely

Jan. 14 Read first time 209
Jan. 20 Referred to Committee on Banking, Commerce and Insurance 262
Feb. 10 Notice of hearing (3/8) 579
Mar. 2 Notice of hearing (3/22) (Reset) 826
Mar. 24 Placed on General File - Com AM1007 1161
Mar. 24 Landis AM1008 printed 1165

LEGISLATIVE BILL 383. By Elmer

Jan. 14 Read first time 210
Jan. 20 Referred to Committee on General Affairs 262
Feb. 19 Notice of hearing (3/22) 708

LEGISLATIVE BILL 384. By Wehrbein

Jan. 14 Read first time 210
Jan. 20 Referred to Committee on Urban Affairs 263
Jan. 26 Notice of hearing (2/2) 376
Feb. 5 Placed on General File 523
Feb. 23 Advanced for Review 748
Mar. 4 Placed on Select File - AM5394 852
Mar. 8 AM5394 (E & R) adopted. Advanced for Engrossment 912
Mar. 19 Correctly Engrossed 1097
Mar. 25 Final Reading 44-0-5 1186

Mar. 25 Speaker signed 1189
Mar. 25 Presented to Governor (3/25) 1196
Mar. 30 Approved by Governor (3/30) 1225

LEGISLATIVE BILL 385. By Cudaback

Jan. 14 Read first time 210
Jan. 20 Referred to Committee on Natural Resources 263
Mar. 9 Notice of hearing (3/19) 945
Apr. 7 Placed on General File - Com AM1297 1434

LEGISLATIVE BILL 386. By Bromm, Robinson, Vrtiska

Jan. 14 Read first time 210
Jan. 20 Referred to Committee on Revenue 263
Feb. 3 Notice of hearing (2/24) 479
Mar. 2 Indefinitely postponed 807

LEGISLATIVE BILL 387. By Horgan

Jan. 14 Read first time 210
Jan. 20 Referred to Committee on Health and Human Services 263
Feb. 3 Notice of hearing (2/17) 487
Feb. 19 Placed on General File 704
Mar. 10 Horgan AM0826 printed 968
Mar. 11 Horgan pending AM0826 p. 968 adopted. Advanced for Review 974
Mar. 23 Placed on Select File - AM5429 1136
Mar. 30 AM5429 (E & R) adopted. Advanced for Engrossment 1259
Apr. 5 Correctly Engrossed 1348
Apr. 13 Final Reading 41-0-8 1478
Apr. 13 President signed 1480
Apr. 13 Presented to Governor (4/13) 1484
Apr. 15 Approved by Governor (4/15) 1560

LEGISLATIVE BILL 388. By Wesely

Jan. 14 Read first time 211
Jan. 20 Referred to Committee on Urban Affairs 263
Feb. 5 Notice of hearing (2/16) 523
Feb. 23 Indefinitely postponed 734

LEGISLATIVE BILL 389. By Beutler

Jan. 14 Read first time 211
Jan. 20 Referred to Committee on Government,

Military and Veterans Affairs 263
Jan. 28 Wesely name added 404
Feb. 3 Notice of hearing (2/11) 466
Mar. 17 Beutler priority bill 1030
Mar. 30 Placed on General File - Com AM0714 1209
Apr. 5 Committee AM0714 lost. Advanced for Review 1361
Apr. 5 Coordsen AM1275 printed 1376
Apr. 6 Wehrbein AM1271 printed 1387
Apr. 13 Placed on Select File 1498
Apr. 21 Wehrbein AM1592 printed 1659
Apr. 27 Wehrbein AM1734 printed 1767
Apr. 29 McKenzie AM1755 printed 1832
May 5 Coordsen-McKenzie AM1863 printed 1989
May 11 Robinson AM1850 printed 2036
May 18 Coordsen request to substitute amendment prevailed. Coordsen-McKenzie substitute pending AM1863 p. 1989 lost 2230
May 18 Wehrbein request to substitute amendment prevailed. Wehrbein substitute AM1734 p. 1767 adopted. Wehrbein pending AM1271 p. 1387 and AM1592 p. 1659, McKenzie pending AM1755 p. 1832 and Robinson pending AM1850 p. 2036 withdrawn. Coordsen pending AM1275 p. 1376 lost. McKenzie FA229 adopted. Advanced for Engrossment 2240
May 26 Correctly Engrossed. ER7283 change 2499
June 7 Beutler motion to return to Select File for FA306 pending. Bracketed until 11:30 a.m 2784
June 7 Beutler pending motion p. 2784 withdrawn. Failed on Final Reading 23-19-7 2799
June 7 Beutler motion to reconsider Final Reading vote laid over 2805
June 8 Beutler pending motion p. 2805 lost 2850

LEGISLATIVE BILL 390. By Beutler

Jan. 14 Read first time 211
Jan. 20 Referred to Committee on Urban Affairs 263
Jan. 26 Notice of hearing (2/2) 376
Feb. 5 Placed on General File - Com AM0179 524
Feb. 17 Committee AM0179 adopted. Advanced for Review 665
Mar. 2 Placed on Select File - AM5389 794
Mar. 8 AM5389 (E & R) adopted. Beutler AM0509 adopted. Advanced for Engrossment 911
Mar. 19 Correctly Engrossed 1097
Mar. 25 Final Reading w/E 42-0-7 1186
Mar. 25 Speaker signed 1189

Mar. 25 Presented to Governor (3/25) 1196
Mar. 30 Approved by Governor (3/30) 1225

LEGISLATIVE BILL 391. By Beutler

Jan. 14 Read first time 211
Jan. 20 Referred to Committee on Natural Resources 263
Mar. 2 Notice of hearing (3/11) 808

LEGISLATIVE BILL 392. By Rasmussen, Baack, Moore, Withem

Jan. 14 Read first time 211
Jan. 20 Referred to Committee on Education 263
Feb. 3 Notice of hearing (2/16) 479
Mar. 2 Placed on General File - Com AM0581 800
(Provisions/portions of LB 392 amended into LB 520 by AM0927)

LEGISLATIVE BILL 393. By Rasmussen

Jan. 14 Read first time 211
Jan. 20 Referred to Committee on Judiciary 263
Feb. 17 Notice of hearing (2/26) 666
Feb. 18 Notice of hearing (Time change) 676
Mar. 4 Placed on General File - Com AM0607 874

LEGISLATIVE BILL 394. By Hall

Jan. 14 Read first time 212
Jan. 20 Referred to Committee on Transportation 263
Feb. 11 Notice of hearing (2/23) 593

LEGISLATIVE BILL 395. By Hall

Jan. 14 Read first time 212
Jan. 20 Referred to Committee on Business and Labor 263
Jan. 20 Chambers name added 305
Feb. 11 Notice of hearing (3/22) 595
Mar. 24 Placed on General File - Com AM1005 1162
May 3 Hall AM1811 printed 1911

LEGISLATIVE BILL 396. By Hall

Jan. 14 Read first time 212
Jan. 20 Referred to Committee on Revenue 263
Jan. 27 Notice of hearing (2/5) 381
Mar. 9 Indefinitely postponed 940

LEGISLATIVE BILL 397. By Hall, at the request of the Governor

Jan.	14	Read first time	212
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	263
Feb.	24	Notice of hearing (3/3)	760
Mar.	8	Placed on General File	913
Mar.	19	Speaker priority bill	1115
May	14	Advanced for Review	2138
May	18	Hall AM2158 printed	2232
May	20	Placed on Select File - AM5531	2365
May	25	AM5531 (E & R) adopted. Hall pending AM2158 p. 2232 adopted. Advanced for Engrossment	2446
May	27	Correctly Engrossed	2538
May	27	ER7302 change	2539
June	7	Final Reading w/E 45-0-4	2789
June	7	President signed	2799
June	7	Presented to Governor (6/7)	2805
June	15	Approved by Governor (6/9)	2856

LEGISLATIVE BILL 397A. By Hall

Mar.	11	Read first time. Placed on General File	984
May	14	Advanced for Review	2138
May	18	Hall AM2159 printed	2232
May	20	Placed on Select File	2365
May	25	Hall pending AM2159 p. 2232 adopted. Advanced for Engrossment	2446
May	27	Correctly Engrossed	2538
June	7	Final Reading w/E 46-0-3	2790
June	7	President signed	2799
June	7	Presented to Governor (6/7)	2805
June	15	Approved by Governor (6/9)	2856

LEGISLATIVE BILL 398. By Wesely

Jan.	14	Read first time	213
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	263
Feb.	10	Notice of hearing (2/18)	588
Mar.	3	Placed on General File - Com AM0613	836

LEGISLATIVE BILL 399. By Rasmussen

Jan.	14	Read first time	213
Jan.	20	Referred to Committee on Education	263
Jan.	26	Rereferred to Committee on Revenue	372
Feb.	2	Notice of hearing (2/17)	463
Apr.	27	Indefinitely postponed	1768

LEGISLATIVE BILL 400. By Crosby

Jan. 14 Read first time 213
Jan. 20 Referred to Committee on Judiciary 263
Feb. 11 Notice of hearing (2/18) 614
Feb. 23 Indefinitely postponed 735

LEGISLATIVE BILL 401. By Crosby

Jan. 14 Read first time 213
Jan. 20 Referred to Committee on Government, Military and Veterans Affairs 263
Feb. 10 Notice of hearing (2/19) 589
Mar. 16 Placed on General File - Com AM0874 1009

LEGISLATIVE BILL 402. By Janssen, Bernard-Stevens, Day, Fisher, Hartnett, Horgan, Landis, Lynch, Pedersen, Robak, Schmitt, Wehrbein, Wickersham

Jan. 14 Read first time 213
Jan. 20 Referred to Committee on Judiciary 263
Jan. 22 Notice of hearing (1/29) 361
Feb. 1 Indefinitely postponed 441
(Provisions/portions of LB 402 amended into LB 251 by AM0119)

LEGISLATIVE BILL 403. By Ashford

Jan. 14 Read first time 213
Jan. 20 Referred to Committee on Business and Labor 263
Jan. 21 Notice of hearing (2/1) 348
Feb. 24 Indefinitely postponed 759

LEGISLATIVE BILL 404. By Kristensen

Jan. 14 Read first time 214
Jan. 20 Referred to Committee on Banking, Commerce and Insurance 263
Feb. 10 Notice of hearing (2/23) 579
Mar. 4 Placed on General File - Com AM0533 855

LEGISLATIVE BILL 405. By Landis

Jan. 14 Read first time 214
Jan. 20 Referred to Committee on Judiciary 263
Feb. 11 Notice of hearing (2/19) 615
Feb. 23 Indefinitely postponed 735
(Provisions/portions of LB 405 amended into LB 363 by AM0417)

LEGISLATIVE BILL 406. By Agriculture Committee

Jan. 14 Read first time 214
Jan. 20 Referred to Committee on Agriculture 263
Feb. 4 Notice of hearing (2/16) 508
Feb. 24 Placed on General File 778
Apr. 8 Advanced for Review 1446
Apr. 14 Placed on Select File - AM5451 1510
Apr. 19 Beutler AM1521 printed 1585
Apr. 21 AM5451 (E & R) adopted. Beutler pending AM1521 p. 1585 adopted. Advanced for Engrossment 1663
Apr. 28 Correctly Engrossed 1780
Apr. 28 ER7262 change 1781
May 5 Final Reading 35-0-14 1959
May 5 President signed 1968
May 5 Presented to Governor (5/5) 1969
May 11 Approved by Governor (5/8) 2018

LEGISLATIVE BILL 407. By Cudaback

Jan. 14 Read first time 214
Jan. 20 Referred to Committee on Government, Military and Veterans Affairs 263
Feb. 3 Notice of hearing (2/11) 466
Feb. 24 Placed on General File - Com AM0495 758

LEGISLATIVE BILL 408. By Cudaback

Jan. 14 Read first time 215
Jan. 20 Referred to Committee on Government, Military and Veterans Affairs 263
Feb. 3 Notice of hearing (2/11) 466
Mar. 3 Placed on General File - Com AM0612 836

LEGISLATIVE BILL 409. By Will

Jan. 14 Read first time 215
Jan. 20 Referred to Committee on Government, Military and Veterans Affairs 263
Feb. 24 Notice of hearing (3/4) 760
Mar. 30 Indefinitely postponed 1213

LEGISLATIVE BILL 410. By Transportation Committee

Jan. 14 Read first time 215
Jan. 20 Referred to Committee on Transportation 263
Jan. 22 Notice of hearing (2/1) 361
Feb. 4 Placed on General File - Com AM0175 504
Feb. 17 Committee AM0175 adopted.

Advanced for Review 663
Mar. 2 Placed on Select File - AM5386 792
Mar. 2 Schmitt AM0572 printed 812
Mar. 4 Schmitt AM0684 printed 878
Mar. 8 AM5386 (E & R) adopted. Schmitt pending AM0572 p. 812 and pending AM0684 p. 878 withdrawn. Advanced for Engrossment 910
Mar. 18 Correctly Engrossed 1090
Mar. 25 Final Reading 43-0-6 1180
Mar. 25 Speaker signed 1189
Mar. 25 Presented to Governor (3/25) 1196
Mar. 30 Approved by Governor (3/30) 1225

LEGISLATIVE BILL 411. By Transportation Committee

Jan. 14 Read first time 215
Jan. 20 Referred to Committee on Transportation 263
Jan. 22 Notice of hearing (2/8) 361
Mar. 4 Placed on General File 865

LEGISLATIVE BILL 411A. By Kristensen

Mar. 11 Read first time. Placed on General File 976

LEGISLATIVE BILL 412. By Transportation Committee

Jan. 14 Read first time 216
Jan. 20 Referred to Committee on Transportation 263
Jan. 22 Notice of hearing (2/1) 361
Feb. 3 Placed on General File - Com AM0094 485
Feb. 11 Committee AM0094 adopted. Advanced for Review 616
Feb. 19 Placed on Select File - AM5377 684
Feb. 22 AM5377 (E & R) adopted. Advanced for Engrossment 724
Mar. 3 Correctly Engrossed 829
Mar. 9 Final Reading 43-0-6 926
Mar. 9 President signed 935
Mar. 9 Presented to Governor (3/9) 945
Mar. 16 Approved by Governor (3/11) 991

LEGISLATIVE BILL 413. By Transportation Committee

Jan. 14 Read first time 216
Jan. 20 Referred to Committee on Transportation 263
Jan. 22 Notice of hearing (2/1) 361
Feb. 3 Placed on General File 484
Feb. 9 Advanced for Review 576
Feb. 16 Placed on Select File - AM5368 645

Apr. 28 Kristensen AM1749 printed 1789
May 11 Kristensen AM1912 printed 2024
May 14 Kristensen AM2027 printed 2140
May 17 AM5368 (E & R) adopted. Kristensen pending AM1749 p. 1789, pending AM1912 p. 2024, and pending AM2027 p. 2140 adopted. Advanced for Engrossment 2163
May 24 Correctly Engrossed. ER7275 change 2394
June 1 Final Reading w/E 46-0-3 2572
June 1 President signed 2583
June 1 Presented to Governor (6/1) 2589
June 7 Approved by Governor (6/4) 2777

LEGISLATIVE BILL 414. By Transportation Committee

Jan. 14 Read first time 216
Jan. 20 Referred to Committee on Transportation 263
Jan. 22 Notice of hearing (2/8) 361
Feb. 23 Placed on General File - Com AM0475 749
Apr. 1 Kristensen AM0955 to committee AM0475 printed 1296

LEGISLATIVE BILL 415. By Schimek, Day, Dierks, Horgan, McKenzie, Vrtiska

Jan. 14 Read first time 217
Jan. 20 Referred to Committee on Banking, Commerce and Insurance 263
Feb. 10 Notice of hearing (2/22) 578
Mar. 3 Indefinitely postponed 848

LEGISLATIVE BILL 416. By Will

Jan. 14 Read first time 217
Jan. 20 Referred to Committee on General Affairs 263
Feb. 19 Notice of hearing (3/22) 708
Apr. 5 Placed on General File 1366

LEGISLATIVE BILL 417. By Nebraska Retirement Systems Committee and Moore

Jan. 14 Read first time 217
Jan. 20 Referred to Committee on Nebraska Retirement Systems 263
Jan. 21 Notice of hearing (1/28) 309
Jan. 29 Placed on General File - Com AM0086 419
Feb. 3 Committee AM0086 adopted. Advanced for Review 485
Feb. 9 Placed on Select File - AM5351 560
Feb. 10 AM5351 (E & R) adopted.

		Advanced for Engrossment	583
Feb.	17	Correctly Engrossed	651
Feb.	24	Final Reading w/E 40-0-9	762
Feb.	24	Speaker signed	776
Feb.	25	Presented to Governor (2/24)	781
Mar.	2	Approved by Governor (2/25)	808

LEGISLATIVE BILL 418. By Crosby

Jan.	14	Read first time	218
Jan.	20	Referred to Committee on Revenue	263
Jan.	27	Notice of hearing (2/3)	381
Feb.	8	Indefinitely postponed	554

LEGISLATIVE BILL 419. By Chambers, Baack, Bernard-Stevens, Byars, Coordsen, Crosby, Day, Dierks, Elmer, Fisher, Haberman, Hall, Hartnett, Hillman, Jones, Landis, Lynch, McKenzie, Moore, Pedersen, Preister, Rasmussen, Robak, Robinson, Schellpeper, Schmitt, Warner, Wehrbein, Wesely, Wickersham, Will, Withem

Jan.	14	Read first time	218
Jan.	20	Referred to Committee on Executive Board	263
Jan.	29	Notice of hearing (2/10)	414
Feb.	8	Fisher name withdrawn	559
Feb.	19	Indefinitely postponed	685

LEGISLATIVE BILL 420. By Transportation Committee

Jan.	14	Read first time	218
Jan.	20	Referred to Committee on Transportation	263
Feb.	11	Notice of hearing (3/8)	594
Mar.	17	Placed on General File	1045
Mar.	18	Transportation Committee priority bill	1069
Apr.	7	Coordsen AM1324 printed	1436
Apr.	27	Coordsen AM1713 printed	1744
Apr.	28	Coordsen pending AM1324 p. 1436 and Withem FA141 withdrawn. Coordsen pending AM1713 p. 1744 adopted. Advanced for Review	1789
May	5	Placed on Select File - AM5489 (printed separate)	1974
May	14	AM5489 (E & R) adopted. Advanced for Engrossment	2148
May	24	Correctly Engrossed	2381
May	24	ER7282 change	2382
June	3	Final Reading 46-0-3	2758
June	3	Speaker signed	2761
June	3	Presented to Governor (6/3)	2774
June	15	Approved by Governor (6/9)	2856

LEGISLATIVE BILL 420A. By Kristensen

May 11 Read first time. Placed on General File 2042
May 13 Advanced for Review 2093
May 18 Placed on Select File 2247
May 20 Advanced for Engrossment 2364
May 27 Correctly Engrossed 2538
June 3 Final Reading 46-0-3 2759
June 3 Speaker signed 2761
June 3 Presented to Governor (6/3) 2774
June 15 Approved by Governor (6/9) 2856

LEGISLATIVE BILL 421. By Transportation Committee

Jan. 14 Read first time 218
Jan. 20 Referred to Committee on Transportation 263
Jan. 22 Notice of hearing (2/8) 361
Mar. 4 Placed on General File - Com AM0666 867
Mar. 18 Pirsch priority bill 1057
Mar. 23 Withem AM0970 printed 1146
Mar. 23 Withem AM0971 printed 1147
Apr. 2 Dierks AM1113 printed 1339
Apr. 7 Withem AM1332 printed 1434
Apr. 28 Withem AM1752 to committee AM0666 printed 1782
Apr. 29 Withem pending AM1752 p. 1782 to committee AM0666 sustained division of question. Withem FA142 to committee AM0666 ruled not germane. Challenge of Chair pending 1811
Apr. 29 Withem pending challenge of Chair prevailed. Committee AM0666 adopted as amended by Withem pending FA142 p. 1811, FA143, and FA144. Coordsen AM1769 withdrawn 1819
Apr. 29 Withem pending AM0970 p. 1146, AM0971 p. 1147, AM1332 p. 1434, and Dierks pending AM1113 p. 1339 withdrawn. Wickersham AM1785 adopted. Advanced for Review 1826
Apr. 30 Schellpeper AM1666 printed 1871
May 5 Placed on Select File - AM5493 (printed separate) 1975
May 13 Wehrbein AM2015 to AM5493 printed 2111
May 25 Schellpeper AM2223 to AM5493 printed 2478
May 27 Kristensen-Withem AM2296 to AM5493 printed 2549
June 2 AM5493 (E & R) adopted. Schellpeper pending AM2223 p. 2478, pending AM1666 p. 1871, and Wehrbein pending AM2015 p. 2111 withdrawn. Kristensen-Withem pending AM2296 p. 2549 adopted. Bracketed until 1/5/94 2677

LEGISLATIVE BILL 422. By Will

Jan.	14	Read first time	218
Jan.	20	Referred to Committee on Natural Resources	263
Mar.	16	Notice of hearing (3/24)	1016
Mar.	23	Will AM0973 printed	1144

LEGISLATIVE BILL 423. By Robak

Jan.	14	Read first time	219
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	263
Jan.	26	Notice of hearing (2/2)	376
Feb.	4	Placed on General File	503
Feb.	16	Advanced for Review	638
Feb.	23	Placed on Select File	733
Apr.	8	Landis AM1323 printed separate	1451
Apr.	21	Landis pending AM1323 p. 1451 withdrawn. Landis AM1519 (on file) adopted. Advanced for Engrossment	1661
Apr.	28	Correctly Engrossed	1780
Apr.	28	ER7258 change	1781
May	4	Final Reading 41-0-8	1927
May	4	President signed	1928
May	4	Presented to Governor (5/4)	1933
May	11	Approved by Governor (5/6)	2018

LEGISLATIVE BILL 424. By Byars

Jan.	14	Read first time	219
Jan.	20	Referred to Committee on Transportation	263
Feb.	11	Notice of hearing (3/16)	594
Mar.	18	Placed on General File - Com AM0657	1051

LEGISLATIVE BILL 425. By Wesely, Will

Jan.	14	Read first time	219
Jan.	20	Referred to Committee on General Affairs	263
Feb.	19	Notice of hearing (3/8)	707
Mar.	18	Indefinitely postponed	1073

LEGISLATIVE BILL 426. By Wesely

Jan.	14	Read first time	219
Jan.	20	Referred to Committee on Revenue	263
Jan.	21	Notice of hearing (1/28)	340
Feb.	2	Indefinitely postponed	460

LEGISLATIVE BILL 427. By Ashford, Avery, Beutler, Bromm, Crosby, Day, Hohenstein, Horgan, Landis, McKenzie, Pedersen, Pirsch, Preister, Rasmussen, Wehrbein, Will, Witek

Jan. 14 Read first time 219
Jan. 20 Referred to Committee on Executive Board 263
Jan. 29 Notice of hearing (2/10) 414
Feb. 19 Indefinitely postponed 685
(Provisions/portions of LB 427 amended into LB 579 by AM0434)

LEGISLATIVE BILL 428. By Withem, Baack, Schimek

Jan. 14 Read first time 219
Jan. 20 Referred to Committee on Government, Military and Veterans Affairs 263
Feb. 10 Notice of hearing (2/17) 588

LEGISLATIVE BILL 429. By Moore

Jan. 14 Read first time 221
Jan. 20 Referred to Committee on Health and Human Services 263
Feb. 3 Notice of hearing (2/17) 487
Mar. 17 Placed on General File - Com AM0801 1038
Mar. 17 Elmer priority bill 1045
Mar. 31 Kristensen AM1175 to committee AM0801 printed 1289
Apr. 21 Committee AM0801 adopted. Kristensen pending AM1175 p. 1289 lost. Advanced for Review 1656
Apr. 27 Placed on Select File - AM5485 1737
Apr. 28 Kristensen AM1732 to AM5485 printed 1783
May 12 Kristensen AM1895 to AM5485 printed 2090
June 1 AM5485 (E & R) adopted. Kristensen pending AM1732 p. 1783 withdrawn. Kristensen pending AM1895 p. 2090 adopted. Advanced for Engrossment 2608
June 2 Correctly Engrossed. ER7319 change 2643
June 8 Kristensen motion to return to Select File for FA307 withdrawn. Final Reading 32-13-4 2815
June 8 Speaker signed 2825
June 8 Presented to Governor (6/8) 2834
June 15 Approved by Governor (6/10) 2866

LEGISLATIVE BILL 430. By Abboud, Hohenstein

Jan. 14 Read first time 221
Jan. 20 Referred to Committee on Judiciary 263
Jan. 27 Notice of hearing (2/3) 384
Feb. 8 Placed on General File - Com AM0190 549

Mar. 18 Abboud priority bill 1073
Mar. 23 Robak name added 1147
Apr. 8 Abboud-Lindsay AM1123 printed 1450
Apr. 15 Abboud-Lindsay AM1447 printed 1550
Apr. 29 Committee AM0190 adopted as amended by Beutler AM1782. Abboud-Lindsay pending AM1123 p. 1450 and AM1447 p. 1550 withdrawn. Advanced for Review 1827
May 5 Placed on Select File - AM5494 1975
May 18 AM5494 (E & R) adopted. Advanced for Engrossment 2231
May 24 Correctly Engrossed 2409
June 1 Final Reading 46-0-3 2567
June 1 President signed 2583
June 1 Presented to Governor (6/1) 2589
June 7 Approved by Governor (6/4) 2777
(Provisions/portions of LB 627 amended into LB 430 by AM0190)

LEGISLATIVE BILL 431. By Rasmussen, Ashford, Bernard-Stevens, Bohlke, Chambers, Crosby, Day, Dierks, Hillman, Schimek, Wesely

Jan. 14 Read first time 222
Jan. 20 Referred to Committee on Health and Human Services 264
Feb. 3 Notice of hearing (2/11) 487
Mar. 2 Placed on General File - Com AM0595 799
Mar. 17 Schimek motion to suspend rules prevailed. Schimek priority bill 1046
Apr. 1 Committee AM0595 adopted. Advanced for Review ... 1300
Apr. 8 Placed on Select File - AM5449 1453
Apr. 14 AM5449 (E & R) adopted. Advanced for Engrossment 1525
Apr. 20 Correctly Engrossed 1652
Apr. 20 ER7252 change 1653
Apr. 30 Final Reading 37-0-12 1836
Apr. 30 Speaker signed 1849
Apr. 30 Presented to Governor (4/30) 1872
May 4 Approved by Governor (5/4) 1940

LEGISLATIVE BILL 432. By Horgan, Ashford, Byars, Crosby, Day, Dierks, Hartnett, Lynch, McKenzie, Rasmussen, Vrtiska

Jan. 14 Read first time 222
Jan. 20 Referred to Committee on Judiciary 264
Mar. 10 Notice of hearing (3/18) 949
Mar. 22 Indefinitely postponed 1119

LEGISLATIVE BILL 433. By Horgan, Chambers, Schimek

Jan. 14 Read first time 222
Jan. 20 Referred to Committee on Judiciary 264
Mar. 3 Notice of hearing (3/11) 829

LEGISLATIVE BILL 434. By Horgan

Jan. 14 Read first time 227
Jan. 20 Referred to Committee on Transportation 264
Feb. 11 Notice of hearing (2/22) 593
Mar. 2 Indefinitely postponed 826
(Provisions/portions of LB 434 amended into LB 575 by AM0531)

LEGISLATIVE BILL 435. By Horgan

Jan. 14 Read first time 228
Jan. 20 Referred to Committee on Judiciary 264
Feb. 11 Notice of hearing (2/19) 615
Feb. 23 Placed on General File 735
Mar. 11 Advanced for Review 977
Mar. 23 Placed on Select File 1136
Mar. 30 Advanced for Engrossment 1259
Apr. 5 Correctly Engrossed 1348
Apr. 13 Final Reading 42-0-7 1478
Apr. 13 President signed 1480
Apr. 13 Presented to Governor (4/13) 1484
Apr. 15 Approved by Governor (4/15) 1560

LEGISLATIVE BILL 436. By Pirsch, Hohenstein, Rasmussen

Jan. 14 Read first time 228
Jan. 20 Referred to Committee on Judiciary 264
Feb. 17 Notice of hearing (2/24) 666
Feb. 25 Placed on General File - Com AM0548 787

LEGISLATIVE BILL 437. By Wesely, Chambers, Day, Preister, Schimek

Jan. 19 Read first time 235
Jan. 20 Referred to Committee on Business and Labor 294
Feb. 5 Wesely motion to withdraw bill laid over 539
Feb. 8 Wesely pending motion p. 539 prevailed.
Withdrawn 544

LEGISLATIVE BILL 438. By Wesely, Bernard-Stevens, Bohlke, Byars, Day, Dierks, Horgan, Rasmussen, Robak, Vrtiska

Jan. 19 Read first time 235
Jan. 20 Referred to Committee on Health and

Human Services 294
Feb. 3 Notice of hearing (2/24) 488

LEGISLATIVE BILL 439. By Cudaback

Jan. 19 Read first time 235
Jan. 20 Referred to Committee on Natural Resources 294
Jan. 22 Notice of hearing (1/29) 361
Feb. 1 Placed on General File - Com AM0080 440
Feb. 5 Committee AM0080 adopted.
Advanced for Review 519
Feb. 11 Placed on Select File - AM5359 592
Feb. 17 AM5359 (E & R) adopted.
Advanced for Engrossment 662
Feb. 25 Correctly Engrossed 779
Mar. 4 Final Reading 44-0-5.
President signed 864
Mar. 4 Presented to Governor (3/4) 873
Mar. 9 Approved by Governor (3/8) 944

LEGISLATIVE BILL 440. By Warner

Jan. 19 Read first time 236
Jan. 20 Referred to Committee on Revenue 294
Jan. 21 Notice of hearing (1/29) 340
Feb. 2 Placed on General File - Com AM0131 458
Feb. 4 Warner AM0194 to committee AM0131 printed 511
Feb. 10 Committee AM0131 adopted as amended by
Warner pending AM0194 p. 511.
Advanced for Review 583
Feb. 17 Placed on Select File - AM5373 667
Apr. 19 Warner AM1454 printed 1605
May 24 Warner AM2346 printed 2417
June 3 AM5373 (E & R) adopted. Warner pending
AM1454 p. 1605 and AM2346 p. 2417
withdrawn. Advanced for Engrossment 2735
June 3 Correctly Engrossed 2772
June 8 Will motion to suspend rules prevailed 2816
June 8 Final Reading w/E 48-0-1 2830
June 8 President signed 2838
June 8 Presented to Governor (6/8) 2843
June 15 Approved by Governor (6/10) 2864

LEGISLATIVE BILL 440A. By Warner

Feb. 17 Read first time. Placed on General File 667
Feb. 22 Advanced for Review 724
Mar. 3 Placed on Select File 828
May 25 Warner AM2384 printed 2435

May 25 Warner AM2416 printed 2475
June 3 Warner pending AM2384 p. 2435 and AM2416 p. 2475 withdrawn. Advanced for Engrossment 2735
June 3 Correctly Engrossed 2772
June 8 Will motion to suspend rules prevailed 2816
June 8 Final Reading w/E 48-0-1 2831
June 8 President signed 2838
June 8 Presented to Governor (6/8) 2843
June 15 Approved by Governor (6/10) 2864

LEGISLATIVE BILL 441. By Warner

Jan. 19 Read first time 236
Jan. 20 Referred to Committee on Urban Affairs 294
Jan. 26 Notice of hearing (2/2) 376
Feb. 16 Placed on General File - Com AM0364 647
Mar. 17 Warner AM0774 to committee AM0364 printed 1025

LEGISLATIVE BILL 442. By Wickersham

Jan. 19 Read first time 236
Jan. 20 Referred to Committee on Judiciary 294
Jan. 22 Notice of hearing (1/29) 361
Feb. 1 Indefinitely postponed 441

LEGISLATIVE BILL 443. By Wickersham

Jan. 19 Read first time 236
Jan. 20 Referred to Committee on Health and Human Services 294
Jan. 28 Notice of hearing (2/4) 392
Feb. 5 Placed on General File - Com AM0154 529
Feb. 23 Committee AM0154 adopted. Advanced for Review 749
Mar. 5 Placed on Select File - AM5396 891
Mar. 10 Wickersham AM0668 printed 967
Apr. 1 AM5396 (E & R) adopted. Wickersham pending AM0668 p. 967 adopted. Advanced for Engrossment 1308
Apr. 13 Correctly Engrossed 1474
Apr. 13 ER7238 change 1475
Apr. 19 Final Reading 44-0-5 1591
Apr. 19 President signed 1595
Apr. 19 Robak explanation of vote 1604
Apr. 19 Presented to Governor (4/19) 1607
Apr. 27 Approved by Governor (4/22) 1699

LEGISLATIVE BILL 444. By Robinson, Byars, Coordsen, Horgan

Jan. 19 Read first time 236
Jan. 20 Referred to Committee on Natural Resources 294
Feb. 3 Attorney General's Opinion #93004 to Robinson 470
Feb. 9 Notice of hearing (2/19) 562
Mar. 5 Robinson priority bill 887
Mar. 10 Placed on General File - Com AM0765 958
Mar. 25 Committee AM0765 adopted. Advanced for Review ... 1193
Mar. 30 Placed on Select File - AM5442 1244
Mar. 31 AM5442 (E & R) adopted.
Advanced for Engrossment 1280
Apr. 6 Correctly Engrossed 1394
Apr. 14 Final Reading 39-0-10 1514
Apr. 14 Robak explanation of vote. President signed 1521
Apr. 14 Presented to Governor (4/14) 1522
Apr. 15 Approved by Governor (4/15) 1560

LEGISLATIVE BILL 445. By Robinson

Jan. 19 Read first time 237
Jan. 20 Referred to Committee on Education 294
Jan. 29 Notice of hearing (2/9) 406
Mar. 2 Placed on General File - Com AM0438 799
(Provisions/portions of LB 445 amended into LB 348 by AM0805)

LEGISLATIVE BILL 445A. By Robinson

Mar. 10 Read first time. Placed on General File 965

LEGISLATIVE BILL 446. By Wickersham, Coordsen

Jan. 19 Read first time 237
Jan. 20 Referred to Committee on Government,
Military and Veterans Affairs 294
Feb. 10 Notice of hearing (2/19) 589

LEGISLATIVE BILL 447. By Coordsen

Jan. 19 Read first time 237
Jan. 20 Referred to Committee on Agriculture 294
Jan. 26 Notice of hearing (2/9) 376
Mar. 17 Agriculture Committee priority bill 1045
Mar. 18 Placed on General File - Com AM0889 1084
Apr. 16 Committee AM0889 adopted as amended by
Withem-Lindsay FA93. Advanced for Review 1573
Apr. 27 Placed on Select File - AM5479 1698
May 20 AM5479 (E & R) adopted.
Advanced for Engrossment 2376
June 1 Correctly Engrossed 2564
June 1 Coordsen AM2508 (on file) printed 2584

LEGISLATIVE BILL 448. By Schimek

Jan. 19 Read first time 237
Jan. 20 Referred to Committee on Government, Military and Veterans Affairs 294
Jan. 27 Notice of hearing (2/4) 380
Mar. 25 Placed on General File 1195
Apr. 8 Advanced for Review 1455
Apr. 19 Placed on Select File 1596
Apr. 21 Advanced for Engrossment 1670
Apr. 28 Correctly Engrossed. ER7265 change 1786
May 5 Final Reading 34-0-15 1960
May 5 President signed 1968
May 5 Presented to Governor (5/5) 1969
May 11 Approved by Governor (5/8) 2018

LEGISLATIVE BILL 449. By Withem

Jan. 19 Read first time 237
Jan. 20 Referred to Committee on General Affairs 294
Feb. 19 Notice of hearing (3/8) 707
(Provisions/portions of LB 449 amended into LB 563 by AM1537)

LEGISLATIVE BILL 450. By Withem

Jan. 19 Read first time 237
Jan. 20 Referred to Committee on Judiciary 295
Mar. 22 Notice of hearing (3/30) 1121

LEGISLATIVE BILL 451. By Withem

Jan. 19 Read first time 238
Jan. 20 Referred to Committee on Judiciary 295
Feb. 17 Notice of hearing (2/24) 666
Mar. 4 Placed on General File - Com AM0596 875

LEGISLATIVE BILL 452. By Withem

Jan. 19 Read first time 238
Jan. 20 Referred to Committee on Revenue 295
Jan. 21 Notice of hearing (1/28) 340
Feb. 2 Placed on General File - Com AM0083 459
Feb. 5 Withem AM0193 to committee AM0083 printed 537
Feb. 17 Committee AM0083 adopted. Withem pending AM0193 p. 537 adopted. Advanced for Review 663
Mar. 2 Placed on Select File - AM5384 791
Mar. 8 AM5384 (E & R) adopted. Advanced for Engrossment 909
Mar. 18 Correctly Engrossed 1090

Mar. 25 Final Reading 43-0-6 1181
Mar. 25 Speaker signed 1189
Mar. 25 Presented to Governor (3/25) 1196
Mar. 31 Approved by Governor (3/31) 1288
(Provisions/portions of LB 452 amended into LB 348 by FA296)

LEGISLATIVE BILL 453. By Withem

Jan. 19 Read first time 238
Jan. 20 Referred to Committee on Transportation 295
Feb. 8 Notice of hearing (2/16) 555
Mar. 4 Placed on General File - Com AM0665 869
Mar. 10 Withem priority bill 948
Mar. 10 Committee AM0665 adopted. Advanced for Review 953
Mar. 23 Placed on Select File - AM5426 1135
Mar. 30 AM5426 (E & R) adopted. Avery FA49 adopted. Advanced for Engrossment 1235
Apr. 2 Correctly Engrossed 1318
June 3 Final Reading 42-2-5 2760
June 3 Speaker signed 2770
June 7 Presented to Governor (6/3) 2776
June 15 Approved by Governor (6/9) 2856

LEGISLATIVE BILL 453A. By Withem

Mar. 18 Read first time. Placed on General File 1068
Mar. 22 Advanced for Review 1117
Mar. 23 Placed on Select File 1135
Mar. 30 Advanced for Engrossment 1235
Apr. 2 Correctly Engrossed 1318
June 3 Final Reading 44-0-5 2761
June 3 Speaker signed 2770
June 7 Presented to Governor (6/3) 2776
June 15 Approved by Governor (6/9) 2856

LEGISLATIVE BILL 454. By Withem

Jan. 19 Read first time 238
Jan. 20 Referred to Committee on Education 295
Feb. 3 Notice of hearing (2/22) 479
Mar. 24 Indefinitely postponed 1157
(Provisions/portions of LB 454 amended into LB 839 by AM2496)

LEGISLATIVE BILL 455. By Chambers

Jan. 19 Read first time 239
Jan. 20 Referred to Committee on Judiciary 295
Feb. 3 Notice of hearing (2/10) 478
Feb. 11 Placed on General File 620
Mar. 5 Advanced for Review 888
Mar. 17 Placed on Select File 1022

Mar. 24 Advanced for Engrossment 1165
Mar. 30 Correctly Engrossed 1244
Apr. 5 Final Reading 46-0-3 1359
Apr. 5 Speaker signed 1361
Apr. 5 Presented to Governor (4/5) 1363
Apr. 7 Approved by Governor (4/7) 1442

LEGISLATIVE BILL 456. By Chambers

Jan. 19 Read first time 239
Jan. 20 Referred to Committee on Education 295
Feb. 3 Notice of hearing (3/2) 479

LEGISLATIVE BILL 457. By Wickersham, Day, Hillman

Jan. 19 Read first time 239
Jan. 20 Referred to Committee on Judiciary 295
Feb. 11 Notice of hearing (2/17) 614
Feb. 24 Indefinitely postponed 759

LEGISLATIVE BILL 458. By Landis, Lindsay

Jan. 19 Read first time 239
Jan. 20 Referred to Committee on Judiciary 295
Mar. 3 Notice of hearing (3/11) 829
Mar. 16 Placed on General File 1008
Apr. 8 Advanced for Review 1448
Apr. 19 Placed on Select File - AM5462 1585
Apr. 21 AM5462 (E & R) adopted. Landis AM1378 and Lindsay AM1631 adopted. Advanced for Engrossment 1663
Apr. 28 Correctly Engrossed. ER7260 change 1786
May 5 Final Reading 35-0-14 1961
May 5 President signed 1968
May 5 Presented to Governor (5/5) 1969
May 11 Approved by Governor (5/8) 2018
(Provisions/portions of LB 463 amended into LB 458 by AM1631)

LEGISLATIVE BILL 459. By Horgan

Jan. 19 Read first time 239
Jan. 20 Referred to Committee on Nebraska Retirement Systems 295
Feb. 19 Notice of hearing (3/23) 701

LEGISLATIVE BILL 460. By Horgan

Jan. 19 Read first time 239
Jan. 20 Referred to Committee on Nebraska

Retirement Systems 295
Feb. 2 Notice of hearing (2/11) 452
Mar. 17 Placed on General File 1045
Mar. 18 Horgan AM0884 printed 1068
Apr. 8 Horgan pending AM0884 p. 1068 withdrawn.
Advanced for Review 1453
Apr. 19 Placed on Select File 1585

LEGISLATIVE BILL 461. By Lindsay

Jan. 19 Read first time 240
Jan. 20 Referred to Committee on Judiciary 295
Feb. 3 Notice of hearing (2/10) 478
Feb. 16 Placed on General File - Com AM0284 639
Mar. 8 Pedersen AM0512 to committee AM0284 printed 915

LEGISLATIVE BILL 462. By Lindsay

Jan. 19 Read first time 240
Jan. 20 Referred to Committee on Judiciary 295
Jan. 27 Notice of hearing (2/3) 384
Feb. 8 Placed on General File 547
Mar. 5 Advanced for Review 885
Mar. 16 Placed on Select File - AM5404 1013
Mar. 24 AM5404 (E & R) adopted.
Advanced for Engrossment 1160
Mar. 30 Correctly Engrossed 1204
Apr. 2 Final Reading 43-0-6 1331
Apr. 2 Speaker signed 1332
Apr. 2 Presented to Governor (4/2) 1334
Apr. 6 Approved by Governor (4/6) 1388

LEGISLATIVE BILL 463. By Lindsay

Jan. 19 Read first time 240
Jan. 20 Referred to Committee on Judiciary 295
Mar. 17 Notice of hearing (3/25) 1027
May 6 Placed on General File - Com AM1317 1990
(Provisions/portions of LB 463 amended into LB 458 by AM1631)

LEGISLATIVE BILL 464. By Lindsay

Jan. 19 Read first time 240
Jan. 20 Referred to Committee on Judiciary 295
Mar. 3 Notice of hearing (3/10) 829
Mar. 11 Placed on General File - Com AM0848 987

LEGISLATIVE BILL 465. By Lindsay

Jan.	19	Read first time	240
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	295
Jan.	29	Notice of hearing (2/9)	415
Feb.	10	Placed on General File	586
Mar.	5	Advanced for Review	888
Mar.	17	Placed on Select File - AM5416	1021
Mar.	24	AM5416 (E & R) adopted. Advanced for Engrossment	1165
Mar.	30	Correctly Engrossed	1244
Mar.	30	ER7230 change	1247
Apr.	5	Final Reading 44-0-5	1357
Apr.	5	Speaker signed	1361
Apr.	5	Presented to Governor (4/5)	1363
Apr.	7	Approved by Governor (4/7)	1442

LEGISLATIVE BILL 466. By Lindsay

Jan.	19	Read first time	241
Jan.	20	Referred to Committee on Judiciary	295
Feb.	11	Notice of hearing (2/17)	614
Feb.	24	Indefinitely postponed	759

LEGISLATIVE BILL 467. By Lindsay

Jan.	19	Read first time	241
Jan.	20	Referred to Committee on Judiciary	295
Mar.	3	Notice of hearing (3/10)	829
Mar.	16	Placed on General File	1008

LEGISLATIVE BILL 468. By Hohenstein

Jan.	19	Read first time	241
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	295
Feb.	17	Notice of hearing (2/25)	666
Mar.	25	Placed on General File	1196
Apr.	8	Hohenstein AM0903 adopted. Advanced for Review	1455
Apr.	19	Placed on Select File - AM5468	1597
Apr.	21	AM5468 (E & R) adopted. Advanced for Engrossment	1670
Apr.	28	Correctly Engrossed	1786
May	5	Final Reading 36-0-13	1961
May	5	President signed	1968
May	5	Presented to Governor (5/5)	1969
May	11	Approved by Governor (5/8)	2018

LEGISLATIVE BILL 469. By Bernard-Stevens

Jan. 19 Read first time 241
Jan. 20 Referred to Committee on Health and Human Services 295
Feb. 3 Notice of hearing (2/11) 487

LEGISLATIVE BILL 470. By Bernard-Stevens

Jan. 19 Read first time 241
Jan. 20 Referred to Committee on Health and Human Services 295
Feb. 3 Notice of hearing (2/24) 488
Mar. 10 Indefinitely postponed 954

LEGISLATIVE BILL 471. By Crosby, Fisher, Hohenstein, Pedersen, Robinson, Wesely

Jan. 19 Read first time 242
Jan. 20 Referred to Committee on General Affairs 295
Jan. 25 Notice of hearing (2/1) 367
Jan. 28 Pedersen name withdrawn 404
Jan. 29 Attorney General's Opinion #93002 to Abboud 406
Feb. 5 Placed on General File - Com AM0168 515
Feb. 17 Committee AM0168 adopted. Advanced for Review 663
Mar. 2 Placed on Select File - AM5385 791
Mar. 4 Schellpeper AM0688 printed 876
Mar. 4 Schellpeper AM0687 to AM5385 printed 882
Mar. 5 Will AM0700 printed 893
Mar. 23 Schellpeper-Will AM0804 printed separate 1125
Mar. 25 Will AM1009 printed separate 1194
Apr. 1 AM5385 (E & R) adopted. Schellpeper pending AM0688 p. 876 and AM0687 p. 882, Will pending AM0700 p. 893 and Will pending AM1009 p. 1194 withdrawn. Schellpeper-Will pending AM0804 p. 1125 ruled germane and adopted. Advanced for Engrossment 1307
Apr. 8 Correctly Engrossed. ER7239 change 1456
Apr. 19 Final Reading w/E 43-0-6 1594
Apr. 19 President signed 1595
Apr. 19 Robak explanation of vote 1604
Apr. 19 Presented to Governor (4/19) 1607
Apr. 27 Approved by Governor (4/22) 1699
(Provisions/portions of LB 700 amended into LB 471 by AM0804)

LEGISLATIVE BILL 472. By Kristensen

Jan. 19 Read first time 242
Jan. 20 Referred to Committee on Government, Military and Veterans Affairs 295
Feb. 3 Notice of hearing (2/11) 466
Feb. 23 Placed on General File 735
Mar. 11 Advanced for Review 977
Mar. 23 Placed on Select File 1136
Mar. 30 Advanced for Engrossment 1259
Apr. 5 Correctly Engrossed 1348
Apr. 13 Final Reading w/E 42-0-7 1479
Apr. 13 President signed 1480
Apr. 13 Presented to Governor (4/13) 1484
Apr. 15 Approved by Governor (4/15) 1560

LEGISLATIVE BILL 473. By Kristensen

Jan. 19 Read first time 242
Jan. 20 Referred to Committee on Transportation 295
Feb. 1 Notice of hearing (2/9) 431
Mar. 11 Placed on General File - Com AM0844 984

LEGISLATIVE BILL 474. By Hohenstein, Chambers

Jan. 19 Read first time 242
Jan. 20 Referred to Committee on Transportation 295
Feb. 11 Notice of hearing (2/22) 593

LEGISLATIVE BILL 475. By Lindsay

Jan. 19 Read first time 242
Jan. 20 Referred to Committee on Banking, Commerce and Insurance 295
Jan. 29 Notice of hearing (2/16) 415
Mar. 3 Indefinitely postponed 848

LEGISLATIVE BILL 476. By Lindsay

Jan. 19 Read first time 243
Jan. 20 Referred to Committee on Judiciary 295
Feb. 24 Notice of hearing (3/5) 760
Mar. 8 Indefinitely postponed 915

LEGISLATIVE BILL 477. By Kristensen

Jan. 19 Read first time 243
Jan. 20 Referred to Committee on Transportation 295
Jan. 22 Notice of hearing (2/8) 361
Feb. 9 Placed on General File 567
Mar. 5 Advanced for Review 887

Mar. 16 Placed on Select File - AM5405 1015
Mar. 24 AM5405 (E & R) adopted.
Advanced for Engrossment 1164
Mar. 30 Correctly Engrossed 1244
Apr. 5 Final Reading 41-0-8 1356
Apr. 5 Speaker signed 1361
Apr. 5 Presented to Governor (4/5) 1363
Apr. 7 Approved by Governor (4/7) 1442

LEGISLATIVE BILL 478. By Day, Landis

Jan. 19 Read first time 243
Jan. 20 Referred to Committee on Banking,
Commerce and Insurance 295
Feb. 10 Notice of hearing (2/23) 579
Feb. 25 Placed on General File 780
Apr. 8 Advanced for Review 1446
Apr. 14 Placed on Select File - AM5456 1511
Apr. 16 AM5456 (E & R) adopted.
Advanced for Engrossment 1569
Apr. 22 Correctly Engrossed. ER7253 change 1688
Apr. 30 Final Reading w/E 39-0-10 1841
Apr. 30 Speaker signed 1849
Apr. 30 Presented to Governor (4/30) 1872
May 4 Approved by Governor (5/4) 1933

LEGISLATIVE BILL 479. By Natural Resources Committee

Jan. 19 Read first time 243
Jan. 20 Referred to Committee on Natural Resources 295
Jan. 22 Notice of hearing (1/29) 361
Feb. 9 Placed on General File 561
Mar. 5 Advanced for Review 886
Mar. 16 Placed on Select File 1014
Mar. 24 Advanced for Engrossment 1163
Mar. 31 Beutler AM1108 printed 1272
Apr. 2 Returned to Select File for Beutler
amendment. Beutler pending AM1108
p. 1272 adopted. Advanced for Engrossment 1332
Apr. 5 Bromm AM1282 printed 1375
Apr. 22 Bromm pending AM1282 p. 1375 withdrawn.
Returned to Select File for Bromm
amendment. Bromm FA111 adopted.
Advanced for Engrossment 1678
Apr. 29 Correctly Engrossed. ER7241 change 1808
May 5 Final Reading 40-0-9 1966
May 5 President signed 1968
May 5 Presented to Governor (5/5) 1969

May 11 Approved by Governor (5/8) 2018
(Provisions/portions of LB 482 amended into LB 479 by AM1108)

LEGISLATIVE BILL 480. By Natural Resources Committee

Jan. 19 Read first time 243
Jan. 20 Referred to Committee on Revenue 295
Feb. 5 Rereferred to Committee on Natural Resources 518
Feb. 17 Notice of hearing (2/24) 653
Mar. 9 Placed on General File - Com AM0637 936
Mar. 19 Speaker priority bill 1115
May 20 Beutler AM1889 printed separate 2367

LEGISLATIVE BILL 481. By Natural Resources Committee

Jan. 19 Read first time 244
Jan. 20 Referred to Committee on Natural Resources 295
Feb. 9 Notice of hearing (2/18) 562
Mar. 2 Placed on General File - Com AM0553 823
(Provisions/portions of LB 481 amended into LB 235 by AM2144)

LEGISLATIVE BILL 481A. By Beutler

Mar. 11 Read first time. Placed on General File 984

LEGISLATIVE BILL 482. By Natural Resources Committee

Jan. 19 Read first time 244
Jan. 20 Referred to Committee on Natural Resources 295
Jan. 22 Notice of hearing (1/29) 361
Mar. 9 Placed on General File - Com AM0608 942
(Provisions/portions of LB 482 amended into LB 479 by AM1108)

LEGISLATIVE BILL 483. By Janssen, Bromm, Fisher, Robinson, Schmitt, Wickersham

Jan. 19 Read first time 244
Jan. 20 Referred to Committee on Judiciary 295
Mar. 10 Notice of hearing (3/19) 950
Mar. 22 Indefinitely postponed 1119

LEGISLATIVE BILL 484. By Hartnett

Jan. 19 Read first time 245
Jan. 20 Referred to Committee on General Affairs 295
Feb. 4 Hartnett motion to withdraw laid over 508
Feb. 5 Hartnett pending motion p. 508 prevailed.
Withdrawn 519

LEGISLATIVE BILL 485. By Elmer, Horgan

Jan.	19	Read first time	245
Jan.	20	Referred to Committee on Urban Affairs	295
Feb.	5	Notice of hearing (2/16)	523
Feb.	23	Indefinitely postponed	734

LEGISLATIVE BILL 486. By Elmer, Horgan

Jan.	19	Read first time	245
Jan.	20	Referred to Committee on Urban Affairs	295
Feb.	5	Notice of hearing (2/16)	523
Feb.	23	Indefinitely postponed	734

LEGISLATIVE BILL 487. By Elmer, Horgan

Jan.	19	Read first time	245
Jan.	20	Referred to Committee on Urban Affairs	295
Feb.	5	Notice of hearing (2/16)	523
Feb.	23	Indefinitely postponed	734

LEGISLATIVE BILL 488. By Ashford

Jan.	19	Read first time	245
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	295
Jan.	29	Notice of hearing (2/9)	415
Feb.	10	Placed on General File - Com AM0281	586

LEGISLATIVE BILL 489. By Will

Jan.	19	Read first time	246
Jan.	20	Referred to Committee on General Affairs	295
Feb.	19	Notice of hearing (3/8)	707
Mar.	18	Placed on General File - Com AM0797	1072
June	3	Will-Hall AM2505 printed	2738

LEGISLATIVE BILL 490. By Crosby, Wesely

Jan.	19	Read first time	246
Jan.	20	Referred to Committee on Judiciary	295
Feb.	11	Notice of hearing (2/19)	615
Feb.	24	Placed on General File - Com AM0478	759

LEGISLATIVE BILL 491. By Hillman, Day, Horgan, Rasmussen, Schimek, Wickersham, at the request of the Governor

Jan.	19	Read first time	246
Jan.	20	Referred to Committee on Transportation	295

Jan.	20	Moore name added	305
Feb.	11	Notice of hearing (3/2)	594
Mar.	11	Placed on General File - Com AM0788 (printed separate)	975
Mar.	19	Speaker priority bill	1115
May	13	Committee AM0788 sustained division of question. FA200 (1st) adopted	2101
May	13	Committee FA201 (2nd) adopted. Avery AM2034, Chambers FA208, and Chambers FA209 lost	2105
May	13	Committee FA202 (3rd) adopted as amended by Moore FA210. Committee FA203 (4th) and FA204 (5th) adopted. Committee FA205 (6th) pending	2112
May	13	Chambers FA211 lost. Committee FA205 (6th), FA206 (7th), and FA207 (8th) adopted. Advanced for Review	2124
May	13	Chambers-Horgan-Schimek FA213 printed	2130
May	19	Placed on Select File - AM5524 (printed separate)	2321
May	24	AM5524 (E & R) adopted. Chambers et al pending FA213 p. 2130 and Chambers FA257 withdrawn. Hillman-Chambers-Moore AM2363 and Moore-Chambers FA258 adopted	2416
May	24	Moore-Chambers FA259 adopted. Hohenstein FA260 lost. Advanced for Engrossment	2421
May	25	Hohenstein AM2425 to AM5524 printed	2452
May	26	Hohenstein pending AM2425 p. 2452 withdrawn. Returned to Select File for Hohenstein et al amendment. Hohenstein-Moore-Hillman AM2449 adopted. Advanced for Engrossment	2484
May	27	Correctly Engrossed. ER7309 change	2555
June	3	Final Reading w/E 36-4-9	2684
June	3	Speaker signed	2710
June	3	Presented to Governor (6/3)	2726
June	8	Approved by Governor (6/8)	2850

LEGISLATIVE BILL 491A. By Moore

May	12	Read first time. Placed on General File	2078
May	13	Moore FA212 adopted. Advanced for Review	2130
May	19	Placed on Select File	2321
May	24	Moore-Hillman AM2354 adopted. Advanced for Engrossment	2422
May	26	Returned to Select File for Hillman-Moore amendment. Hillman-Moore AM2448 adopted. Advanced for Engrossment	2486
May	27	Correctly Engrossed	2555
May	27	ER7296 change	2556

June 3 Final Reading w/E 37-3-9 2685
June 3 Speaker signed 2710
June 3 Presented to Governor (6/3) 2726
June 8 Approved by Governor (6/8) 2850

LEGISLATIVE BILL 492. By Witek

Jan. 19 Read first time 246
Jan. 20 Referred to Committee on Transportation 295
Feb. 11 Notice of hearing (3/9) 594
Mar. 17 Indefinitely postponed 1045

LEGISLATIVE BILL 493. By Wesely, Schimek

Jan. 19 Read first time 248
Jan. 20 Referred to Committee on Judiciary 295
Feb. 11 Notice of hearing (2/17) 614
Mar. 17 Schimek priority bill 1024
Mar. 17 Schimek motion to suspend rules to withdraw as priority bill prevailed 1046
Mar. 18 Placed on General File - Com AM0838 (printed separate) 1089

LEGISLATIVE BILL 494. By Lindsay

Jan. 19 Read first time 248
Jan. 20 Referred to Committee on Judiciary 295
Feb. 24 Notice of hearing (3/3) 760
Mar. 4 Indefinitely postponed 876

LEGISLATIVE BILL 495. By Lindsay, Abboud, Baack, Bernard-Stevens, Fisher, Haberman, Hall, Moore, Pedersen

Jan. 19 Read first time 248
Jan. 20 Referred to Committee on Judiciary 295
Feb. 4 Notice of hearing (2/11) 508
Feb. 8 Pedersen name withdrawn 559
Feb. 16 Placed on General File 639
Mar. 4 Bernard-Stevens priority bill 853
Mar. 30 Chambers AM1065 and Dierks AM1044 printed 1260
Mar. 30 Dierks AM0785 printed 1261
Mar. 31 Wehrbein AM1167 printed separate 1280
Apr. 28 Preister AM1194 printed 1782
Apr. 29 Dierks-Byars AM1191 printed 1825
May 3 Crosby AM1826 printed 1913
May 3 Crosby AM1825 and AM1824 printed 1914
May 3 Crosby AM1823 and AM1827 printed 1915
May 4 Horgan-Dierks AM0537 printed 1931

LEGISLATIVE BILL 496. By Hartnett, Byars, Cudaback, Day, Dierks, Horgan, Lynch, Rasmussen

Jan. 19 Read first time 248
Jan. 20 Referred to Committee on Health and Human Services 295
Feb. 3 Notice of hearing (2/10) 487
Feb. 16 Placed on General File - Com AM0340 646
Mar. 19 Speaker priority bill 1115
(Provisions/portions of LB 496 amended into LB 536 by AM1315)

LEGISLATIVE BILL 496A. By Hartnett

Mar. 3 Read first time. Placed on General File 850

LEGISLATIVE BILL 497. By Wesely, Lindsay

Jan. 19 Read first time 249
Jan. 20 Referred to Committee on Judiciary 296
Mar. 3 Notice of hearing (3/10) 829
Mar. 11 Placed on General File - Com AM0850 983
(Provisions/portions of LB 497 amended into LB 782 by AM1675)

LEGISLATIVE BILL 498. By Wesely

Jan. 19 Read first time 249
Jan. 20 Referred to Committee on Health and Human Services 296
Jan. 28 Notice of hearing (2/5) 392
Feb. 9 Placed on General File 567
Mar. 5 Health and Human Services Committee priority bill 896
Mar. 10 Wesely AM0459 adopted. Advanced for Review 965
Mar. 23 Placed on Select File - AM5432 1135

LEGISLATIVE BILL 498A. By Wesely

Feb. 23 Read first time. Placed on General File 737
Mar. 10 Advanced for Review 965
Mar. 23 Placed on Select File 1135

LEGISLATIVE BILL 499. By Landis, Lindsay

Jan. 19 Read first time 249
Jan. 20 Referred to Committee on Judiciary 296
Feb. 17 Notice of hearing (2/26) 666
Feb. 18 Notice of hearing (Time change) 676
Mar. 2 Indefinitely postponed 826

LEGISLATIVE BILL 500. By Lindsay, Landis

Jan. 19 Read first time 250
Jan. 20 Referred to Committee on Judiciary 296
Feb. 17 Notice of hearing (2/26) 666
Feb. 18 Notice of hearing (Time change) 676
Mar. 4 Placed on General File - Com AM0624 875
Mar. 17 Judiciary Committee priority bill 1049
Apr. 20 Committee AM0624 adopted as amended by Rasmussen-Lindsay AM1585. Advanced for Review 1644
Apr. 27 Placed on Select File - AM5484 1731
May 6 AM5484 (E & R) adopted. Lindsay AM1884 pending. Passed over 2002
May 11 Lindsay pending AM1884 p. 2002 withdrawn. Crosby AM1924, Beutler AM1923, Beutler AM1965 and Hohenstein FA184 adopted. Rasmussen FA182 adopted as amended by Lindsay FA183. Advanced for Engrossment 2042
May 13 Lindsay AM2025 printed 2104
May 20 Returned to Select File for Lindsay amendment. Lindsay pending AM2025 p. 2104 adopted. Advanced for Engrossment 2374
June 1 Correctly Engrossed 2564
June 1 ER7289 change 2565
June 7 Final Reading 46-0-3 2796
June 7 President signed 2807
June 8 Presented to Governor (6/7) 2808
June 15 Approved by Governor (6/9) 2856
(Provisions/portions of LB 644 amended into LB 500 by AM1585)

LEGISLATIVE BILL 500A. By Lindsay

Mar. 22 Read first time. Placed on General File 1119
Apr. 20 Advanced for Review 1646
Apr. 27 Placed on Select File 1731
May 11 Lindsay AM1748 adopted. Advanced for Engrossment 2047
June 1 Correctly Engrossed 2564
June 7 Final Reading 45-0-4 2797
June 7 President signed 2807
June 8 Presented to Governor (6/7) 2808
June 15 Approved by Governor (6/9) 2856

LEGISLATIVE BILL 501. By Day, Schellpeper

Jan. 19 Read first time 250
Jan. 20 Referred to Committee on Urban Affairs 296
Feb. 2 Notice of hearing (2/9) 451

Feb. 16 Placed on General File - Com AM0270 647
Mar. 19 Speaker priority bill 1115

LEGISLATIVE BILL 502. By Cudaback

Jan. 19 Read first time 250
Jan. 20 Referred to Committee on Appropriations 296
Feb. 9 Notice of hearing (3/11) 570
Mar. 31 Indefinitely postponed 1280

LEGISLATIVE BILL 503. By Kristensen

Jan. 19 Read first time 250
Jan. 20 Referred to Committee on Government, Military and Veterans Affairs 296
Mar. 10 Notice of hearing (3/17) 970
Mar. 25 Placed on General File 1196

LEGISLATIVE BILL 504. By Kristensen

Jan. 19 Read first time 250
Jan. 20 Referred to Committee on Banking, Commerce and Insurance 296
Feb. 10 Notice of hearing (2/22) 579
Mar. 3 Indefinitely postponed 848

LEGISLATIVE BILL 505. By Schellpeper, Cudaback, Dierks

Jan. 19 Read first time 250
Jan. 20 Referred to Committee on Health and Human Services 296
Feb. 3 Notice of hearing (2/19) 488
Mar. 4 Schellpeper priority bill 874
Mar. 17 Placed on General File - Com AM0802 1039
Mar. 19 Bromm name added 1115
Mar. 22 Lynch AM0961 to committee AM0802 printed 1123
Mar. 23 Lynch pending AM0961 p. 1123 lost. Committee AM0802 adopted. Advanced for Review 1133
Mar. 30 Placed on Select File - AM5440 1203
Apr. 2 AM5440 (E & R) adopted. Schellpeper AM1063 and Withem AM1230 (on file) adopted. Advanced for Engrossment 1332
Apr. 13 Correctly Engrossed 1503
Apr. 13 ER7242 change 1504
June 3 Moore motion to return to Select File for FA302 withdrawn. Moore motion to bracket until 1/1/94 lost. Withem motion to return to Select File for FA303 withdrawn 2762
June 3 Failed on Final Reading w/E 26-17-6 2763

June 3 Final Reading 27-14-8 2764
June 3 Correctly Enrolled 2772
June 3 Speaker signed 2774
June 7 Presented to Governor (6/3) 2776
June 15 Approved by Governor (6/9) 2856
(Provisions/portions of LB 324 amended into LB 505 by AM1230)
(Provisions/portions of LB 784 amended into LB 505 by AM0802)

LEGISLATIVE BILL 505A. By Schellpeper

Mar. 19 Read first time. Placed on General File 1103
Mar. 23 Advanced for Review 1134
Mar. 30 Placed on Select File 1204
Apr. 2 Advanced for Engrossment 1332
Apr. 13 Correctly Engrossed 1503
June 3 Failed on Final Reading w/E 26-16-7 2765
June 3 Final Reading 27-16-6 2766
June 3 Correctly Enrolled 2772
June 3 Speaker signed 2774
June 7 Presented to Governor (6/3) 2776
June 15 Approved by Governor (6/9) 2856

LEGISLATIVE BILL 506. By Schellpeper

Jan. 19 Read first time 251
Jan. 20 Referred to Committee on Health and Human Services 296
Feb. 3 Notice of hearing (3/11) 488
Mar. 23 Placed on General File 1139
Apr. 8 Advanced for Review 1454
Apr. 19 Placed on Select File - AM5466 1596
Apr. 21 AM5466 (E & R) adopted. Advanced for Engrossment 1670
Apr. 28 Correctly Engrossed 1786
May 5 Final Reading 37-0-12 1962
May 5 President signed 1968
May 5 Presented to Governor (5/5) 1969
May 11 Approved by Governor (5/8) 2018

LEGISLATIVE BILL 507. By Warner, Kristensen, Lindsay

Jan. 19 Read first time 251
Jan. 21 Referred to Committee on Appropriations 307
Feb. 9 Notice of hearing (3/10) 570
Mar. 18 Appropriations Committee priority bill 1057
Mar. 31 Placed on General File 1280
Apr. 20 Advanced for Review 1646
Apr. 27 Placed on Select File 1731
May 6 Moore-Bernard-Stevens FA179 adopted.

Abboud motion to indefinitely postpone pending 2002
May 11 Abboud pending motion p. 2003 withdrawn. Witek AM1916 withdrawn. Advanced for Engrossment 2029
May 17 Correctly Engrossed 2200
May 20 Attorney General's Opinion #93040 to Witek 2349
May 24 Witek motion to return to Select File for FA253 and Moore motion to return to Select File for FA254 withdrawn. Final Reading w/E 35-8-6 2385
May 24 Speaker signed 2386
May 24 Presented to Governor (5/24) 2395
May 26 Approved by Governor (5/26) 2492

LEGISLATIVE BILL 508. By Urban Affairs Committee

Jan. 19 Read first time 251
Jan. 21 Referred to Committee on Urban Affairs 308
Jan. 26 Notice of hearing (2/2) 376
Feb. 5 Placed on General File - Com AM0180 524
Feb. 17 Committee AM0180 adopted. Advanced for Review 668
Mar. 2 Placed on Select File - AM5391 794
Mar. 8 AM5391 (E & R) adopted. Advanced for Engrossment 912
Mar. 19 Correctly Engrossed 1097
Mar. 25 Final Reading w/E 45-0-4 1188
Mar. 25 Speaker signed 1189
Mar. 25 Presented to Governor (3/25) 1196
Mar. 30 Approved by Governor (3/30) 1225

LEGISLATIVE BILL 509. By Lindsay, Ashford, Hohenstein, Kristensen, Will

Jan. 19 Read first time 251
Jan. 21 Referred to Committee on Judiciary 308
Feb. 11 Notice of hearing (2/19) 615
Mar. 2 Placed on General File - Com AM0604 824

LEGISLATIVE BILL 510. By Wesely, Rasmussen

Jan. 19 Read first time 251
Jan. 21 Referred to Committee on Health and Human Services 308
Feb. 3 Notice of hearing (2/19) 488
Mar. 2 Placed on General File - Com AM0594 799
Mar. 5 Health and Human Services Committee priority bill 896
Mar. 10 Committee AM0594 adopted. Advanced for Review 958

Mar. 23 Placed on Select File - AM5430 1135
May 6 AM5430 (E & R) adopted.
Advanced for Engrossment 1997
May 17 Correctly Engrossed 2153
May 20 Final Reading 36-2-11 2355
May 20 President signed 2362
May 20 Presented to Governor (5/20) 2374
May 25 Approved by Governor (5/25) 2460

LEGISLATIVE BILL 511. By Will

Jan. 19 Read first time 252
Jan. 21 Referred to Committee on Urban Affairs 308
Feb. 16 Notice of hearing (3/2) 649
Mar. 19 Speaker priority bill 1115
Mar. 24 Placed on General File - Com AM0967 1169
(printed separate)
Apr. 20 Pedersen name added 1653
Apr. 29 Will AM1758 to committee AM0967 printed 1813

LEGISLATIVE BILL 512. By Elmer

Jan. 19 Read first time 252
Jan. 21 Referred to Committee on Natural Resources 308
Feb. 23 Notice of hearing (3/4) 750

LEGISLATIVE BILL 513. By Wesely, Robak

Jan. 19 Read first time 252
Jan. 21 Referred to Committee on Health and
Human Services 308
Jan. 28 Notice of hearing (2/5) 392
Feb. 10 Placed on General File - Com AM0272 578

LEGISLATIVE BILL 513A. By Wesely, Robak

Feb. 23 Read first time. Placed on General File 736

LEGISLATIVE BILL 514. By Wesely

Jan. 19 Read first time 252
Jan. 21 Referred to Committee on Judiciary 308
Mar. 3 Notice of hearing (3/10) 829
Mar. 11 Indefinitely postponed 984
(Provisions/portions of LB 514 amended into LB 782 by AM1675)

LEGISLATIVE BILL 515. By Wesely

Jan. 19 Read first time 252
Jan. 21 Referred to Committee on Health and Human Services 308
Jan. 28 Notice of hearing (2/5) 392

LEGISLATIVE BILL 516. By Wickersham, Avery, Baack, Bernard-Stevens, Bohlke, Bromm, Coordsen, Cudaback, Dierks, Elmer, Fisher, Haberman, Hartnett, Hohenstein, Janssen, Jones, Moore, Pedersen, Robak, Schellpeper, Schmitt, Vrtiska

Jan. 19 Read first time 252
Jan. 21 Referred to Committee on Government, Military and Veterans Affairs 308
Mar. 10 Notice of hearing (3/17) 970
Mar. 19 Speaker priority bill 1115
Mar. 30 Placed on General File - Com AM1105 1212
May 3 Committee AM1105 adopted. Wickersham AM1845 adopted. Advanced for Review 1910
May 11 Placed on Select File - AM5499 2010
May 17 AM5499 (E & R) adopted. Advanced for Engrossment 2164
May 24 Correctly Engrossed. ER7291 change 2409
June 1 Returned to Select File for Landis amendment. Landis AM2518 adopted. Advanced for Re-Engrossment 2568
June 1 Correctly Re-Engrossed 2623
June 7 Final Reading 46-0-3 2798
June 7 President signed 2807
June 8 Presented to Governor (6/7) 2808
June 15 Approved by Governor (6/10) 2864
(Provisions/portions of LB 759 amended into LB 516 by AM2518)

LEGISLATIVE BILL 517. By Wesely

Jan. 19 Read first time 253
Jan. 21 Referred to Committee on Health and Human Services 308
Feb. 3 Notice of hearing (2/17) 487
Feb. 19 Placed on General File 704
Mar. 11 Advanced for Review 974
Mar. 23 Placed on Select File 1136
Mar. 30 Advanced for Engrossment 1259
Apr. 5 Correctly Engrossed 1348
Apr. 14 Final Reading 33-0-16 1512
Apr. 14 Robak explanation of vote. President signed 1521
Apr. 14 Presented to Governor (4/14) 1522
Apr. 15 Approved by Governor (4/15) 1560

LEGISLATIVE BILL 518. By Wesely

Jan. 19 Read first time 253
Jan. 21 Referred to Committee on Judiciary 308
Feb. 11 Notice of hearing (2/18) 614
Mar. 19 Speaker priority bill 1115

LEGISLATIVE BILL 519. By Robak, Hohenstein, Pirsch, Schimek, Wickersham

Jan. 19 Read first time 253
Jan. 21 Referred to Committee on Judiciary 308
Mar. 10 Notice of hearing (3/18) 950
Mar. 22 Indefinitely postponed 1119

LEGISLATIVE BILL 520. By Rasmussen, Withem

Jan. 19 Read first time 253
Jan. 21 Referred to Committee on Health and Human Services 308
Feb. 3 Notice of hearing (2/11) 487
Feb. 18 Rasmussen priority bill 676
Feb. 23 Placed on General File - Com AM0460 734
Feb. 25 Committee AM0460 adopted. Advanced for Review 786
Feb. 25 McKenzie name added 789
Mar. 8 Placed on Select File - AM5400 898
Mar. 10 Rasmussen AM0796 printed 966
Mar. 16 AM5400 (E & R) adopted. Rasmussen pending AM0796 p. 966 adopted 1015
Mar. 18 Robinson AM0927 and Withem FA34 to AM0927 pending. Robinson motion to bracket until 4/2 pending 1075
Mar. 19 Robinson pending motion p. 1078 withdrawn. Robinson motion to bracket until 4/2 lost. Robinson pending AM0927 p. 1076 adopted as amended by Withem pending FA34 p. 1078. Advanced for Engrossment 1103
Mar. 30 Correctly Engrossed 1204
Mar. 30 ER7224 change 1205
June 3 Robinson motion to return to Select File for FA304 withdrawn. Final Reading w/E 34-10-5 2766
June 3 Speaker signed 2770
June 7 Presented to Governor (6/3) 2776
June 15 Approved by Governor (6/9) 2856
(Provisions/portions of LB 392 amended into LB 520 by AM0927)

LEGISLATIVE BILL 520A. By Rasmussen

Mar. 11 Read first time. Placed on General File 984
Mar. 16 Advanced for Review 1002
Mar. 30 Placed on Select File - AM5437 1202
Apr. 5 Rasmussen AM1229 printed 1377
Apr. 6 AM5437 (E & R) adopted. Rasmussen pending AM1229 p. 1377 adopted. Advanced for Engrossment 1385
Apr. 13 Correctly Engrossed 1503
June 3 Final Reading 32-9-8 2767
June 3 Speaker signed 2770
June 7 Presented to Governor (6/3) 2776
June 15 Approved by Governor (6/9) 2856

LEGISLATIVE BILL 521. By Rasmussen

Jan. 19 Read first time 254
Jan. 21 Referred to Committee on Health and Human Services 308
Feb. 3 Notice of hearing (3/10) 488

LEGISLATIVE BILL 522. By Rasmussen

Jan. 19 Read first time 254
Jan. 21 Referred to Committee on Health and Human Services 308
Feb. 3 Notice of hearing (2/10) 487
Feb. 16 Placed on General File - Com AM0291 646
Mar. 10 Crosby name added 971
Mar. 19 Speaker priority bill 1115
(Provisions/portions of LB 522 amended into LB 536 by FA235)

LEGISLATIVE BILL 522A. By Rasmussen

Feb. 23 Read first time. Placed on General File 750

LEGISLATIVE BILL 523. By Bohlke, Day, Hillman, Hohenstein, Pirsch, Rasmussen, Robak, Schimek, Wesely, Wickersham

Jan. 19 Read first time 254
Jan. 21 Referred to Committee on Judiciary 308
Feb. 17 Notice of hearing (2/25) 666
Mar. 2 Placed on General File - Com AM0573 825
Mar. 16 Bohlke priority bill 991
Mar. 31 Committee AM0573 adopted. Advanced for Review ... 1275
Apr. 5 Placed on Select File - AM5443 1365
Apr. 13 AM5443 (E & R) adopted. Kristensen-Byars AM1406 (on file), Beutler AM1404 and Lindsay-Landis AM1383 (on file) adopted.

Advanced for Engrossment 1492
Apr. 22 Returned to Select File for Lindsay amendment. Lindsay AM1600 adopted.
Advanced for Engrossment 1680
Apr. 29 Correctly Engrossed 1817
Apr. 29 ER7251 change 1818
May 20 Final Reading 34-0-15 2352
May 20 President signed 2362
May 20 Presented to Governor (5/20) 2374
May 25 Approved by Governor (5/25) 2460
(Provisions/portions of LB 160 amended into LB 523 by AM1406)
(Provisions/portions of LB 711 amended into LB 523 by AM1406)

LEGISLATIVE BILL 523A. By Bohlke

Mar. 18 Read first time. Placed on General File 1074
Mar. 31 Bohlke AM0991 adopted. Advanced for Review 1275
Apr. 5 Placed on Select File - AM5444 1366
May 5 AM5444 (E & R) adopted.
Advanced for Engrossment 1968
May 11 Correctly Engrossed 2055
May 20 Final Reading 36-0-13 2353
May 20 President signed 2362
May 20 Presented to Governor (5/20) 2374
May 25 Approved by Governor (5/25) 2460

LEGISLATIVE BILL 524. By Bohlke, Fisher, Jones

Jan. 19 Read first time 254
Jan. 21 Referred to Committee on Natural Resources 308
Feb. 23 Notice of hearing (3/3) 750

LEGISLATIVE BILL 525. By Bohlke, Coordsen, Lynch, Schimek

Jan. 19 Read first time 254
Jan. 21 Referred to Committee on Business and Labor 308
Feb. 11 Notice of hearing (2/22) 594
Feb. 24 Placed on General File - Com AM0504 759

LEGISLATIVE BILL 526. By Bohlke

Jan. 19 Read first time 254
Jan. 21 Referred to Committee on Urban Affairs 308
Feb. 2 Notice of hearing (2/9) 451
Feb. 16 Placed on General File 647
Mar. 5 Advanced for Review 895
Mar. 17 Placed on Select File 1023
Mar. 30 Advanced for Engrossment 1257
Apr. 2 Correctly Engrossed 1318

Apr. 7 Final Reading 46-0-3 1421
Apr. 7 President signed 1427
Apr. 7 Presented to Governor (4/7) 1433
Apr. 13 Approved by Governor (4/12) 1480

LEGISLATIVE BILL 527. By Beutler, Landis

Jan. 19 Read first time 254
Jan. 21 Referred to Committee on Natural Resources 308
Jan. 29 Notice of hearing (2/5) 415
Feb. 23 Indefinitely postponed 749

LEGISLATIVE BILL 528. By Rasmussen, Bernard-Stevens

Jan. 19 Read first time 255
Jan. 21 Referred to Committee on Health and Human Services 308
Feb. 3 Notice of hearing (2/10) 487
Feb. 16 Placed on General File - Com AM0339 647
Mar. 19 Speaker priority bill 1115
(Provisions/portions of LB 528 amended into LB 536 by FA238)

LEGISLATIVE BILL 529. By Pirsch, Beutler

Jan. 19 Read first time 255
Jan. 21 Referred to Committee on Judiciary 308
Feb. 17 Notice of hearing (2/25) 666
Mar. 2 Placed on General File 824
Apr. 8 Advanced for Review 1447
Apr. 15 Placed on Select File - AM5454 1545
Apr. 16 AM5454 (E & R) adopted. Pirsch AM1470 adopted. Advanced for Engrossment 1570
Apr. 22 Correctly Engrossed 1688
Apr. 30 Final Reading 37-0-12 1842
Apr. 30 Speaker signed 1849
Apr. 30 Presented to Governor (4/30) 1872
May 4 Approved by Governor (5/4) 1933

LEGISLATIVE BILL 530. By Urban Affairs Committee and Peterson

Jan. 19 Read first time 255
Jan. 21 Referred to Committee on Urban Affairs 308
Feb. 16 Notice of hearing (3/2) 649

LEGISLATIVE BILL 531. By Rasmussen, Baack, Bernard-Stevens, Bohlke, Hartnett, Hillman, Horgan, Kristensen, Lynch

Jan. 19 Read first time 255
Jan. 21 Referred to Committee on Health and Human Services 308
Feb. 3 Notice of hearing (2/11) 487
Feb. 22 Placed on General File - Com AM0343 721
(Provisions/portions of LB 531 amended into LB 205 by AM0792)

LEGISLATIVE BILL 532. By Natural Resources Committee and Avery

Jan. 19 Read first time 255
Jan. 21 Referred to Committee on Agriculture 308
Jan. 26 Notice of hearing (2/9) 376
Feb. 11 Indefinitely postponed 620
(Provisions/portions of LB 532 amended into LB 830 by FA51)

LEGISLATIVE BILL 533. By Lynch, Fisher

Jan. 19 Read first time 256
Jan. 21 Referred to Committee on Urban Affairs 308
Feb. 2 Notice of hearing (2/9) 451
Mar. 23 Placed on General File - Com AM0965 1141

LEGISLATIVE BILL 534. By Ashford, Abboud

Jan. 19 Read first time 256
Jan. 21 Referred to Committee on Revenue 308
Feb. 3 Notice of hearing (2/19) 479
Mar. 2 Indefinitely postponed 807

LEGISLATIVE BILL 535. By Ashford, Abboud

Jan. 19 Read first time 256
Jan. 21 Referred to Committee on Judiciary 308
Feb. 4 Notice of hearing (2/11) 508
Feb. 23 Indefinitely postponed 735

LEGISLATIVE BILL 536. By Health and Human Services Committee

Jan. 19 Read first time 256
Jan. 21 Referred to Committee on Health and Human Services 308
Jan. 28 Notice of hearing (2/4) 392
Feb. 8 Placed on General File - Com AM0237 (printed separate) 547
Feb. 17 Wesely AM0377 to committee AM0237 printed 669
Feb. 23 Wesely AM0496 printed 751
Mar. 3 Committee AM0237 adopted as amended by

Wesely pending AM0377 p. 669. Wesely pending AM0496 p. 751 adopted. Advanced for Review 847
Mar. 16 Placed on Select File - AM5415 1011
Mar. 31 Schellpeper AM1183 printed 1289
Apr. 13 McKenzie AM1393 printed 1506
Apr. 19 Wesely AM1505 printed separate 1613
Apr. 21 Wesely AM1602 printed separate 1672
May 4 Preister AM1669 printed 1942
May 13 Byars AM1842 printed 2104
May 13 Wesely AM2051 printed 2120
May 14 Hartnett AM1315 (on file) printed 2143
May 19 AM5415 (E & R) adopted. Schellpeper pending AM1183 p. 1289, McKenzie pending AM1393 p. 1506, Wesely-Dierks pending AM1505 p. 1613 (Dierks name added) withdrawn. Hall motion to bracket until 6/8/93 withdrawn. Wesely pending AM1602 p. 1672 pending 2257
May 19 Wesely pending AM1602 p. 1672 sustained division of question. Wesely FA233, FA234, FA236, FA237, FA238, and FA241 adopted. Wesley FA235 adopted as amended by Will-Hall FA239 and Bromm FA240. Preister pending AM1669 p. 1942, Byars pending AM1842 p. 2104, Wesely pending AM2051 p. 2120, and Hartnett pending AM1315 p. 2143 adopted. Advanced for Engrossment 2258
May 25 Returned to Select File for Wesely amendment. Wesely AM2315 adopted. Advanced for Engrossment 2431
June 1 Correctly Engrossed. ER7287 change 2615
June 7 Final Reading w/E 44-1-4 2800
June 7 President signed 2807
June 8 Presented to Governor (6/7) 2808
June 15 Approved by Governor (6/10) 2864
(Provisions/portions of LB 339 amended into LB 536 by FA234)
(Provisions/portions of LB 496 amended into LB 536 by AM1315)
(Provisions/portions of LB 522 amended into LB 536 by FA235)
(Provisions/portions of LB 528 amended into LB 536 by FA238)
(Provisions/portions of LB 648 amended into LB 536 by FA233)
(Provisions/portions of LB 837 amended into LB 536 by AM2051)

LEGISLATIVE BILL 536A. By Wesely

May 19 Read first time. Placed on General File 2274
May 24 Advanced for Review 2387
May 25 Placed on Select File 2445
May 26 Wesely AM2446 adopted.

Advanced for Engrossment 2482
June 1 Correctly Engrossed 2615
June 7 Final Reading 47-0-2 2802
June 7 President signed 2807
June 8 Presented to Governor (6/7) 2808
June 15 Approved by Governor (6/10) 2864

LEGISLATIVE BILL 537. By Bromm, Bernard-Stevens

Jan. 20 Read first time 271
Jan. 21 Referred to Committee on Natural Resources 308
Feb. 9 Notice of hearing (2/17) 562

LEGISLATIVE BILL 538. By Bromm, Janssen

Jan. 20 Read first time 271
Jan. 21 Referred to Committee on Judiciary 308
Mar. 17 Notice of hearing (3/25) 1027
Mar. 30 Indefinitely postponed 1226

LEGISLATIVE BILL 539. By Bromm, Janssen, Landis

Jan. 20 Read first time 271
Jan. 21 Referred to Committee on Transportation 308
Feb. 11 Notice of hearing (2/23) 594
Mar. 11 Placed on General File 975
Apr. 8 Advanced for Review 1447
Apr. 15 Placed on Select File - AM5457 1546
Apr. 16 AM5457 (E & R) adopted.
Advanced for Engrossment 1572
Apr. 22 Correctly Engrossed 1688
Apr. 30 Final Reading w/E 38-0-11 1842
Apr. 30 Speaker signed 1849
Apr. 30 Presented to Governor (4/30) 1872
May 4 Approved by Governor (5/4) 1933

LEGISLATIVE BILL 540. By Chambers, Hall

Jan. 20 Read first time 271
Jan. 21 Referred to Committee on Executive Board 308
Jan. 29 Notice of hearing (2/10) 414
Feb. 19 Indefinitely postponed 685
(Provisions/portions of LB 540 amended into LB 579 by AM0434)

LEGISLATIVE BILL 541. By Moore

Jan. 20 Read first time 271
Jan. 21 Referred to Committee on Appropriations 308
Mar. 8 Notice of hearing (3/19) 913

Apr.	30	Placed on General File - Com AM1691 (printed separate)	1866
May	11	Committee AM1691 adopted. Advanced for Review	2036
May	12	Dierks AM1976 printed	2066
May	13	Elmer-Vrtiska-Janssen-Schmitt-Robinson-Fisher-Jones-Schellpeper to suspend rules and allow a vote to bracket ruled out of order	2093
May	14	Lynch AM2042 printed	2140
May	17	Wesely AM2086 printed	2170
May	17	Wesely AM2044 printed	2189
May	17	Placed on Select File - AM5521	2197
May	18	Moore-Hohenstein-Lynch-Avery-Bernard-Stevens-Wehrbein-Hillman-Crosby AM2136 printed	2229
May	19	Pedersen-Pirsch AM2191 printed	2340
May	20	Wesely AM2091 printed	2366
May	20	Appropriations Committee AM2227 printed	2369
May	20	Moore-Wehrbein AM2232 printed	2374
May	20	Appropriations Committee AM2229 printed	2377
May	24	AM5521 (E & R) adopted. Haberman AM1879 and AM1878 lost. Pending	2392
May	24	Lynch request to substitute amendment prevailed. Lynch pending AM2042 p. 2140 withdrawn. Lynch substitute AM2209 lost. Dierks pending AM1976 p. 2066, Wesely pending AM2086 p. 2170, and Wesely pending AM2091 p. 2366 lost. Wesely pending AM2044 p. 2189 withdrawn. Pending	2397
May	24	Appropriations Committee pending AM2227 p. 2369, Moore-Wehrbein pending AM2232 p. 2374, Appropriations Committee pending AM2229 p. 2377, Moore AM2303, Warner AM2321, and Wesely AM2359 adopted. Withem AM2254 (on file) passed over. Chambers AM2327 lost. Pedersen-Pirsch pending AM2191 p. 2340 and Moore et al pending AM2136 p. 2229 withdrawn. Advanced for Engrossment	2405
May	26	Correctly Engrossed. ER7294 change	2514
June	2	Final Reading w/E 47-0-2	2635
June	2	Hudkins explanation of vote	2642
June	2	Speaker signed	2648
June	2	Presented to Governor (6/2)	2652
June	8	Approved by Governor with line-item vetoes (6/7)	2809
June	8	Appropriations committee report on line-item vetoes	2837
June	8	Moore motion to override line-item vetoes passed 37-9-3 (sections 147, 148 & 219)	2847
June	8	Moore motion to override line-item veto failed 15-26-8 (section 16)	2848
June	8	Communication	2851

June 8 Certificate 2852
June 15 Message from Secretary of State 2868
June 15 Certificate 2869

LEGISLATIVE BILL 542. By Moore

Jan. 20 Read first time 272
Jan. 21 Referred to Committee on Appropriations 308
Feb. 1 Notice of hearing (2/17) 439

LEGISLATIVE BILL 543. By Moore

Jan. 20 Read first time 272
Jan. 21 Referred to Committee on Appropriations 308
Feb. 1 Notice of hearing (2/17) 439
Apr. 30 Placed on General File - Com AM1698 1867
(printed separate)
May 11 Committee AM1698 adopted. Advanced for Review ... 2037
May 17 Placed on Select File - AM5518 2200
(printed separate)
May 20 Moore AM2253 to AM5518 printed 2371
May 24 AM5518 (E & R) adopted. Moore pending AM2253 p. 2371 adopted as amended by Kristensen FA256. Kristensen FA255 withdrawn. Advanced for Engrossment 2415
May 26 Correctly Engrossed. ER7295 change 2499
June 2 Final Reading w/E 48-0-1 2635
June 2 Speaker signed 2648
June 2 Presented to Governor (6/2) 2652
June 8 Approved by Governor (6/8) 2850

LEGISLATIVE BILL 544. By Moore

Jan. 20 Read first time 272
Jan. 21 Referred to Committee on Appropriations 308
Feb. 1 Notice of hearing (2/17) 439
Mar. 31 Placed on General File 1280
Apr. 8 Advanced for Review 1455
Apr. 15 Moore AM1455 printed 1563
Apr. 19 Placed on Select File - AM5469 1597
Apr. 21 AM5469 (E & R) adopted. Moore pending AM1455 p. 1563 adopted. Advanced for Engrossment 1671
Apr. 29 Correctly Engrossed 1808
Apr. 29 ER7267 change 1809
May 5 Final Reading w/E 40-0-9 1967
May 5 President signed 1968
May 5 Presented to Governor (5/5) 1969
May 5 Moore motion to request Governor to return

bill ruled out of order. Chambers point of order 1972
May 11 Approved by Governor (5/8) 2018

LEGISLATIVE BILL 544A. By Moore

Apr. 22 Read first time. Placed on General File 1687
Apr. 27 Advanced for Review 1705
Apr. 29 Placed on Select File - AM5487 1812
May 3 AM5487 (E & R) adopted.
Advanced for Engrossment 1890
May 6 Correctly Engrossed 2003
May 20 Final Reading w/E 39-0-10 2354
May 20 President signed 2362
May 20 Presented to Governor (5/20) 2374
May 25 Approved by Governor (5/25) 2460

LEGISLATIVE BILL 545. By Moore

Jan. 20 Read first time 272
Jan. 21 Referred to Committee on Government, Military and Veterans Affairs 308
Mar. 3 Notice of hearing (3/11) 845
Mar. 16 Placed on General File 1006
Apr. 8 Advanced for Review 1448
Apr. 15 Placed on Select File 1546
Apr. 16 Advanced for Engrossment 1572
Apr. 22 Correctly Engrossed 1688
Apr. 30 Final Reading 38-0-11 1843
Apr. 30 Speaker signed 1849
Apr. 30 Presented to Governor (4/30) 1872
May 4 Approved by Governor (5/4) 1933

LEGISLATIVE BILL 546. By Moore

Jan. 20 Read first time 272
Jan. 21 Referred to Committee on Judiciary 308
Feb. 24 Notice of hearing (3/4) 760
Feb. 25 Pedersen name added 789
Mar. 8 Indefinitely postponed 915

LEGISLATIVE BILL 547. By Wehrbein

Jan. 20 Read first time 272
Jan. 21 Referred to Committee on Banking, Commerce and Insurance 308
Feb. 10 Notice of hearing (2/23) 579
Feb. 25 Placed on General File 780
Apr. 8 Advanced for Review 1446

Apr. 14 Placed on Select File 1511
Apr. 15 Wehrbein AM1401 printed 1548
Apr. 15 Beutler AM1445 printed 1564
Apr. 16 Wehrbein pending AM1401 p. 1548 and Beutler pending AM1445 p. 1564 adopted. Advanced for Engrossment 1569
Apr. 22 Correctly Engrossed. ER7250 change 1688
Apr. 30 Final Reading 38-0-11 1844
Apr. 30 Speaker signed 1849
Apr. 30 Presented to Governor (4/30) 1872
May 4 Approved by Governor (5/4) 1933

LEGISLATIVE BILL 548. By Wehrbein

Jan. 20 Read first time 273
Jan. 21 Referred to Committee on Agriculture 308
Feb. 4 Notice of hearing (2/16) 508

LEGISLATIVE BILL 549. By Pedersen, Lynch, Preister, Robak

Jan. 20 Read first time 273
Jan. 21 Referred to Committee on Judiciary 308
Feb. 11 Notice of hearing (2/18) 614
Feb. 23 Indefinitely postponed 735

LEGISLATIVE BILL 550. By Pedersen, Lynch, Preister, Robak

Jan. 20 Read first time 273
Jan. 21 Referred to Committee on Judiciary 308
Feb. 11 Notice of hearing (2/18) 614
Feb. 23 Indefinitely postponed 735

LEGISLATIVE BILL 551. By Pedersen, Abboud, Avery, Hartnett, Horgan, Lindsay, Lynch, Preister, Will

Jan. 20 Read first time 273
Jan. 21 Referred to Committee on Government, Military and Veterans Affairs 308
Feb. 24 Notice of hearing (3/3) 760
Apr. 20 Placed on General File - Com AM1544 1641

LEGISLATIVE BILL 552. By Pedersen, Avery, Schmitt

Jan. 20 Read first time 273
Jan. 21 Referred to Committee on Government, Military and Veterans Affairs 308
Feb. 24 Notice of hearing (3/3) 760
Mar. 16 Placed on General File - Com AM0592 1009
(Provisions/portions of LB 552 amended into LB 575 by AM1112)

LEGISLATIVE BILL 553. By Hartnett

Jan. 20 Read first time 273
Jan. 21 Referred to Committee on Natural Resources 308
Feb. 3 Notice of hearing (2/10) 480
Feb. 16 Placed on General File 638
Mar. 4 Avery-Cudaback-Hartnett-Chambers-Dierks-Hudkins AM0675 printed 869
Mar. 16 Bernard-Stevens AM0829 printed 998

LEGISLATIVE BILL 554. By Hartnett

Jan. 20 Read first time 273
Jan. 21 Referred to Committee on Urban Affairs 308
Feb. 16 Notice of hearing (2/23) 649
Mar. 30 Indefinitely postponed 1217

LEGISLATIVE BILL 555. By Elmer

Jan. 20 Read first time 274
Jan. 21 Referred to Committee on Revenue 309
Feb. 3 Notice of hearing (2/25) 479
Mar. 2 Placed on General File 804
Apr. 8 Advanced for Review 1447
Apr. 14 Placed on Select File 1512
Apr. 16 Advanced for Engrossment 1570
Apr. 22 Correctly Engrossed 1688
Apr. 30 Final Reading 37-0-12 1844
Apr. 30 Speaker signed 1849
Apr. 30 Presented to Governor (4/30) 1872
May 4 Approved by Governor (5/4) 1933

LEGISLATIVE BILL 556. By Bernard-Stevens

Jan. 20 Read first time 274
Jan. 21 Referred to Committee on Education 309
Feb. 3 Notice of hearing (2/16) 479
Mar. 24 Indefinitely postponed 1157
(Provisions/portions of LB 556 amended into LB 839 by AM2496)

LEGISLATIVE BILL 557. By Hall

Jan. 20 Read first time 274
Jan. 21 Referred to Committee on Banking, Commerce and Insurance 309
Feb. 10 Notice of hearing (3/8) 579
Mar. 2 Notice of hearing (3/22) (Reset) 826
Mar. 24 Indefinitely postponed 1162

LEGISLATIVE BILL 558. By Hall, Abboud, Hartnett, Horgan, Lindsay, Wickersham, Will

Jan.	20	Read first time	274
Jan.	21	Referred to Committee on Transportation	309
Feb.	11	Notice of hearing (2/22)	593

LEGISLATIVE BILL 559. By Hall

Jan.	20	Read first time	275
Jan.	21	Referred to Committee on Revenue	309
Jan.	27	Notice of hearing (2/4)	385
Feb.	3	Hall AM0159 printed	489
Apr.	6	Indefinitely postponed	1394

LEGISLATIVE BILL 560. By Schellpeper, Day

Jan.	20	Read first time	275
Jan.	21	Referred to Committee on Agriculture	309
Jan.	26	Notice of hearing (2/2)	376

LEGISLATIVE BILL 561. By Schellpeper

Jan.	20	Read first time	275
Jan.	21	Referred to Committee on General Affairs	309
Feb.	10	Notice of hearing (2/22)	589
Feb.	24	Placed on General File	778
Mar.	11	Advanced for Review	988
Mar.	25	Placed on Select File - AM5434	1176
Apr.	5	AM5434 (E & R) adopted. Advanced for Engrossment	1375
Apr.	13	Correctly Engrossed	1503
Apr.	19	Final Reading 43-0-6	1592
Apr.	19	President signed	1595
Apr.	19	Robak explanation of vote	1604
Apr.	19	Presented to Governor (4/19)	1607
Apr.	27	Approved by Governor (4/22)	1699

LEGISLATIVE BILL 562. By Schellpeper

Jan.	20	Read first time	275
Jan.	21	Referred to Committee on Revenue	309
Mar.	3	Notice of hearing (3/17)	850

LEGISLATIVE BILL 563. By Schellpeper

Jan.	20	Read first time	275
Jan.	21	Referred to Committee on General Affairs	309

Jan. 27 Will name added 388
Feb. 10 Notice of hearing (2/22) 589
Feb. 25 Placed on General File - Com AM0472 786
(printed separate)
Mar. 5 General Affairs Committee priority bill 887
Mar. 10 Committee AM0472 adopted as amended by
Schellpeper AM0689. Advanced for Review 955
Mar. 23 Placed on Select File - AM5428 1135
(printed separate)
Mar. 30 Schellpeper AM1061 to AM5428 printed 1237
Apr. 1 Schellpeper AM1217 to AM1061 printed 1313
Apr. 6 Will AM1189 to AM5428 printed 1397
Apr. 6 AM5428 (E & R) adopted. Passed over 1403
Apr. 8 Withem AM1289 to AM5428 printed 1457
Apr. 14 Will AM1415 to AM5428 printed 1525
Apr. 15 Will AM1449 to AM5428 printed 1548
Apr. 27 Withem AM1537 to AM5428 printed 1759
May 6 Schellpeper pending AM1061 p. 1237
adopted as amended by Schellpeper
pending AM1217 p. 1313. Will pending
AM1189 p. 1397, Withem pending AM1289
p. 1457 and Will pending AM1415 p. 1525
withdrawn. Withem pending AM1537 p. 1759
and Will pending AM1449 p. 1548
adopted. Advanced for Engrossment 1996
May 17 Correctly Engrossed. ER7269 change 2153
May 20 Final Reading w/E 40-0-9 2356
May 20 President signed 2362
May 20 Presented to Governor (5/20) 2374
May 25 Approved by Governor (5/25) 2460
(Provisions/portions of LB 449 amended into LB 563 by AM1537)

LEGISLATIVE BILL 564. By Day, Hohenstein, Pedersen

Jan. 20 Read first time 275
Jan. 25 Referred to Committee on Transportation 363
Feb. 1 Notice of hearing (2/9) 431
Feb. 16 Pirsch name added 649
Feb. 22 Placed on General File 721
Mar. 17 Day priority bill 1024
Mar. 31 Chambers FA52 pending 1276
Mar. 31 Chambers pending FA52 p. 1276 adopted 1277
Mar. 31 Lindsay AM1196 and FA55 lost. Chambers
FA53 adopted as amended by Lindsay
FA54. Advanced for Review 1285
Apr. 7 Placed on Select File - AM5446 1414
Apr. 19 Day AM1543 printed 1613
Apr. 27 Day AM1740 printed 1763
May 17 Kristensen AM2174 printed separate 2197

May 18 Attorney General's Opinion #93038 to Day 2203
May 18 AM5446 (E & R) adopted. Day pending AM1543 p. 1613 withdrawn. Day pending AM1740 p. 1763 adopted as amended by Day FA230. Kristensen pending AM2174 p. 2197 ruled germane and adopted. Hall FA232 withdrawn 2242
May 18 Chambers FA223 and FA224 adopted. Chambers FA231 withdrawn 2249
May 19 Abboud-Lindsay AM2234 and Kristensen AM2240 to AM2174 adopted. Chambers FA242 lost 2280
May 19 Chambers FA243, Chambers-Hohenstein FA244 and Chambers FA245 lost. Landis-Hall AM1736 (on file) adopted 2294
May 19 Vrtiska AM2265 lost. Chambers FA246 adopted. Advanced for Engrossment 2318
May 27 Correctly Engrossed 2538
May 27 ER7286 change 2539
June 7 Final Reading w/E 41-8-0 2791
June 7 President signed 2799
June 7 Presented to Governor (6/7) 2805
June 15 Approved by Governor (6/10) 2864
(Provisions/portions of LB 671 amended into LB 564 by AM1736)

LEGISLATIVE BILL 564A. By Day

Mar. 17 Read first time. Placed on General File 1046
Mar. 31 Advanced for Review 1288
Apr. 7 Placed on Select File 1415
May 19 Day AM2238 adopted. Advanced for Engrossment 2319
May 27 Correctly Engrossed 2538
June 7 Final Reading 42-5-2 2792
June 7 President signed 2799
June 7 Presented to Governor (6/7) 2805
June 15 Approved by Governor (6/10) 2864

LEGISLATIVE BILL 565. By Warner, Wesely

Jan. 20 Read first time 276
Jan. 25 Referred to Committee on Government, Military and Veterans Affairs 363
Jan. 27 Notice of hearing (2/5) 380

LEGISLATIVE BILL 566. By Beutler

Jan. 20 Read first time 276
Jan. 25 Referred to Committee on Revenue 363
Jan. 27 Notice of hearing (2/5) 381
Mar. 10 Notice of hearing (3/19) (Rehearing) 970
Apr. 28 Indefinitely postponed 1805

LEGISLATIVE BILL 567. By Beutler

Jan. 20 Read first time 276
Jan. 25 Referred to Committee on Revenue 363
Mar. 10 Notice of hearing (3/19) 970
Apr. 28 Indefinitely postponed 1805

LEGISLATIVE BILL 568. By Beutler

Jan. 20 Read first time 277
Jan. 25 Referred to Committee on Judiciary 363
Mar. 22 Notice of hearing (3/30) 1121
Apr. 1 Indefinitely postponed 1298

LEGISLATIVE BILL 569. By Beutler

Jan. 20 Read first time 277
Jan. 25 Referred to Committee on Education 363
Jan. 26 Notice of hearing (2/2) 372

LEGISLATIVE BILL 570. By Beutler

Jan. 20 Read first time 277
Jan. 25 Referred to Committee on Natural Resources 364
Feb. 23 Notice of hearing (3/5) 750
Mar. 23 Placed on General File 1136
Apr. 8 Advanced for Review 1454
Apr. 14 Crosby-Robak AM1420 printed 1533
Apr. 19 Placed on Select File - AM5464 1596
Apr. 29 Kristensen AM1767 printed 1810
June 2 Beutler AM2502 printed 2669

LEGISLATIVE BILL 571. By Beutler

Jan. 20 Read first time 277
Jan. 25 Referred to Committee on Natural Resources 364
Feb. 17 Notice of hearing (2/24) 653
Mar. 9 Placed on General File - Com AM0663 936

LEGISLATIVE BILL 572. By Beutler

Jan. 20 Read first time 277
Jan. 25 Referred to Committee on Natural Resources 364
Jan. 26 Rereferred to Committee on Revenue 372
Feb. 3 Notice of hearing (2/24) 479
Mar. 2 Indefinitely postponed 807

LEGISLATIVE BILL 573. By Beutler

Jan. 20 Read first time 278
Jan. 25 Referred to Committee on Revenue 364
Feb. 5 Notice of hearing (3/11) 539
Apr. 6 Indefinitely postponed 1394

LEGISLATIVE BILL 574. By Beutler

Jan. 20 Read first time 278
Jan. 25 Referred to Committee on Natural Resources 364
Feb. 23 Notice of hearing (3/4) 750

LEGISLATIVE BILL 575. By Kristensen

Jan. 20 Read first time 278
Jan. 25 Referred to Committee on Transportation 364
Jan. 25 Notice of hearing (2/2) 367
Mar. 2 Placed on General File - Com AM0531 826
(printed separate)
Mar. 3 Transportation committee priority bill 830
Mar. 9 Committee AM0531 adopted. Chambers FA31
withdrawn. Advanced for Review 935
Mar. 16 Coordsen, Robinson, and Hartnett names added 1020
Mar. 17 Byars and Horgan names added 1049
Mar. 18 Dierks AM0919 printed 1068
Mar. 18 Warner AM0887 printed 1075
Mar. 18 Hudkins name added 1095
Mar. 22 Hudkins AM0911 printed 1121
Mar. 23 Placed on Select File - AM5424 1134
(printed separate)
Mar. 24 Dierks AM1020, Warner AM1019, and Hudkins
AM1021 to AM5424 printed 1150
Mar. 24 Hohenstein AM1017 to AM5424 printed 1151
Mar. 25 Robak AM1028 to AM5424 printed 1195
Mar. 30 Hartnett-Wehrbein AM0926 to AM5424 printed 1225
Mar. 30 Avery-Pedersen-Schmitt-Kristensen
AM1112 to AM5424 printed 1254
Mar. 30 Wesely AM1040 to AM5424 printed 1261
Apr. 1 Kristensen AM0925 to AM5424 printed 1296
Apr. 6 AM5424 (E & R) adopted. Kristensen request
to substitute amendment prevailed. Warner
pending AM0887 p. 1075 withdrawn. Warner
substitute AM1019 p. 1150 adopted.
Hudkins request to substitute amendment
prevailed. Hudkins pending AM0911 p. 1121
withdrawn. Hudkins substitute AM1222
adopted. Hohenstein request to substitute
amendment prevailed. Hohenstein pending
AM1017 p. 1151 withdrawn. Hohenstein-

Chambers-Horgan substitute AM0932 adopted. Robak request to substitute amendment prevailed. Robak pending AM1028 p. 1195 withdrawn. Robak substitute AM1312 lost. Dierks pending AM1020 p. 1150, Hudkins pending AM1021 p. 1150, Kristensen pending AM0925 p. 1296, and Dierks pending AM0919 p. 1068 withdrawn. Hartnett-Wehrbein pending AM0926 p. 1225, Avery et al pending AM1112 p. 1254, Wesely pending AM1040 p. 1261, Hillman AM1066 (on file), and Chambers FA65 adopted.
Advanced for Engrossment 1398
Apr. 6 Will FA66 printed 1410
Apr. 19 Correctly Engrossed. ER7248 change 1578
Apr. 22 Will pending FA66 p. 1410 withdrawn.
Final Reading 42-1-6 1677
Apr. 22 President signed 1682
Apr. 22 Robak explanation of vote 1684
Apr. 27 Presented to Governor (4/22).
Approved by Governor (4/22) 1699
(Provisions/portions of LB 86 amended into LB 575 by AM0531)
(Provisions/portions of LB 164 amended into LB 575 by AM0531)
(Provisions/portions of LB 238 amended into LB 575 by AM1066)
(Provisions/portions of LB 282 amended into LB 575 by AM0531)
(Provisions/portions of LB 297 amended into LB 575 by AM0531)
(Provisions/portions of LB 317 amended into LB 575 by AM1040)
(Provisions/portions of LB 353 amended into LB 575 by AM1222)
(Provisions/portions of LB 434 amended into LB 575 by AM0531)
(Provisions/portions of LB 552 amended into LB 575 by AM1112)

LEGISLATIVE BILL 576. By Wickersham

Jan. 20 Read first time 278
Jan. 25 Referred to Committee on Revenue 364
Feb. 5 Notice of hearing (3/4) 539
Apr. 7 Indefinitely postponed 1435

LEGISLATIVE BILL 577. By Wickersham

Jan. 20 Read first time 279
Jan. 25 Referred to Committee on Natural Resources 364
Mar. 8 Notice of hearing (3/18) 907

LEGISLATIVE BILL 578. By Wesely, Landis, Schimek

Jan. 20 Read first time 279
Jan. 25 Referred to Committee on Government,

Military and Veterans Affairs 364
Jan. 27 Notice of hearing (2/3) 380
Feb. 5 Indefinitely postponed 528

LEGISLATIVE BILL 579. By Hall, Warner

Jan. 20 Read first time 279
Jan. 25 Referred to Committee on Executive Board 364
Jan. 29 Notice of hearing (2/10) 414
Feb. 18 Placed on General File - Com AM0434 678
Feb. 24 Hohenstein AM0508 to committee AM0434 printed 760
Feb. 24 Hohenstein-Chambers-Hall AM0549 printed 777
Feb. 25 Hohenstein pending AM0508 p. 760 withdrawn. Committee AM0434 adopted as amended by Hohenstein-Chambers-Hall pending AM0549 p. 777. Advanced for Review 782
Mar. 3 Landis-Ashford AM0619 printed 838
Mar. 5 Placed on Select File - AM5398 893
Mar. 24 AM5398 (E & R) adopted. Landis-Ashford pending AM0619 p. 838 pending 1150
Mar. 24 Chambers FA43 withdrawn. Landis-Ashford pending AM0619 p. 838 lost. Hall AM1034 adopted. Advanced for Engrossment 1159
Mar. 24 Chambers name added 1174
Mar. 25 Expedited 1196
Mar. 25 Correctly Engrossed 1199
Apr. 1 Baack motion to return to Select File for FA57 withdrawn. Final Reading w/E 35-13-1 1305
Apr. 1 President signed 1307
Apr. 1 Presented to Governor (4/1) 1313
Apr. 2 Approved by Governor (4/1) 1319
(Provisions/portions of LB 229 amended into LB 579 by AM0434)
(Provisions/portions of LB 427 amended into LB 579 by AM0434)
(Provisions/portions of LB 540 amended into LB 579 by AM0434)

LEGISLATIVE BILL 579A. By Hall

Mar. 2 Read first time. Placed on General File 827
Mar. 3 Advanced for Review 846
Mar. 11 Placed on Select File 979
Mar. 24 Advanced for Engrossment 1160
Mar. 25 Expedited 1196
Mar. 25 Correctly Engrossed 1199
Apr. 1 Final Reading w/E 38-0-11 1306
Apr. 1 President signed 1307
Apr. 1 Presented to Governor (4/1) 1313
Apr. 2 Approved by Governor (4/1) 1319

LEGISLATIVE BILL 580. By Vrtiska

Jan. 20 Read first time 279
Jan. 25 Referred to Committee on Government, Military and Veterans Affairs 364
Mar. 11 Notice of hearing (3/18) 988

LEGISLATIVE BILL 581. By Landis

Jan. 20 Read first time 279
Jan. 25 Referred to Committee on Judiciary 364
Jan. 26 Rereferred to Committee on Urban Affairs 372
Feb. 5 Notice of hearing (2/16) 523
Feb. 23 Indefinitely postponed 734

LEGISLATIVE BILL 582. By Landis

Jan. 20 Read first time 279
Jan. 25 Referred to Committee on Transportation 364
Feb. 11 Notice of hearing (2/22) 593
Mar. 3 Placed on General File 836
Apr. 8 Advanced for Review 1447
Apr. 15 Placed on Select File 1546
Apr. 16 Advanced for Engrossment 1572
Apr. 22 Correctly Engrossed 1688
Apr. 30 Final Reading 38-0-11 1845
Apr. 30 Speaker signed 1849
Apr. 30 Presented to Governor (4/30) 1872
May 4 Approved by Governor (5/4) 1933

LEGISLATIVE BILL 583. By Landis

Jan. 20 Read first time 280
Jan. 25 Referred to Committee on Banking, Commerce and Insurance 364
Jan. 29 Notice of hearing (2/8) 415
Feb. 10 Placed on General File - Com AM0292 587
Mar. 2 Banking, Commerce and Insurance Committee priority bill 809
Mar. 3 Landis AM0564 printed 842
Apr. 14 Committee AM0292 adopted. Landis pending AM0564 p. 842 adopted. Advanced for Review 1526
Apr. 22 Placed on Select File - AM5474 1687
May 6 AM5474 (E & R) adopted. Will FA177 withdrawn. Advanced for Engrossment 1996
May 17 Correctly Engrossed. ER7274 change 2150
May 24 Final Reading w/E 43-0-6 2383
May 24 Speaker signed 2386

May 24 Presented to Governor (5/24) 2395
May 25 Approved by Governor (5/25) 2460

LEGISLATIVE BILL 583A. By Landis

Feb. 22 Read first time. Placed on General File 728
Apr. 14 Advanced for Review 1527
Apr. 22 Placed on Select File 1687
May 6 Advanced for Engrossment 1996
May 17 Correctly Engrossed 2150
May 24 Final Reading w/E 43-0-6 2384
May 24 Speaker signed 2386
May 24 Presented to Governor (5/24) 2395
May 25 Approved by Governor (5/25) 2460

LEGISLATIVE BILL 584. By Withem

Jan. 20 Read first time 280
Jan. 25 Referred to Committee on Transportation 364
Feb. 11 Notice of hearing (3/8) 594

LEGISLATIVE BILL 585. By Baack

Jan. 20 Read first time 280
Jan. 25 Referred to Committee on Judiciary 364
Jan. 28 Notice of hearing (2/4) 392
Mar. 2 Indefinitely postponed 826

LEGISLATIVE BILL 586. By Baack

Jan. 20 Read first time 280
Jan. 25 Referred to Committee on Education 364
Feb. 3 Notice of hearing (3/9) 480

LEGISLATIVE BILL 587. By Baack, Beutler, Bromm, Coordsen, Schimek

Jan. 20 Read first time 281
Jan. 25 Referred to Committee on Government, Military and Veterans Affairs 364
Feb. 17 Notice of hearing (2/24) 665
Mar. 8 Placed on General File - Com AM0610 908
Mar. 18 Government, Military and Veterans Affairs Committee priority bill 1073
Apr. 19 Baack AM0871 printed 1629
Apr. 20 Committee AM0610 lost. Baack pending AM0871 p. 1629 adopted. Advanced for Review 1647
Apr. 27 Placed on Select File - AM5486 1737

Apr. 27 Baack AM1715 printed 1768
May 5 Will AM1800 printed 1980
May 11 Will AM1934 printed 2026
May 17 AM5486 (E & R) adopted. Baack pending AM1715 p. 1768, Will pending AM1934 p. 2026 and Bromm AM2127 adopted. Will pending AM1800 p. 1980 and Bromm AM2129 withdrawn. Bromm AM2128 lost 2178
May 17 Beutler-Baack-Bernard-Stevens AM2070 ruled not germane. Challenge of Chair lost. Baack AM2149 and Beutler AM2125 adopted. Ashford FA220 and Pirsch-Witek-Haberman-Robinson-Cudaback-Janssen-Schmitt FA221 lost. Advanced for Engrossment 2190
May 24 Correctly Engrossed. ER7278 change 2409
May 25 Beutler-Bromm AM2417 printed 2453
May 26 Baack AM2452 printed 2510
June 3 Beutler-Bromm pending AM2417 p. 2453 and Baack pending AM2452 p. 2510 withdrawn 2734
June 3 Beutler name withdrawn 2743
June 8 Will motion to suspend rules prevailed 2816
June 8 Final Reading w/E 48-0-1 2832
June 8 President signed 2838
June 8 Presented to Governor (6/8) 2843
June 15 Approved by Governor (6/10) 2864

LEGISLATIVE BILL 587A. By Baack

Apr. 28 Read first time. Placed on General File 1773
May 3 Advanced for Review 1890
May 11 Placed on Select File 2009
May 27 Baack AM2454 printed 2551
June 3 Baack pending AM2454 p. 2551 adopted. Advanced for Engrossment 2683
June 3 Correctly Engrossed 2710
June 3 ER7327 change 2712
June 8 Will motion to suspend rules prevailed 2816
June 8 Final Reading w/E 45-0-4 2833
June 8 President signed 2838
June 8 Presented to Governor (6/8) 2843
June 15 Approved by Governor (6/10) 2864

LEGISLATIVE BILL 588. By Baack, Bromm, at the request of the Governor

Jan. 20 Read first time 281
Jan. 25 Referred to Committee on Agriculture 364
Jan. 26 Notice of hearing (2/2) 376
Feb. 16 Placed on General File - Com AM0342 632

Feb.	18	Bromm priority bill	671
Mar.	2	Committee AM0342 adopted. Baack-Beutler AM0593 adopted. Beutler FA27 withdrawn. Advanced for Review	810
Mar.	10	Placed on Select File - AM5401 (printed separate)	966
Mar.	19	Baack AM0908 to AM5401 printed	1099
Mar.	22	AM5401 (E & R) adopted. Baack pending AM0908 p. 1099 adopted. Beutler FA36, FA38, and FA39 lost. Elmer FA37 and Beutler FA40 withdrawn	1117
Mar.	22	Elmer FA41 and Beutler AM0953 lost	1119
Mar.	23	Beutler AM0997 and Avery AM0986 lost. Beutler AM0994 withdrawn. Avery FA42 adopted. Advanced for Engrossment	1127
Mar.	30	Correctly Engrossed	1204
Mar.	30	ER7225 change	1205
Apr.	2	Final Reading 45-0-4	1329
Apr.	2	Speaker signed	1332
Apr.	2	Presented to Governor (4/2)	1334
Apr.	7	Approved by Governor (4/7)	1428

LEGISLATIVE BILL 588A. By Baack

Mar.	2	Read first time. Placed on General File	826
Mar.	4	Advanced for Review	865
Mar.	16	Placed on Select File	1013
Mar.	23	Advanced for Engrossment	1131
Mar.	30	Correctly Engrossed	1204
Apr.	2	Final Reading 41-2-6	1329
Apr.	2	Speaker signed	1332
Apr.	2	Presented to Governor (4/2)	1334
Apr.	7	Approved by Governor (4/7)	1428

LEGISLATIVE BILL 589. By Pedersen, Day, Fisher, Pirsch, Witek

Jan.	20	Read first time	281
Jan.	25	Referred to Committee on Judiciary	364
Feb.	17	Notice of hearing (2/24)	666
Mar.	18	Placed on General File - Com AM0901	1089

LEGISLATIVE BILL 590. By Pedersen, Day, Fisher, Hillman, Hohenstein, Pirsch, Witek

Jan.	20	Read first time	282
Jan.	25	Referred to Committee on Transportation	364
Feb.	1	Notice of hearing (2/9)	431
Feb.	18	Placed on General File	676
Mar.	5	Advanced for Review	896

Mar. 18 Placed on Select File - AM5420 1055
Mar. 30 AM5420 (E & R) adopted. Pedersen AM0855 adopted. Advanced for Engrossment 1258
Apr. 2 Correctly Engrossed. ER7235 change 1346
Apr. 7 Final Reading 43-0-6 1421
Apr. 7 President signed 1427
Apr. 7 Presented to Governor (4/7) 1433
Apr. 13 Approved by Governor (4/12) 1480

LEGISLATIVE BILL 591. By Coordsen, Bernard-Stevens, Byars, Cudaback, Dierks, Elmer, Hohenstein, Janssen, Jones, Vrtiska

Jan. 20 Read first time 283
Jan. 25 Referred to Committee on Revenue 364
Jan. 27 Notice of hearing (2/4) 385
Apr. 6 Indefinitely postponed 1394

LEGISLATIVE BILL 592. By Lindsay

Jan. 20 Read first time 283
Jan. 25 Referred to Committee on Judiciary 364
Jan. 27 Notice of hearing (2/3) 384
Feb. 8 Indefinitely postponed 550

LEGISLATIVE BILL 593. By Lindsay

Jan. 20 Read first time 283
Jan. 25 Referred to Committee on Judiciary 364
Jan. 27 Notice of hearing (2/3) 384
Feb. 8 Placed on General File 547
Feb. 24 Vrtiska AM0324 printed 776
Feb. 24 Vrtiska AM0511 printed 777
Mar. 3 Vrtiska AM0571 printed 845
Mar. 5 Advanced for Review 885
Mar. 16 Placed on Select File 1014
Mar. 24 Vrtiska pending AM0324 p. 776 and pending AM0511 p. 777 withdrawn. Vrtiska pending AM0571 p. 845 adopted. Advanced for Engrossment 1163
Mar. 30 Correctly Engrossed 1204
Apr. 5 Final Reading 35-0-14 1351
Apr. 5 Speaker signed 1361
Apr. 5 Presented to Governor (4/5) 1363
Apr. 7 Approved by Governor (4/7) 1442

LEGISLATIVE BILL 594. By Lindsay

Jan. 20 Read first time 283
Jan. 25 Referred to Committee on Business and Labor 364

Feb. 11 Notice of hearing (2/22) 594
Feb. 24 Placed on General File - Com AM0490 758

LEGISLATIVE BILL 595. By Lindsay

Jan. 20 Read first time 283
Jan. 25 Referred to Committee on Revenue 364
Feb. 5 Notice of hearing (3/11) 539
Apr. 27 Placed on General File - Com AM1672 1713
May 13 Elmer-Vrtiska-Janssen-Schmitt-Robinson-Fisher-Jones-Schellpeper motion to suspend rules and allow a vote to bracket ruled out of order 2093
May 14 Committee AM1672 adopted. Advanced for Review ... 2137
May 20 Placed on Select File - AM5530 2346
May 24 Ashford AM2213 printed 2389
May 26 AM5530 (E & R) adopted. Ashford pending AM2213 p. 2389 withdrawn. Schimek AM2281 lost. Advanced for Engrossment 2488
May 27 Correctly Engrossed 2555
May 27 ER7313 change 2556
June 3 Robinson motion to return to Select File for FA294 and Withem motion to return to Select File for FA295 withdrawn. Failed on Final Reading w/E 28-19-2 2698
June 3 Final Reading 30-18-1 2699
June 3 Chambers motion to reconsider vote on Final Reading w/E prevailed 2707
June 3 Final Reading w/E 37-11-1 2708
June 3 Speaker signed 2710
June 3 Presented to Governor (6/3) 2726
June 8 Approved by Governor (6/8) 2849

LEGISLATIVE BILL 595A. By Lindsay

May 19 Read first time. Placed on General File 2274
May 24 Advanced for Review 2387
May 25 Placed on Select File 2445
May 26 Advanced for Engrossment 2489
May 27 Correctly Engrossed 2555
June 3 Final Reading w/E 33-15-1 2700
June 3 Speaker signed 2710
June 3 Presented to Governor (6/3) 2726
June 8 Approved by Governor (6/8) 2849

LEGISLATIVE BILL 596. By Janssen, Day, Dierks, Hudkins, Preister, Schimek

Jan. 20 Read first time 284
Jan. 25 Referred to Committee on Natural Resources 364

Feb. 17 Notice of hearing (2/25) 653
Mar. 4 Placed on General File - Com AM0656 868
(Provisions/portions of LB 596 amended into LB 235 by AM2182)

LEGISLATIVE BILL 597. By Janssen, Cudaback, Day, Elmer, Hartnett, Hudkins, Preister, Schimek

Jan. 20 Read first time 284
Jan. 25 Referred to Committee on Education 364
Feb. 3 Notice of hearing (2/16) 479
Mar. 17 Janssen priority bill 1037
Mar. 18 Placed on General File 1051
Apr. 1 Advanced for Review 1299
Apr. 7 Placed on Select File 1415
Apr. 14 Hartnett AM1357 lost. Advanced for Engrossment 1522
Apr. 20 Correctly Engrossed 1652
June 3 Final Reading 41-2-6 2768
June 3 Speaker signed 2770
June 7 Presented to Governor (6/3) 2776
June 15 Approved by Governor (6/9) 2856

LEGISLATIVE BILL 597A. By Janssen

Mar. 23 Read first time. Placed on General File 1132
Apr. 1 Advanced for Review 1299
Apr. 7 Placed on Select File 1415
Apr. 14 Advanced for Engrossment 1524
Apr. 20 Correctly Engrossed 1652
June 3 Final Reading 44-0-5 2769
June 3 Speaker signed 2770
June 7 Presented to Governor (6/3) 2776
June 15 Approved by Governor (6/9) 2856

LEGISLATIVE BILL 598. By Hall, Lindsay

Jan. 20 Read first time 284
Jan. 25 Referred to Committee on Judiciary 364
Jan. 27 Notice of hearing (2/3) 384
Feb. 8 Placed on General File - Com AM0192 550
Mar. 18 Hall priority bill 1057
Apr. 28 Committee AM0192 adopted. Hohenstein AM1303 sustained division of question. Hohenstein FA139 adopted. Hohenstein FA140 lost. Advanced for Review 1775
May 3 Placed on Select File - AM5488 1906
May 18 AM5488 (E & R) adopted. Advanced for Engrossment 2231
May 24 Correctly Engrossed 2409
June 1 Final Reading 31-14-4 2569

June 1 President signed 2583
June 1 Presented to Governor (6/1) 2589
June 7 Approved by Governor (6/4) 2777

LEGISLATIVE BILL 599. By Landis

Jan. 20 Read first time 284
Jan. 25 Referred to Committee on Banking, Commerce and Insurance 364
Feb. 10 Notice of hearing (3/2) 579
Mar. 24 Indefinitely postponed 1162

LEGISLATIVE BILL 600. By Elmer, Ashford, Bohlke, Bromm, Day, Fisher, Hillman, Hudkins, Janssen, Jones, Preister, Schimek, Schmitt, Vrtiska, Wehrbein, Witek

Jan. 20 Read first time 284
Jan. 21 Schimek name withdrawn 357
Jan. 25 Referred to Committee on Judiciary 364
Jan. 28 Notice of hearing (2/5) 392
Feb. 9 Placed on General File - Com AM0275 572

LEGISLATIVE BILL 601. By Bromm, Day, Hohenstein, Janssen, Jones, Pedersen, Preister, Witek

Jan. 20 Read first time 285
Jan. 25 Referred to Committee on Government, Military and Veterans Affairs 364
Feb. 9 Attorney General's Opinion #93006 to Bromm 573
Feb. 24 Notice of hearing (3/4) 760
Mar. 8 Ashford name added 915
Mar. 16 Placed on General File - Com AM0873 1010

LEGISLATIVE BILL 602. By Bromm, Horgan, Lindsay

Jan. 20 Read first time 285
Jan. 25 Referred to Committee on Nebraska Retirement Systems 364
Feb. 2 Notice of hearing (2/9) 451

LEGISLATIVE BILL 603. By Bromm

Jan. 20 Read first time 285
Jan. 25 Referred to Committee on Banking, Commerce and Insurance 364
Feb. 10 Notice of hearing (3/2) 579
Mar. 4 Placed on General File - Com AM0631 855

LEGISLATIVE BILL 604. By Bromm

Jan. 20 Read first time 285
Jan. 25 Referred to Committee on Business and Labor 364
Jan. 28 Notice of hearing (2/8) 397
Feb. 9 Placed on General File 571
Mar. 5 Advanced for Review 887
Mar. 16 Placed on Select File 1015
Mar. 24 Advanced for Engrossment 1165
Mar. 30 Correctly Engrossed 1244
Apr. 5 Final Reading 43-0-6 1360
Apr. 5 Speaker signed 1361
Apr. 5 Presented to Governor (4/5) 1363
Apr. 7 Approved by Governor (4/7) 1442

LEGISLATIVE BILL 605. By Landis

Jan. 20 Read first time 285
Jan. 25 Referred to Committee on Natural Resources 364
Mar. 8 Notice of hearing (3/18) 907

LEGISLATIVE BILL 606. By Landis

Jan. 20 Read first time 286
Jan. 25 Referred to Committee on Revenue 364
Feb. 5 Notice of hearing (3/5) 539
Mar. 16 Indefinitely postponed 991

LEGISLATIVE BILL 607. By Crosby, Bohlke, Lynch

Jan. 20 Read first time 286
Jan. 21 Byars name added 357
Jan. 25 Referred to Committee on Nebraska Retirement Systems 364
Feb. 19 Notice of hearing (3/11) 701

LEGISLATIVE BILL 608. By Wesely

Jan. 20 Read first time 287
Jan. 25 Referred to Committee on Business and Labor 364
Feb. 11 Notice of hearing (2/22) 594
Feb. 24 Placed on General File 759
Mar. 2 Committee AM0576 printed (corrected report) 807

LEGISLATIVE BILL 608A. By Wesely

Mar. 10 Read first time. Placed on General File 954

LEGISLATIVE BILL 609. By Wesely

Jan. 20 Read first time 287
Jan. 25 Referred to Committee on Banking, Commerce and Insurance 364
Feb. 10 Notice of hearing (2/23) 579
Mar. 24 Indefinitely postponed 1162

LEGISLATIVE BILL 610. By Wesely

Jan. 20 Read first time 287
Jan. 25 Referred to Committee on Judiciary 364
Feb. 24 Notice of hearing (3/3) 760
Mar. 4 Indefinitely postponed 876

LEGISLATIVE BILL 611. By Wesely

Jan. 20 Read first time 287
Jan. 25 Referred to Committee on Banking, Commerce and Insurance 364
Feb. 10 Notice of hearing (3/2) 579
Mar. 4 Placed on General File - Com AM0634 855

LEGISLATIVE BILL 612. By Landis

Jan. 20 Read first time 288
Jan. 25 Referred to Committee on Business and Labor 364
Feb. 11 Notice of hearing (3/22) 595

LEGISLATIVE BILL 613. By Baack

Jan. 20 Read first time 288
Jan. 25 Referred to Committee on Revenue 364
Feb. 2 Notice of hearing (2/17) 463

LEGISLATIVE BILL 614. By Hall

Jan. 20 Read first time 288
Jan. 25 Referred to Committee on Executive Board 364
Jan. 29 Notice of hearing (2/10) 414
Feb. 19 Indefinitely postponed 685

LEGISLATIVE BILL 615. By Coordsen

Jan. 20 Read first time 288
Jan. 25 Referred to Committee on Education 364
Feb. 3 Notice of hearing (3/9) 480
Mar. 30 Indefinitely postponed 1260

LEGISLATIVE BILL 616. By Coordsen

Jan. 20 Read first time 288
Jan. 25 Referred to Committee on Natural Resources 364
Feb. 17 Notice of hearing (2/24) 653

LEGISLATIVE BILL 617. By Coordsen

Jan. 20 Read first time 288
Jan. 25 Referred to Committee on Judiciary 365
Mar. 17 Notice of hearing (3/25) 1027
Mar. 30 Placed on General File 1226
Apr. 8 Advanced for Review 1455
Apr. 19 Placed on Select File 1597
Apr. 21 Coordsen AM1584 printed 1658
Apr. 21 Coordsen pending AM1584 p. 1658 adopted. Advanced for Engrossment 1671
Apr. 28 Correctly Engrossed 1786
Apr. 28 ER7257 change 1787
May 5 Final Reading 35-0-14 1963
May 5 President signed 1968
May 5 Presented to Governor (5/5) 1969
May 11 Approved by Governor (5/8) 2018

LEGISLATIVE BILL 618. By Pedersen, Ashford, Hudkins, Lynch, Pirsch

Jan. 20 Read first time 289
Jan. 25 Referred to Committee on General Affairs 365
Feb. 19 Notice of hearing (3/22) 708
Mar. 23 Hudkins name withdrawn 1148

LEGISLATIVE BILL 619. By Pedersen, Ashford, Hohenstein, Hudkins, Lynch, Pirsch

Jan. 20 Read first time 289
Jan. 25 Referred to Committee on Judiciary 365
Mar. 17 Notice of hearing (3/24) 1027
Mar. 19 Attorney General's Opinion #93018 to Pedersen 1105

LEGISLATIVE BILL 620. By Warner

Jan. 20 Read first time 289
Jan. 25 Referred to Committee on Government, Military and Veterans Affairs 365
Mar. 2 Warner motion to withdraw bill laid over 814
Mar. 3 Warner pending motion p. 814 prevailed. Withdrawn 834

LEGISLATIVE BILL 621. By Warner

Jan. 20 Read first time 289
Jan. 25 Referred to Committee on Government, Military and Veterans Affairs 365
Feb. 24 Notice of hearing (3/4) 760

LEGISLATIVE BILL 622. By Beutler

Jan. 20 Read first time 289
Jan. 25 Referred to Committee on Natural Resources 365
Feb. 3 Notice of hearing (2/10) 480
Mar. 10 Placed on General File - Com AM0746 953
(printed separate)
(Provisions/portions of LB 622 amended into LB 235 by AM1147)

LEGISLATIVE BILL 623. By Beutler

Jan. 20 Read first time 290
Jan. 25 Referred to Committee on Natural Resources 365
Feb. 3 Notice of hearing (2/10) 480
Feb. 16 Placed on General File 638
Mar. 5 Advanced for Review 895
Mar. 17 Placed on Select File - AM5414 1023
Mar. 30 AM5414 (E & R) adopted. Beutler AM0867 adopted. Advanced for Engrossment 1235
Apr. 2 Correctly Engrossed 1318
Apr. 2 ER7233 change 1319
Apr. 13 Final Reading 41-0-8 1477
Apr. 13 President signed 1480
Apr. 13 Presented to Governor (4/13) 1484
Apr. 15 Approved by Governor (4/15) 1560

LEGISLATIVE BILL 624. By Beutler

Jan. 20 Read first time 290
Jan. 25 Referred to Committee on Natural Resources 365
Feb. 9 Notice of hearing (2/19) 562
Apr. 5 Placed on General File 1366

LEGISLATIVE BILL 625. By Beutler

Jan. 20 Read first time 290
Jan. 25 Referred to Committee on Natural Resources 365
Mar. 2 Notice of hearing (3/11) 808
Mar. 16 Placed on General File 1006
Apr. 8 Advanced for Review 1448
Apr. 15 Placed on Select File - AM5458 1546
Apr. 16 AM5458 (E & R) adopted. Advanced for Engrossment 1572
Apr. 22 Correctly Engrossed 1688

Apr. 30 Final Reading w/E 37-0-12 1846
Apr. 30 Speaker signed 1849
Apr. 30 Presented to Governor (4/30) 1872
May 5 Approved by Governor (5/4) 1933

LEGISLATIVE BILL 626. By Beutler

Jan. 20 Read first time 290
Jan. 25 Referred to Committee on Natural Resources 365
Jan. 27 Notice of hearing (2/3) 384
Feb. 9 Placed on General File 561
Mar. 5 Advanced for Review 886
Mar. 16 Placed on Select File - AM5410 1014
Mar. 24 AM5410 (E & R) adopted.
Advanced for Engrossment 1163
Mar. 30 Correctly Engrossed 1204
Apr. 5 Final Reading 41-0-8 1354
Apr. 5 Speaker signed 1361
Apr. 5 Presented to Governor (4/5) 1363
Apr. 7 Approved by Governor (4/7) 1442

LEGISLATIVE BILL 627. By Abboud, Bromm, Byars, Cudaback, Elmer, Fisher, Hohenstein, Hudkins, Janssen, Jones, Pedersen, Preister, Schmitt, Vrtiska, Witek

Jan. 20 Read first time 290
Jan. 25 Referred to Committee on Judiciary 365
Feb. 17 Notice of hearing (2/25) 666
Mar. 3 Haberman name added 851
Mar. 5 Placed on General File - Com AM0712 895
(printed separate)
Mar. 8 Witek priority bill 908
Mar. 16 Hohenstein AM0863 printed separate 1020
Mar. 17 Committee AM0712 pending 1046
Mar. 23 Hohenstein pending AM0863 p. 1020 withdrawn.
Committee AM0712 adopted as amended by
Chambers-Hohenstein-Abboud AM0944 1138
Mar. 25 Ashford FA44 adopted. Chambers motion
to bracket until 4/6 pending 1197
Mar. 31 Chambers pending motion p. 1197 lost.
Witek AM1156 pending. Bernard-Stevens
motion to bracket until 4/7/93 prevailed 1265
Apr. 6 Ashford-Hohenstein-Schellpeper AM1296 printed 1395
Apr. 6 Abboud AM1131 printed 1410
Apr. 7 Witek pending AM1156 p. 1266 adopted.
Abboud pending AM1131 p. 1410 and Ashford
et al pending AM1296 p. 1395 withdrawn.
Abboud AM1341 adopted as amended by
Ashford AM1143 (printed separate) and

Warner FA68. Advanced for Review 1429
Apr. 14 Placed on Select File - AM5453 1510
(printed separate)
Apr. 14 Abboud AM1375 to AM5453 printed 1526
Apr. 20 Ashford AM1549 to AM5453 printed 1633
Apr. 27 AM5453 (E & R) adopted. Abboud pending AM1375 p. 1526 adopted. Ashford request to substitute amendment prevailed. Ashford pending AM1549 p. 1633 withdrawn. Ashford et al substitute reoffered AM1296 p. 1395 lost as amended by Bernard-Stevens FA128 and Chambers FA129. Avery FA130 and Abboud FA131 withdrawn. Witek AM1486 sustained division of question. Witek FA132 ruled germane. Chambers FA138 to FA132 pending 1749
Apr. 27 Bromm AM1487 printed separate 1767
Apr. 30 Ashford AM1796 printed 1885
May 3 Chambers pending FA138 p. 1756 and FA164 lost 1917
May 3 Ashford AM1854 printed 1919
May 5 Chambers motion to reconsider FA164 p. 1918 to FA132 lost 1970
May 5 Lindsay-Moore-Abboud-Ashford AM1853 printed 1972
May 5 Ashford AM1890 to AM1854 printed 1973
May 5 Lindsay-Abboud-Ashford-Avery-Baack-Bernard-Stevens-Beutler-Byars-Cudaback-Elmer-Fisher-Haberman-Hall-Hartnett-Hohenstein-Horgan-Janssen-Jones-Kristensen-Landis-Lynch-Moore-Pedersen-Preister-Robinson-Schellpeper-Schmitt-Vrtiska-Warner-Wehrbein-Wesely-Will-Withem-Bohlke-Crosby-Hillman-Hudkins-McKenzie-Rasmussen-Robak-Day-Schimek AM1896 to FA132 printed 1985
May 11 Coordsen motion to bracket until 6/8/93 pending 2048
May 11 Coordsen pending motion p. 2048 lost. Chambers request to substitute amendment prevailed. Chambers FA185 withdrawn. Lindsay et al substitute pending AM1896 p. 1985 adopted 2053
May 18 Withem motion to bracket until 6/8/94 pending. Chambers FA225 and FA227 withdrawn. Bromm FA226 lost 2217
May 18 Bernard-Stevens FA228 withdrawn. Withem pending motion p. 2217 withdrawn. Witek pending FA132 p. 1754 adopted as amended. Witek pending remaining divisions of AM1486 p. 1750 withdrawn. Ashford pending AM1796 p. 1885

adopted. Bromm pending AM1487 p. 1767, Ashford pending AM1854 p. 1919 and AM1890 p. 1973, and Lindsay et al pending AM1853 p. 1972 withdrawn. Advanced for Engrossment 2229
May 18 Chambers and Ashford names added 2250
May 24 Correctly Engrossed 2409
May 24 ER7280 change 2410
June 7 Final Reading w/E 48-0-1 2802
June 7 President signed 2807
June 8 Presented to Governor (6/7) 2808
June 15 Approved by Governor (6/10) 2864
(Provisions/portions of LB 627 amended into LB 430 by AM0190)
(Provisions/portions of LB 765 amended into LB 627 by AM1143)

LEGISLATIVE BILL 627A. By Abboud

Apr. 29 Read first time. Placed on General File 1823
May 20 Advanced for Review 2364
May 24 Placed on Select File 2405
May 25 Abboud AM1909 adopted. Advanced for Engrossment 2432
June 1 Correctly Engrossed 2564
June 1 ER7297 change 2566
June 7 Final Reading 49-0-0 2803
June 7 President signed 2807
June 8 Presented to Governor (6/7) 2808
June 15 Approved by Governor (6/10) 2864

LEGISLATIVE BILL 628. By Urban Affairs Committee

Jan. 20 Read first time 291
Jan. 25 Referred to Committee on Urban Affairs 365
Feb. 16 Notice of hearing (3/16) 649

LEGISLATIVE BILL 629. By Ashford, Abboud, Bohlke, Bromm, Hillman, Landis, Rasmussen, Will

Jan. 20 Read first time 291
Jan. 25 Referred to Committee on Judiciary 365
Feb. 17 Notice of hearing (2/26) 666
Feb. 18 Notice of hearing (Time change) 676
Mar. 2 Ashford priority bill 808
Mar. 2 Placed on General File - Com AM0578 825
Mar. 4 Committee AM0578 adopted 874
Mar. 5 Preister name added 896
Mar. 8 Chambers FA30 adopted. Advanced for Review 907
Mar. 18 Placed on Select File - AM5423 1055
Mar. 31 Ashford AM1124 printed 1270
Apr. 13 AM5423 (E & R) adopted. Ashford pending

AM1124 p. 1270 and Schimek FA75 withdrawn. Ashford AM1409, Chambers FA74, Chambers FA76, and Schimek FA77 adopted. Chambers FA78 pending. Bracketed until 4/22/93 1489
Apr. 27 Chambers pending FA78 p. 1492 adopted as amended by Hohenstein FA123. Ashford AM1725 sustained division of question. Ashford FA124 adopted. Ashford FA125 lost. Bromm FA126 withdrawn. Ashford FA127 adopted. Advanced for Engrossment 1728
Apr. 30 Returned to Select File for Ashford amendment. Ashford AM1797 adopted. Advanced for Engrossment 1872
Apr. 30 Returned to Select File for Wesely amendment. Wesely AM1798 adopted. Advanced for Engrossment 1873
May 6 Correctly Engrossed. ER7268 change 2003
May 20 Final Reading 37-1-11 2354
May 20 President signed 2362
May 20 Presented to Governor (5/20) 2374
May 25 Approved by Governor (5/25) 2460

LEGISLATIVE BILL 630. By Hartnett, Will

Jan. 20 Read first time 291
Jan. 25 Referred to Committee on Urban Affairs 365
Feb. 16 Notice of hearing (2/23) 649
Mar. 23 Placed on General File - Com AM0963 1141

LEGISLATIVE BILL 631. By Schimek, Hartnett, Will

Jan. 20 Read first time 291
Jan. 25 Referred to Committee on Urban Affairs 365
Feb. 16 Notice of hearing (2/23) 649
Feb. 24 Placed on General File 765
Mar. 11 Advanced for Review 979
Mar. 25 Placed on Select File 1175
Apr. 5 Advanced for Engrossment 1374
Apr. 13 Correctly Engrossed 1503
Apr. 19 Final Reading 43-0-6 1593
Apr. 19 President signed 1595
Apr. 19 Robak explanation of vote 1604
Apr. 19 Presented to Governor (4/19) 1607
Apr. 27 Approved by Governor (4/22) 1699

LEGISLATIVE BILL 632. By Lynch, Hartnett

Jan. 20 Read first time 292
Jan. 25 Referred to Committee on Urban Affairs 365

Feb. 16 Notice of hearing (3/9) 649
Mar. 17 Urban Affairs Committee priority bill 1024
Mar. 23 Placed on General File 1139
Apr. 14 Hartnett AM1418 printed 1533
Apr. 16 Hartnett pending AM1418 p. 1533
adopted. Advanced for Review 1572
Apr. 27 Placed on Select File - AM5475 1697
May 5 Landis AM1899 printed 1986
May 6 AM5475 (E & R) adopted. Landis pending
AM1899 p. 1986 ruled not germane.
Lynch AM1909 adopted. Chambers FA178
lost. Advanced for Engrossment 1997
May 25 Kristensen-Hartnett-Lynch AM2404 printed 2466
May 27 Attorney General's Opinion #93041 to Moore 2543
May 27 Returned to Select File for Kristensen et al
amendment. Kristensen et al pending AM2404
p. 2466 adopted. Advanced for Engrossment 2554
May 27 Chambers motion to return to Select File
for FA281 withdrawn 2555
June 1 Correctly Engrossed. ER7270 change 2587
June 7 Final Reading 33-11-5 2804
June 7 President signed 2807
June 8 Presented to Governor (6/7) 2808
June 15 Approved by Governor (6/10) 2865
(Provisions/portions of LB 731 amended into LB 632 by AM1418)

LEGISLATIVE BILL 633. By Wickersham, Elmer

Jan. 20 Read first time 292
Jan. 25 Referred to Committee on Education 365
Feb. 3 Notice of hearing (3/8) 480
Mar. 24 Indefinitely postponed 1157

LEGISLATIVE BILL 634. By Witek, Jones, Pirsch

Jan. 20 Read first time 292
Jan. 25 Referred to Committee on Education 365
Feb. 3 Notice of hearing (3/9) 480
Mar. 24 Indefinitely postponed 1157

LEGISLATIVE BILL 635. By Hillman, Abboud, Ashford, Baack, Bernard-Stevens, Beutler, Bohlke, Bromm, Byars, Coordsen, Crosby, Cudaback, Day, Dierks, Elmer, Fisher, Hall, Hartnett, Hohenstein, Hudkins, Janssen, Jones, Landis, Lindsay, Lynch, Moore, Pedersen, Pirsch, Preister, Rasmussen, Schellpeper, Schimek, Schmitt, Vrtiska, Warner, Wehrbein, Wickersham, Will, Witek, Withem

Jan. 20 Read first time 292
Jan. 21 Horgan name added 356
Jan. 25 Referred to Committee on Government, Military and Veterans Affairs 365
Jan. 25 Robinson name added 370
Jan. 27 Hillman priority bill 381
Feb. 10 Notice of hearing (2/19) 589
Mar. 10 Placed on General File - Com AM0392 969
Mar. 17 Committee AM0392 adopted. Advanced for Review ... 1043
Mar. 30 Placed on Select File - AM5438 1202
Mar. 31 AM5438 (E & R) adopted. Cudaback AM1165 lost. Advanced for Engrossment 1279
Apr. 6 Correctly Engrossed 1394
Apr. 14 Final Reading 41-0-8 1515
Apr. 14 Robak explanation of vote. President signed 1521
Apr. 14 Presented to Governor (4/14) 1522
Apr. 19 Approved by Governor (4/19) 1603

LEGISLATIVE BILL 636. By Moore

Jan. 20 Read first time 292
Jan. 25 Referred to Committee on Health and Human Services 365
Feb. 3 Notice of hearing (3/11) 488
Mar. 23 Indefinitely postponed 1139

LEGISLATIVE BILL 637. By Moore, Bernard-Stevens, Crosby, Hillman, Lynch, Wehrbein

Jan. 20 Read first time 293
Jan. 25 Referred to Committee on Government, Military and Veterans Affairs 365
Feb. 17 Notice of hearing (2/24) 665
Mar. 3 Placed on General File - Com AM0611 838

LEGISLATIVE BILL 638. By Schimek, Beutler, Hartnett

Jan. 20 Read first time 293
Jan. 25 Referred to Committee on Judiciary 365
Mar. 10 Notice of hearing (3/17) 949
Mar. 22 Indefinitely postponed 1119

LEGISLATIVE BILL 639. By Fisher

Jan. 20 Read first time 293
Jan. 25 Referred to Committee on Nebraska Retirement Systems 365
Feb. 17 Notice of hearing (2/25) 668
Mar. 18 Placed on General File - Com AM0876 1084

Mar. 19 Speaker priority bill 1115
Apr. 27 Horgan name added 1768
(Provisions/portions of LB 639 amended into LB 724 by AM2511)

LEGISLATIVE BILL 640. By Bohlke, Bernard-Stevens, Hillman, Landis, Rasmussen, Schimek, Will

Jan. 20 Read first time 293
Jan. 25 Referred to Committee on Business and Labor 365
Jan. 28 Notice of hearing (2/8) 397
Mar. 18 Placed on General File - Com AM0727 1086

LEGISLATIVE BILL 640A. By Bohlke

Mar. 25 Read first time. Placed on General File 1200

LEGISLATIVE BILL 641. By Wehrbein, Bernard-Stevens

Jan. 20 Read first time 294
Jan. 25 Referred to Committee on Banking, Commerce and Insurance 365
Feb. 10 Notice of hearing (3/2) 579
Mar. 3 Indefinitely postponed 848

LEGISLATIVE BILL 642. By Lindsay, Beutler, Bohlke, Lynch, Schimek

Jan. 20 Read first time 294
Jan. 25 Referred to Committee on Judiciary 365
Feb. 11 Notice of hearing (2/18) 614
Feb. 24 Placed on General File - Com AM0446 759

LEGISLATIVE BILL 642A. By Lindsay

Mar. 2 Read first time. Placed on General File 827

LEGISLATIVE BILL 643. By Rasmussen

Jan. 20 Read first time 294
Jan. 25 Referred to Committee on Education 365
Jan. 26 Robinson name added 377
Feb. 3 Notice of hearing (2/16) 479
Mar. 2 Placed on General File - Com AM0580 802
May 12 Committee AM0580 adopted. Withem-Hall FA193 withdrawn. Hall FA194 adopted. Advanced for Review 2087
May 18 Placed on Select File - AM5525 2246
May 25 AM5525 (E & R) adopted. Pedersen AM2397 to AM5525 adopted. Advanced for Engrossment ... 2440
May 27 Correctly Engrossed. ER7299 change 2534

June 3 Final Reading 38-0-11 2684
June 3 Speaker signed 2710
June 3 Presented to Governor (6/3) 2726
June 15 Approved by Governor (6/9) 2857

LEGISLATIVE BILL 644. By Rasmussen, Preister

Jan. 20 Read first time 297
Jan. 25 Referred to Committee on Judiciary 365
Feb. 17 Notice of hearing (2/26) 666
Feb. 18 Notice of hearing (Time change) 676
Mar. 9 Placed on General File - Com AM0740 941
(printed separate)
(Provisions/portions of LB 644 amended into LB 500 by AM1585)

LEGISLATIVE BILL 645. By Will

Jan. 20 Read first time 297
Jan. 25 Referred to Committee on Revenue 365
Feb. 5 Notice of hearing (3/5) 539
Mar. 16 Indefinitely postponed 991

LEGISLATIVE BILL 646. By Will

Jan. 20 Read first time 297
Jan. 25 Referred to Committee on Revenue 365
Feb. 3 Notice of hearing (2/25) 479
Mar. 9 Indefinitely postponed 940

LEGISLATIVE BILL 647. By McKenzie, Hall, Schimek

Jan. 20 Read first time 297
Jan. 25 Referred to Committee on Education 365
Jan. 26 Notice of hearing (2/2) 372
Mar. 2 Placed on General File - Com AM0583 802
Mar. 8 Day name added 915

LEGISLATIVE BILL 647A. By McKenzie

Mar. 11 Read first time. Placed on General File 984

LEGISLATIVE BILL 648. By McKenzie, Rasmussen

Jan. 20 Read first time 297
Jan. 25 Referred to Committee on Health and
Human Services 365
Feb. 3 Notice of hearing (2/25) 488
Mar. 31 Placed on General File - Com AM0924 1269
(Provisions/portions of LB 648 amended into LB 536 by FA233)

LEGISLATIVE BILL 649. By Withem

Jan. 20 Read first time 297
Jan. 25 Referred to Committee on Appropriations 365
Feb. 9 Notice of hearing (3/9) 570
Mar. 2 Notice of hearing (3/19) (Reset) 826
Mar. 8 Notice of hearing (3/19) (Reset) 913

LEGISLATIVE BILL 650. By Withem

Jan. 20 Read first time 298
Jan. 25 Referred to Committee on Revenue 365
Feb. 5 Notice of hearing (3/4) 539
Apr. 6 Indefinitely postponed 1394

LEGISLATIVE BILL 651. By Chambers, Hall, Lindsay

Jan. 20 Read first time 298
Jan. 25 Referred to Committee on Judiciary 365
Jan. 28 Notice of hearing (2/5) 392

LEGISLATIVE BILL 652. By Hall

Jan. 20 Read first time 298
Jan. 25 Referred to Committee on Judiciary 365
Feb. 17 Notice of hearing (2/24) 666
Feb. 25 Placed on General File 787
Apr. 8 Chambers FA72 adopted. Advanced for Review 1446
Apr. 8 Landis name added 1472
Apr. 14 Placed on Select File - AM5455 1511
Apr. 16 AM5455 (E & R) adopted.
Advanced for Engrossment 1569
Apr. 16 Chambers name added 1576
Apr. 22 Correctly Engrossed 1688
Apr. 30 Final Reading 37-0-12 1847
Apr. 30 Speaker signed 1849
Apr. 30 Presented to Governor (4/30) 1872
May 4 Approved by Governor (5/4) 1933
(Provisions/portions of LB 678 amended into LB 652 by FA72)

LEGISLATIVE BILL 653. By Hall, Will

Jan. 20 Read first time 298
Jan. 25 Referred to Committee on Revenue 365
Jan. 27 Notice of hearing (2/5) 381

LEGISLATIVE BILL 654. By Hall

Jan. 20 Read first time 298
Jan. 25 Referred to Committee on General Affairs 365
Feb. 19 Notice of hearing (3/22) 708

LEGISLATIVE BILL 655. By Robak

Jan. 20 Read first time 299
Jan. 25 Referred to Committee on Transportation 365
Feb. 11 Notice of hearing (3/9) 594
Mar. 17 Indefinitely postponed 1045

LEGISLATIVE BILL 656. By Robak, Bohlke

Jan. 20 Read first time 299
Jan. 25 Referred to Committee on Health and Human Services 365
Feb. 3 Notice of hearing (2/25) 488

LEGISLATIVE BILL 657. By Wesely, Beutler, Crosby, Hall, Landis, Lynch, Schimek, Warner, at the request of the Governor

Jan. 21 Read first time 310
Jan. 26 Referred to Committee on Appropriations 372
Feb. 9 Notice of hearing (2/23) 568
Apr. 30 Placed on General File - Com AM1683 1867
May 12 Committee AM1683 adopted as amended by Wesely AM2007. Advanced for Review 2073
May 18 Placed on Select File - AM5222 2244
May 24 AM5222 (E & R) adopted. Advanced for Engrossment 2416
May 26 Correctly Engrossed 2499
June 2 Failed on Final Reading w/E 26-18-5 2636
June 2 Final Reading 25-19-5 2637
June 2 Correctly Enrolled 2640
June 2 Speaker signed 2648
June 2 Presented to Governor (6/2) 2652
June 8 Approved by Governor (6/7) 2809

LEGISLATIVE BILL 658. By Withem

Jan. 21 Read first time 310
Jan. 26 Referred to Committee on Revenue 372
Jan. 27 Notice of hearing (2/3) 381
Feb. 8 Placed on General File - Com AM0177 ..... 554 (printed separate)
Apr. 19 Warner-Withem-Coordsen-Will-Kristensen-Wickersham-Landis-Schellpeper AM1516 to committee AM0177 printed 1613
May 12 Wickersham-Jones-Coordsen-Schellpeper

AM2021 printed 2075
May 17 Committee AM0177 adopted as amended by Warner et al AM1516 p. 1613 (ruled germane). Wickersham et al pending AM2021 p. 2075 ruled not germane, ruling withdrawn and ruled germane. Challenge of Chair withdrawn. Wickersham et al pending AM2021 p. 2075 adopted. Withem FA219 withdrawn. Advanced for Review 2172
May 18 Ashford-Horgan-Hartnett AM2169 printed 2232
May 19 Withem FA248 printed 2325
May 24 Placed on Select File - AM5534 ..... 2404 (printed separate)
May 26 AM5534 (E & R) adopted. Ashford et al pending AM2169 p. 2232 and Withem pending FA248 p. 2325 withdrawn. Withem AM2357 to AM5534 adopted. Withem AM2365 lost. Lindsay motion to indefinitely postpone laid over 2489
(Provisions/portions of LB 70 amended into LB 658 by AM1516)
(Provisions/portions of LB 189 amended into LB 658 by AM2021)
(Provisions/portions of LB 284 amended into LB 658 by AM1516)
(Provisions/portions of LB 658 amended into LB 345 by AM2489)

LEGISLATIVE BILL 659. By Withem

Jan. 21 Read first time 310
Jan. 26 Referred to Committee on Education 372
Jan. 29 Notice of hearing (2/9) 406
Feb. 1 Notice of hearing (2/9) (Cancel) 440
Feb. 3 Notice of hearing (3/2) 479
Mar. 24 Indefinitely postponed 1157

LEGISLATIVE BILL 660. By Withem

Jan. 21 Read first time 310
Jan. 26 Referred to Committee on Judiciary 372
Jan. 28 Notice of hearing (2/4) 392
Feb. 10 Placed on General File 586

LEGISLATIVE BILL 661. By Appropriations Committee

Jan. 21 Read first time 310
Jan. 26 Referred to Committee on Government, Military and Veterans Affairs 372
Feb. 24 Notice of hearing (3/3) 759
Mar. 8 Indefinitely postponed 913

LEGISLATIVE BILL 662. By Moore

Jan. 21 Read first time 311
Jan. 26 Referred to Committee on Transportation 372
Feb. 8 Notice of hearing (2/16) 555
Feb. 25 Indefinitely postponed 784

LEGISLATIVE BILL 663. By Moore

Jan. 21 Read first time 311
Jan. 26 Referred to Committee on Judiciary 372
Jan. 28 Notice of hearing (2/4) 392
Feb. 9 Placed on General File - Com AM0181 572

LEGISLATIVE BILL 664. By Lynch

Jan. 21 Read first time 311
Jan. 26 Referred to Committee on Transportation 372
Feb. 11 Notice of hearing (3/16) 594
Mar. 17 Indefinitely postponed 1045

LEGISLATIVE BILL 665. By Lynch

Jan. 21 Read first time 311
Jan. 26 Referred to Committee on Judiciary 372
Feb. 24 Notice of hearing (3/4) 760
Apr. 8 Placed on General File 1456

LEGISLATIVE BILL 666. By Chambers, Hall

Jan. 21 Read first time 311
Jan. 26 Referred to Committee on Executive Board 372
Jan. 29 Notice of hearing (2/10) 414
Feb. 19 Indefinitely postponed 685

LEGISLATIVE BILL 667. By Hall, Baack, Chambers

Jan. 21 Read first time 311
Jan. 26 Referred to Committee on Judiciary 372
Feb. 4 Hall-Baack AM0091 printed 509
Mar. 17 Notice of hearing (3/24) 1027
Apr. 1 Placed on General File - Com AM0091 1301

LEGISLATIVE BILL 668. By Wehrbein

Jan. 21 Read first time 312
Jan. 26 Referred to Committee on Executive Board 373
Jan. 29 Notice of hearing (2/10) 415
Feb. 19 Indefinitely postponed 685

LEGISLATIVE BILL 669. By Bernard-Stevens

Jan.	21	Read first time	312
Jan.	26	Referred to Committee on Health and Human Services	373
Feb.	3	Notice of hearing (3/11)	489
Mar.	18	Avery priority bill	1073
Apr.	1	Placed on General File - Com AM1080 (printed separate)	1295
Apr.	15	Pedersen AM1327 to committee AM1080 printed	1560
Apr.	19	Wesely AM1456 to committee AM1080 printed	1612
Apr.	27	Bernard-Stevens AM1710 and Pedersen AM1679 to committee AM1080 printed	1743
Apr.	27	Bernard-Stevens AM1724 to committee AM1080 printed	1767
Apr.	29	Committee AM1080 adopted as amended by Bernard-Stevens AM1768. Bernard-Stevens pending AM1710 p. 1743, AM1724 p. 1767, Pedersen pending AM1327 p. 1560, AM1679 p. 1743 and Wesely pending AM1456 p. 1612 withdrawn. Advanced for Review	1827
Apr.	30	Wesely name added	1887
May	11	Placed on Select File - AM5498	2006
May	18	AM5498 (E & R) adopted. Advanced for Engrossment	2231
May	26	Correctly Engrossed	2499
May	26	ER7279 change	2500
June	7	Final Reading 44-0-5	2784
June	7	President signed	2799
June	7	Presented to Governor (6/7)	2805
June	15	Approved by Governor (6/10)	2864

LEGISLATIVE BILL 669A. By Bernard-Stevens

Apr.	15	Read first time. Placed on General File	1559
Apr.	29	Advanced for Review	1829
May	11	Placed on Select File	2007
May	18	Advanced for Engrossment	2231
May	26	Correctly Engrossed	2499
June	7	Final Reading 45-0-4	2785
June	7	President signed	2799
June	7	Presented to Governor (6/7)	2805
June	15	Approved by Governor (6/10)	2864

LEGISLATIVE BILL 670. By Landis

Jan.	21	Read first time	312
Jan.	26	Referred to Committee on Appropriations	373
Mar.	8	Notice of hearing (3/18)	913

Apr. 30 Placed on General File 1867
May 11 Advanced for Review 2037
May 17 Placed on Select File - AM5520 2200
May 24 AM5520 (E & R) adopted.
Advanced for Engrossment 2415
May 26 Correctly Engrossed 2499
June 2 Final Reading 45-0-4 2632
June 2 Robak explanation of vote 2642
June 2 Speaker signed 2648
June 2 Presented to Governor (6/2) 2652
June 8 Approved by Governor (6/7) 2809

LEGISLATIVE BILL 671. By Landis

Jan. 21 Read first time 312
Jan. 26 Referred to Committee on Transportation 373
Feb. 1 Notice of hearing (2/9) 431
Mar. 4 Placed on General File - Com AM0463 867
(Provisions/portions of LB 671 amended into LB 564 by AM1736)

LEGISLATIVE BILL 672. By Schellpeper

Jan. 21 Read first time 312
Jan. 26 Referred to Committee on General Affairs 373
Feb. 10 Notice of hearing (2/22) 589

LEGISLATIVE BILL 673. By Schellpeper

Jan. 21 Read first time 313
Jan. 26 Referred to Committee on Transportation 373
Feb. 11 Notice of hearing (3/16) 594

LEGISLATIVE BILL 674. By Hartnett

Jan. 21 Read first time 313
Jan. 26 Referred to Committee on Natural Resources 373
Feb. 23 Notice of hearing (3/5) 750
Apr. 13 Indefinitely postponed 1488
(Provisions/portions of LB 674 amended into LB 203 by AM1677)

LEGISLATIVE BILL 675. By Coordsen

Jan. 21 Read first time 313
Jan. 26 Referred to Committee on Banking,
Commerce and Insurance 373
Feb. 10 Notice of hearing (3/9) 579
Mar. 24 Indefinitely postponed 1162

LEGISLATIVE BILL 676. By Chambers

Jan. 21 Read first time 313
Jan. 26 Referred to Committee on Business and Labor 373
Feb. 11 Notice of hearing (3/8) 594
Mar. 24 Placed on General File - Com AM1003 1158

LEGISLATIVE BILL 677. By Chambers

Jan. 21 Read first time 313
Jan. 26 Referred to Committee on Judiciary 373
Feb. 3 Notice of hearing (2/10) 478
Feb. 11 Placed on General File 620
Mar. 5 Pirsch FA29 adopted. Advanced for Review 888
Mar. 17 Placed on Select File - AM5412 1022
Mar. 24 AM5412 (E & R) adopted.
Advanced for Engrossment 1165
Mar. 30 Correctly Engrossed 1244
Apr. 5 Chambers AM1228 printed 1349
Apr. 6 Returned to Select File for Chambers
amendment. Chambers pending AM1228 p. 1349
adopted. Advanced for Re-Engrossment 1384
Apr. 13 Correctly Re-Engrossed 1503
May 19 Lindsay AM2218 printed 2322
June 1 Returned to Select File for Lindsay amendment.
Lindsay pending AM2218 p. 2322
adopted. Advanced for Re-Engrossment 2581
June 2 Correctly Re-Engrossed. ER7316 change 2641
(Provisions/portions of LB 783 amended into LB 677 by AM2218)

LEGISLATIVE BILL 677A. By Chambers

Mar. 11 Read first time. Placed on General File 976
Mar. 17 Advanced for Review 1043
Mar. 30 Placed on Select File - AM5435 1202
Mar. 31 AM5435 (E & R) adopted.
Advanced for Engrossment 1278
Mar. 31 Chambers FA56 printed 1289
Apr. 6 Returned to Select File for Chambers
amendment. Chambers pending FA56 p. 1289
adopted. Advanced for Engrossment 1385
Apr. 13 Correctly Engrossed 1503

LEGISLATIVE BILL 678. By Chambers

Jan. 21 Read first time 314
Jan. 26 Referred to Committee on Judiciary 373
Feb. 4 Notice of hearing (2/11) 508
Feb. 18 Placed on General File - Com AM0401 677
(Provisions/portions of LB 678 amended into LB 652 by FA72)

LEGISLATIVE BILL 679. By Hartnett, Hillman, Janssen, Pedersen, Vrtiska

Jan. 21 Read first time 314
Jan. 26 Referred to Committee on Education 373
Feb. 3 Notice of hearing (3/9) 480
Feb. 25 Vrtiska name withdrawn 789
Mar. 24 Placed on General File - Com AM1015 1157
(Provisions/portions of LB 679 amended into LB 348 by AM1294)

LEGISLATIVE BILL 680. By Wehrbein

Jan. 21 Read first time 314
Jan. 26 Referred to Committee on Urban Affairs 373
Feb. 5 Notice of hearing (2/16) 523
Feb. 23 Indefinitely postponed 734

LEGISLATIVE BILL 681. By Wehrbein

Jan. 21 Read first time 314
Jan. 26 Referred to Committee on Government, Military and Veterans Affairs 373
Mar. 10 Notice of hearing (3/17) 970
Mar. 25 Placed on General File - Com AM0984 1196

LEGISLATIVE BILL 682. By Warner

Jan. 21 Read first time 315
Jan. 26 Referred to Committee on Government, Military and Veterans Affairs 373
Feb. 24 Notice of hearing (3/4) 760
Mar. 17 Placed on General File 1048
Apr. 8 Advanced for Review 1454
Apr. 19 Placed on Select File 1596
Apr. 21 Advanced for Engrossment 1667
Apr. 28 Correctly Engrossed 1786
May 5 Final Reading 38-0-11 1964
May 5 President signed 1968
May 5 Presented to Governor (5/5) 1969
May 11 Approved by Governor (5/8) 2018

LEGISLATIVE BILL 683. By Warner

Jan. 21 Read first time 315
Jan. 26 Referred to Committee on Education 373
Feb. 3 Notice of hearing (2/23) 479
Mar. 8 Attorney General's Opinion #93013 to Hohenstein 899
Apr. 6 Placed on General File - Com AM1082 1406

LEGISLATIVE BILL 684. By Warner

Jan. 21 Read first time 315
Jan. 26 Referred to Committee on Education 373
Feb. 3 Notice of hearing (3/8) 480

LEGISLATIVE BILL 685. By Bernard-Stevens

Jan. 21 Read first time 315
Jan. 26 Referred to Committee on Education 373
Jan. 29 Notice of hearing (2/8) 405
Mar. 30 Indefinitely postponed 1260

LEGISLATIVE BILL 686. By Kristensen

Jan. 21 Read first time 315
Jan. 26 Referred to Committee on Health and Human Services 373
Feb. 3 Notice of hearing (2/18) 487
Feb. 22 Indefinitely postponed 722

LEGISLATIVE BILL 687. By Kristensen

Jan. 21 Read first time 316
Jan. 26 Referred to Committee on Government, Military and Veterans Affairs 373
Feb. 24 Notice of hearing (3/3) 759

LEGISLATIVE BILL 688. By Kristensen

Jan. 21 Read first time 316
Jan. 26 Referred to Committee on Banking, Commerce and Insurance 373
Feb. 10 Notice of hearing (3/16) 579
Mar. 24 Indefinitely postponed 1162

LEGISLATIVE BILL 689. By Wickersham

Jan. 21 Read first time 316
Jan. 26 Referred to Committee on Transportation 373
Feb. 11 Notice of hearing (3/16) 594
Mar. 5 Wickersham motion to withdraw bill laid over 896
Mar. 8 Wickersham pending motion p. 896 prevailed. Withdrawn 901
Mar. 8 Notice of hearing (3/16) (Cancel) 907

LEGISLATIVE BILL 690. By Crosby

Jan. 21 Read first time 320
Jan. 26 Referred to Committee on Government, Military and Veterans Affairs 373
Mar. 17 Notice of hearing (3/24) 1047
Mar. 30 Placed on General File 1209
Apr. 8 Advanced for Review 1455
Apr. 15 Moore AM1410 printed 1537
Apr. 19 Placed on Select File 1597
Apr. 21 Moore pending AM1410 p. 1537 adopted. Advanced for Engrossment 1670
Apr. 28 Correctly Engrossed 1786
Apr. 28 ER7256 change 1787
May 5 Final Reading 38-0-11 1964
May 5 President signed 1968
May 5 Presented to Governor (5/5) 1969
May 11 Approved by Governor (5/8) 2018

LEGISLATIVE BILL 691. By Crosby

Jan. 21 Read first time 320
Jan. 26 Referred to Committee on Judiciary 373
Feb. 4 Notice of hearing (2/11) 508
Feb. 23 Indefinitely postponed 735

LEGISLATIVE BILL 692. By Crosby

Jan. 21 Read first time 320
Jan. 26 Referred to Committee on Government, Military and Veterans Affairs 373
Mar. 11 Notice of hearing (3/19) 989
Mar. 25 Indefinitely postponed 1196

LEGISLATIVE BILL 693. By Crosby

Jan. 21 Read first time 321
Jan. 26 Referred to Committee on Judiciary 373
Feb. 3 Notice of hearing (2/10) 478
Feb. 24 Placed on General File 758
Mar. 19 Speaker priority bill 1115

LEGISLATIVE BILL 694. By Will, Schellpeper

Jan. 21 Read first time 321
Jan. 26 Referred to Committee on General Affairs 373
Feb. 19 Notice of hearing (3/8) 708
Apr. 5 Placed on General File - Com AM1242 1366

LEGISLATIVE BILL 695. By Bernard-Stevens

Jan. 21 Read first time 321
Jan. 26 Referred to Committee on Urban Affairs 373
Feb. 2 Notice of hearing (2/9) 451
Apr. 6 Placed on General File - Com AM1130 1409

LEGISLATIVE BILL 696. By Hall, Baack, Fisher, Horgan, Wickersham, Will

Jan. 21 Read first time 321
Jan. 26 Referred to Committee on Business and Labor 373
Jan. 28 Notice of hearing (2/8) 397
Mar. 19 Speaker priority bill 1115

LEGISLATIVE BILL 697. By Government, Military and Veterans Affairs Committee

Jan. 21 Read first time 322
Jan. 26 Referred to Committee on Government, Military and Veterans Affairs 373
Feb. 10 Notice of hearing (2/19) 589
Mar. 18 Placed on General File - Com AM0902. Government, Military and Veterans Affairs Committee priority bill 1073
Apr. 16 Schimek AM1507 to committee AM0902 printed 1575
Apr. 20 Committee AM0902 adopted as amended by Schimek pending AM1507 p. 1575. Advanced for Review 1646
Apr. 27 Placed on Select File - AM5481 1732
Apr. 30 Schimek AM1708 and AM1795 to AM5481 printed ... 1877
Apr. 30 Schimek AM1794 to AM5481 printed 1878
May 4 Robak AM1861 to AM1794 printed 1946
May 11 Lynch AM1527 printed 2036
May 11 Schimek AM1959 to AM5481 printed 2046
May 17 AM5481 (E & R) adopted. Schimek pending AM1959 p. 2046, AM1795 p. 1877, AM1794 p. 1878, and Lynch AM2145 adopted. Schimek pending 1708 p. 1877, Robak pending AM1861 p. 1946, and Lynch pending AM1527 p. 2036 withdrawn. Advanced for Engrossment 2165
May 24 Correctly Engrossed 2409
May 24 ER7277 change 2413
June 1 Final Reading w/E 47-0-2 2573
June 1 President signed 2583
June 1 Presented to Governor (6/1) 2589
June 7 Approved by Governor (6/4) 2777
(Provisions/portions of LB 357 amended into LB 697 by AM1794)

LEGISLATIVE BILL 698. By Horgan

Jan. 21 Read first time 322
Jan. 26 Referred to Committee on Transportation 373
Feb. 1 Notice of hearing (2/9) 431
Feb. 19 Placed on General File 685

LEGISLATIVE BILL 699. By Horgan

Jan. 21 Read first time 322
Jan. 26 Referred to Committee on Nebraska Retirement Systems 373
Feb. 19 Notice of hearing (3/23) 701

LEGISLATIVE BILL 700. By Hall, Will

Jan. 21 Read first time 322
Jan. 26 Referred to Committee on General Affairs 373
Feb. 10 Notice of hearing (2/22) 589
Mar. 18 Indefinitely postponed 1073
(Provisions/portions of LB 700 amended into LB 471 by AM0804)

LEGISLATIVE BILL 701. By Hall, Hartnett

Jan. 21 Read first time 322
Jan. 26 Referred to Committee on Banking, Commerce and Insurance 373
Feb. 10 Notice of hearing (3/8) 579
Mar. 9 Indefinitely postponed 936

LEGISLATIVE BILL 702. By Hall

Jan. 21 Read first time 323
Jan. 26 Referred to Committee on Government, Military and Veterans Affairs 373
Mar. 17 Notice of hearing (3/24) 1047
Mar. 30 Indefinitely postponed 1213

LEGISLATIVE BILL 703. By Hall

Jan. 21 Read first time 323
Jan. 26 Referred to Committee on Judiciary 373
Feb. 24 Notice of hearing (3/4) 760
Mar. 8 Indefinitely postponed 915

LEGISLATIVE BILL 704. By Hall

Jan. 21 Read first time 323
Jan. 26 Referred to Committee on Transportation 373

Feb. 1 Notice of hearing 2/9) 431
Feb. 18 Indefinitely postponed 676

LEGISLATIVE BILL 705. By Hall

Jan. 21 Read first time 323
Jan. 26 Referred to Committee on Banking, Commerce and Insurance 373
Feb. 10 Notice of hearing (3/9) 579
Feb. 23 Notice of hearing (3/16) (Reset) 735
Mar. 24 Placed on General File 1161

LEGISLATIVE BILL 706. By Hall

Jan. 21 Read first time 323
Jan. 26 Referred to Committee on Government, Military and Veterans Affairs 373
Feb. 10 Notice of hearing (2/18) 588

LEGISLATIVE BILL 707. By Will, Lindsay, Pirsch, Rasmussen

Jan. 21 Read first time 324
Jan. 26 Referred to Committee on Judiciary 373
Mar. 10 Notice of hearing (3/19) 950

LEGISLATIVE BILL 708. By Wehrbein

Jan. 21 Read first time 324
Jan. 26 Referred to Committee on Natural Resources 373
Jan. 28 Notice of hearing (2/4) 390
Feb. 22 Placed on General File - Com AM0397 725
(Provisions/portions of LB 708 amended into LB 235 by AM1269)

LEGISLATIVE BILL 708A. By Wehrbein

Feb. 23 Read first time. Placed on General File 750

LEGISLATIVE BILL 709. By Urban Affairs Committee

Jan. 21 Read first time 324
Jan. 26 Referred to Committee on Urban Affairs 373
Feb. 16 Notice of hearing (2/23) 649
Mar. 30 Indefinitely postponed 1217

LEGISLATIVE BILL 710. By Urban Affairs Committee

Jan. 21 Read first time 324
Jan. 26 Referred to Committee on Urban Affairs 373

Feb. 16 Notice of hearing (2/23) 649
Mar. 30 Indefinitely postponed 1217

LEGISLATIVE BILL 711. By Byars

Jan. 21 Read first time 324
Jan. 26 Referred to Committee on Judiciary 373
Feb. 17 Notice of hearing (2/26) 666
Feb. 18 Notice of hearing (Time change) 676
Mar. 2 Placed on General File - Com AM0587 825
(Provisions/portions of LB 711 amended into LB 523 by AM1406)

LEGISLATIVE BILL 712. By Byars

Jan. 21 Read first time 325
Jan. 26 Referred to Committee on Revenue 373
Jan. 28 Vrtiska name added 404
Feb. 5 Notice of hearing (3/10) 539
Apr. 7 Indefinitely postponed 1435

LEGISLATIVE BILL 713. By Byars

Jan. 21 Read first time 325
Jan. 26 Referred to Committee on Revenue 373
Mar. 3 Notice of hearing (3/17) 850
Mar. 9 Byars priority bill 918
Mar. 17 McKenzie name added 1049
Apr. 7 Indefinitely postponed 1435

LEGISLATIVE BILL 714. By Urban Affairs Committee

Jan. 21 Read first time 325
Jan. 26 Referred to Committee on Urban Affairs 373
Feb. 16 Notice of hearing (2/23) 649
Mar. 30 Indefinitely postponed 1217

LEGISLATIVE BILL 715. By Withem

Jan. 21 Read first time 325
Jan. 26 Referred to Committee on Education 374
Feb. 3 Notice of hearing (3/9) 480

LEGISLATIVE BILL 716. By Hartnett, Schimek

Jan. 21 Read first time 325
Jan. 26 Referred to Committee on Judiciary 374
Mar. 10 Notice of hearing (3/17) 949
Mar. 22 Indefinitely postponed 1119

LEGISLATIVE BILL 717. By Chambers, Hall, Horgan, Preister, Will

Jan. 21 Read first time 326
Jan. 21 Abboud name added 357
Jan. 26 Referred to Committee on Business and Labor 374
Jan. 28 Notice of hearing (2/8) 397
Feb. 9 Placed on General File 571
Mar. 18 Chambers priority bill 1057
Apr. 19 Witek AM1216 printed 1604
Apr. 28 Hartnett AM0365 lost 1778
Apr. 29 Bracketed until 5/3/93 1811
May 3 Witek pending AM1216 p. 1604 ruled not germane. Witek motion to indefinitely postpone lost. Failed to advance for Review 1891
May 3 Chambers AM1816 printed 1901
May 13 Ashford AM2055 printed 2124
May 17 Chambers pending AM1816 p. 1901 and Ashford pending AM2055 p. 2124 adopted 2160
May 17 Lynch AM2016 printed 2196
May 20 Robinson FA252 lost 2365
May 20 Lynch pending AM2016 p. 2196 lost. Ashford motion to indefinitely postpone laid over 2374
May 27 Ashford pending motion p. 2374 withdrawn. Advanced for Review 2552
May 27 Hall AM2104 and AM2105 printed 2557
May 27 Hall AM2106, AM2107, AM2108, and AM2109 printed 2558
May 27 Hall AM2110, AM2111, AM2112, and AM2113 printed 2559
May 27 Hall AM2114, AM2115, and AM2116 printed 2560
May 27 Hall AM2117, AM2118, and AM2119 printed 2561
June 1 Placed on Select File - AM5536 2585
June 2 AM5536 (E & R) adopted. Hall FA291 to AM2104 ruled not germane. Hall pending AM2104, AM2105, AM2106, AM2107, AM2108, AM2109, AM2110, AM2111, AM2112, AM2113, AM2114, AM2115, AM2116, AM2117, AM2118 and AM2119 pages 2557-2561 withdrawn. Failed to advance for Engrossment 2673

LEGISLATIVE BILL 718. By Bohlke, Baack, Byars, Coordsen, Fisher, Pedersen, Schellpeper, Vrtiska, Witek

Jan. 21 Read first time 326
Jan. 26 Referred to Committee on Banking, Commerce and Insurance 374
Feb. 10 Notice of hearing (3/16) 579

LEGISLATIVE BILL 719. By Bohlke, Baack, Bernard-Stevens, Cudaback, Day, Hillman, Hohenstein, Kristensen, Robak, Wickersham

Jan.	21	Read first time	326
Jan.	26	Referred to Committee on Judiciary	374
Mar.	17	Notice of hearing (3/25)	1027
Mar.	30	Placed on General File	1226
Apr.	8	Advanced for Review	1455
Apr.	14	Abboud name added	1536
Apr.	19	Placed on Select File	1597
Apr.	21	Advanced for Engrossment	1671
Apr.	29	Correctly Engrossed	1808
May	4	Warner AM1815 printed	1942
May	20	Warner pending AM1815 p. 1942 withdrawn. Returned to Select File for Warner amendment. Warner AM2287 adopted. Advanced for Re-Engrossment	2359
May	24	Correction	2381
May	27	Correctly Re-Engrossed	2538
May	27	ER7285 change	2540
June	7	Final Reading 46-0-3	2792
June	7	President signed	2799
June	7	Presented to Governor (6/7)	2805
June	15	Approved by Governor (6/9)	2856

(Provisions/portions of LB 312 amended into LB 719 by AM2287)

LEGISLATIVE BILL 720. By Preister, Beutler, Hartnett

Jan.	21	Read first time	326
Jan.	26	Referred to Committee on Natural Resources	374
Feb.	9	Notice of hearing (2/18)	562
Feb.	22	Placed on General File	725
Mar.	11	Advanced for Review	974
Mar.	23	Placed on Select File	1136
Mar.	30	Advanced for Engrossment	1259
Apr.	5	Correctly Engrossed	1348
Apr.	14	Final Reading 36-0-13	1513
Apr.	14	Robak explanation of vote. President signed	1521
Apr.	14	Presented to Governor (4/14)	1522
Apr.	15	Approved by Governor (4/15)	1560

LEGISLATIVE BILL 721. By Cudaback, Hall

Jan.	21	Read first time	326
Jan.	26	Referred to Committee on Revenue	374
Jan.	27	Notice of hearing (2/5)	381
Mar.	2	Indefinitely postponed	807

LEGISLATIVE BILL 722. By Cudaback, Bernard-Stevens, Schimek

Jan. 21 Read first time 327
Jan. 26 Referred to Committee on Urban Affairs 374
Feb. 16 Notice of hearing (3/2) 649
Mar. 24 Placed on General File - Com AM0960 1169
(Provisions/portions of LB 722 amended into LB 734 by AM1944)

LEGISLATIVE BILL 723. By Will

Jan. 21 Read first time 327
Jan. 26 Referred to Committee on Judiciary 374
Mar. 10 Notice of hearing (3/18) 950
Mar. 22 Indefinitely postponed 1119

LEGISLATIVE BILL 724. By Day

Jan. 21 Read first time 327
Jan. 26 Referred to Committee on Nebraska Retirement Systems 374
Feb. 19 Notice of hearing (3/11) 701
Mar. 17 Placed on General File - Com AM0729 1045
(printed separate)
Mar. 18 Nebraska Retirement Systems Committee priority bill 1073
Apr. 20 Committee AM0729 adopted. Advanced for Review ... 1646
Apr. 27 Placed on Select File - AM5483 1731
May 14 AM5483 (E & R) adopted. Advanced for Engrossment 2148
May 24 Correctly Engrossed 2394
June 1 Fisher-Schmitt-Horgan AM2511 printed 2610
June 2 Fisher motion to return to Select File for AM2511 pending. Fisher et al pending AM2511 p. 2610 ruled not germane. Challenge of Chair withdrawn. Withem motion to suspend rules and allow consideration of AM2511 prevailed. Fisher pending motion to return to Select File prevailed. Fisher et al pending AM2511 p. 2610 adopted. Advanced for Reengrossment 2649
June 3 Correctly Engrossed 2710
June 3 ER7326 change 2712
June 8 Will motion to suspend rules prevailed 2816
June 8 Final Reading w/E 35-9-5 2839
June 8 President signed 2846
June 8 Presented to Governor (6/8) 2849
June 15 Approved by Governor (6/10) 2864
(Provisions/portions of LB 639 amended into LB 724 by AM2511)

LEGISLATIVE BILL 725. By Hartnett

Jan.	21	Read first time	327
Jan.	26	Referred to Committee on Revenue	374
Feb.	3	Notice of hearing (2/19)	479
Mar.	16	Placed on General File - Com AM0856 (printed separate)	1011
Mar.	17	Hartnett priority bill	1024
Mar.	22	Preister name added	1121
Mar.	30	Will name added	1243
Apr.	1	Committee AM0856 adopted. Advanced for Review	1299
Apr.	7	Placed on Select File - AM5447	1433
Apr.	15	Warner AM1438 printed	1564
Apr.	28	Warner AM1743 printed	1799
May	3	Hartnett AM1638 and AM1637 printed	1891
May	3	Schellpeper AM1639 printed	1900
May	3	Schellpeper AM1790 to AM1743 printed	1901
May	19	AM5447 (E & R) adopted. Warner pending AM1438 p. 1564 withdrawn. Warner pending AM1743 p. 1799 lost as amended by Warner AM2079. Hartnett pending AM1638 and AM1637 p. 1891 and Schellpeper pending AM1639 p. 1900 adopted	2320
May	19	Schellpeper AM1790 p. 1901 withdrawn. Advanced for Engrossment	2331
May	19	Abboud name added	2344
May	27	Correctly Engrossed	2561
May	27	ER7290 change	2562
June	7	Final Reading w/E 47-0-2	2793
June	7	President signed	2799
June	7	Presented to Governor (6/7)	2805
June	8	Approved by Governor (6/8)	2837

LEGISLATIVE BILL 725A. By Hartnett

Mar.	22	Read first time. Placed on General File	1119
Apr.	1	Advanced for Review	1299
Apr.	7	Placed on Select File	1433
May	19	Hartnett FA247 adopted. Advanced for Engrossment	2332
May	27	Correctly Engrossed	2561
June	7	Final Reading w/E 47-0-2	2794
June	7	President signed	2799
June	7	Presented to Governor (6/7)	2805
June	8	Approved by Governor (6/8)	2837

LEGISLATIVE BILL 726. By Hartnett

Jan. 21 Read first time 327
Jan. 26 Referred to Committee on Urban Affairs 374
Jan. 26 Withem name added 377
Feb. 2 Notice of hearing (2/9) 451
Feb. 16 Placed on General File 647
Mar. 5 Advanced for Review 895
Mar. 17 Placed on Select File - AM5418 1023
Mar. 30 AM5418 (E & R) adopted. Hartnett AM1122 adopted. Advanced for Engrossment 1257
Apr. 2 Correctly Engrossed 1318
Apr. 7 Final Reading 46-0-3 1422
Apr. 7 President signed 1427
Apr. 7 Presented to Governor (4/7) 1433
Apr. 13 Approved by Governor (4/12) 1480

LEGISLATIVE BILL 727. By Hartnett

Jan. 21 Read first time 328
Jan. 26 Referred to Committee on Government, Military and Veterans Affairs 374
Mar. 11 Notice of hearing (3/18) 988

LEGISLATIVE BILL 728. By Hartnett

Jan. 21 Read first time 328
Jan. 26 Referred to Committee on General Affairs 374
Feb. 19 Notice of hearing (3/8) 708

LEGISLATIVE BILL 729. By Hartnett

Jan. 21 Read first time 328
Jan. 26 Referred to Committee on Government, Military and Veterans Affairs 374
Mar. 11 Notice of hearing (3/19) 989

LEGISLATIVE BILL 730. By Hartnett

Jan. 21 Read first time 328
Jan. 26 Referred to Committee on General Affairs 374
Feb. 19 Notice of hearing (3/8) 708
Mar. 11 Placed on General File - Com AM0738 980

LEGISLATIVE BILL 731. By Hartnett

Jan. 21 Read first time 329
Jan. 26 Referred to Committee on Urban Affairs 374
Feb. 16 Notice of hearing (3/9) 649
Mar. 23 Placed on General File - Com AM0966 1143
(Provisions/portions of LB 731 amended into LB 632 by AM1418)

LEGISLATIVE BILL 732. By Hartnett

Jan. 21 Read first time 329
Jan. 26 Referred to Committee on Urban Affairs 374
Feb. 2 Notice of hearing (2/9) 451
Feb. 16 Placed on General File - Com AM0363 648
Mar. 17 Urban Affairs Committee priority bill 1024
Apr. 16 Committee AM0363 adopted. Advanced for Review ... 1573
Apr. 27 Placed on Select File - AM5477 1698
May 4 Byars-Robinson AM1453 to AM1417 printed 1945
May 6 AM5477 (E & R) adopted. Hartnett AM1417 (on file) and Byars-Robinson pending AM1453 p. 1945 adopted. Advanced for Engrossment 2001
May 17 Correctly Engrossed 2180
May 17 ER7271 change 2185
May 20 Final Reading 42-1-6 2357
May 20 President signed 2362
May 20 Presented to Governor (5/20) 2374
May 25 Approved by Governor (5/25) 2460
(Provisions/portions of LB 733 amended into LB 732 by AM1417)

LEGISLATIVE BILL 733. By Hartnett

Jan. 21 Read first time 329
Jan. 26 Referred to Committee on Urban Affairs 374
Feb. 2 Notice of hearing (2/9) 451
Feb. 24 Placed on General File - Com AM0485 765
(Provisions/portions of LB 733 amended into LB 732 by AM1417)

LEGISLATIVE BILL 734. By Hillman, Wickersham

Jan. 21 Read first time 329
Jan. 26 Referred to Committee on Revenue 374
Feb. 3 Notice of hearing (2/25) 479
Mar. 2 Placed on General File 804
Apr. 8 Advanced for Review 1447
Apr. 15 Placed on Select File - AM5460 1545
Apr. 16 AM5460 (E & R) adopted. Advanced for Engrossment 1570
Apr. 29 Warner AM1791 to AM1763 printed 1829
May 5 Cudaback name added 1985
May 11 Returned to Select File for Cudaback et al amendment. Cudaback-Hartnett-Hillman-Warner AM1944 (on file) adopted. Advanced for Engrossment. Warner pending AM1791 p. 1829 withdrawn 2019
May 11 Returned to Select File for Hillman

et al amendment. Hillman-Cudaback-Hartnett-Warner AM1970 to AM1944 adopted. Advanced for Engrossment 2020
May 11 Returned to Select File for Hall amendment. Hall FA180 adopted. Advanced for Engrossment ... 2021
May 17 Correctly Engrossed. ER7273 change 2200
June 3 Wesely motion to return to Select File for FA305 withdrawn. Final Reading w/E 40-0-9 2770
June 3 Speaker signed 2774
June 7 Presented to Governor (6/3) 2776
June 15 Approved by Governor (6/9) 2856
(Provisions/portions of LB 722 amended into LB 734 by AM1944)

LEGISLATIVE BILL 734A. By Cudaback

May 11 Read first time. Placed on General File 2028
May 12 Advanced for Review 2073
May 18 Placed on Select File 2244
May 20 Advanced for Engrossment 2364
May 27 Correctly Engrossed 2538
June 3 Final Reading w/E 39-0-10 2771
June 3 Speaker signed 2774
June 7 Presented to Governor (6/3) 2776
June 15 Approved by Governor (6/9) 2856

LEGISLATIVE BILL 735. By Beutler

Jan. 21 Read first time 330
Jan. 26 Referred to Committee on Judiciary 374
Mar. 22 Notice of hearing (3/30) 1121
Apr. 1 Placed on General File 1298

LEGISLATIVE BILL 736. By Beutler

Jan. 21 Read first time 330
Jan. 26 Referred to Committee on Natural Resources 374
Feb. 9 Notice of hearing (2/17) 562

LEGISLATIVE BILL 737. By Beutler

Jan. 21 Read first time 330
Jan. 26 Referred to Committee on Natural Resources 374
Jan. 28 Notice of hearing (2/4) 390
Mar. 17 Natural Resources Committee priority bill 1030
Mar. 19 Placed on General File - Com AM0748 1109

LEGISLATIVE BILL 738. By Beutler

Jan. 21 Read first time 330
Jan. 26 Referred to Committee on Banking, Commerce and Insurance 374
Feb. 10 Notice of hearing (3/8) 579

LEGISLATIVE BILL 739. By Beutler

Jan. 21 Read first time 330
Jan. 26 Referred to Committee on Natural Resources 374
Feb. 9 Notice of hearing (2/18) 562
Feb. 22 Placed on General File 725
Mar. 17 Natural Resources Committee priority bill 1030
Mar. 23 Ashford name added 1147
Apr. 15 Wickersham AM1483 lost. Advanced for Review 1553
Apr. 22 Placed on Select File - AM5470 1688
Apr. 30 Dierks AM1685 printed 1870
Apr. 30 Dierks AM1684 printed 1871
Apr. 30 Jones AM1745 printed 1882
May 6 AM5470 (E & R) adopted. Wickersham motion to indefinitely postpone laid over 1997
May 11 Wickersham pending motion p. 1997 withdrawn. Dierks pending AM1685 p. 1870 and pending AM1684 p. 1871 and Jones pending AM1745 p. 1882 withdrawn. Beutler AM1971 adopted as amended by Wickersham FA181. Bernard-Stevens motion to indefinitely postpone laid over .. 2021
May 17 Bernard-Stevens pending motion p. 2023 withdrawn. Advanced for Engrossment 2164
May 24 Correctly Engrossed 2409
May 24 ER7276 change 2414
June 1 Final Reading 34-13-2 2570
June 1 President signed 2583
June 1 Presented to Governor (6/1) 2589
June 7 Approved by Governor (6/4) 2777

LEGISLATIVE BILL 740. By Wesely, Hall

Jan. 21 Read first time 330
Jan. 26 Referred to Committee on Health and Human Services 374
Feb. 3 Notice of hearing (2/18) 487

LEGISLATIVE BILL 741. By Wesely, Hall

Jan. 21 Read first time 331
Jan. 26 Referred to Committee on Revenue 374
Feb. 5 Notice of hearing (3/4) 539
Apr. 27 Placed on General File - Com AM1673 1711
May 13 Elmer-Vrtiska-Janssen-Schmitt-Robinson-Fisher-

Jones-Schellpeper motion to suspend rules and allow a vote to bracket ruled out of order 2093
May 13 Committee AM1673 adopted. Advanced for Review ... 2098
May 18 Placed on Select File - AM5527 2248
May 19 Hall AM2154 printed 2286
May 25 AM5527 (E & R) adopted. Hall pending AM2154 p. 2286 adopted. Failed to advance for Engrossment 2473
May 26 Advanced for Engrossment 2501
May 27 Correctly Engrossed 2561
May 27 ER7310 change 2562
(Provisions/portions of LB 378 amended into LB 741 by AM2154)

LEGISLATIVE BILL 742. By Warner

Jan. 21 Read first time 331
Jan. 26 Referred to Committee on Revenue 374
Feb. 5 Notice of hearing (3/4) 539
Mar. 16 Indefinitely postponed 991

LEGISLATIVE BILL 743. By Warner

Jan. 21 Read first time 331
Jan. 26 Referred to Committee on Executive Board 374
Jan. 29 Notice of hearing (2/10) 415
Feb. 19 Indefinitely postponed 685

LEGISLATIVE BILL 744. By Fisher, Bohlke, Byars, Coordsen, Pedersen, Schellpeper, Wickersham, Witek

Jan. 21 Read first time 331
Jan. 26 Referred to Committee on Banking, Commerce and Insurance 374
Feb. 10 Notice of hearing (3/16) 579

LEGISLATIVE BILL 745. By Elmer

Jan. 21 Read first time 331
Jan. 26 Referred to Committee on Revenue 374
Mar. 3 Notice of hearing (3/18) 850
Apr. 28 Indefinitely postponed 1805

LEGISLATIVE BILL 746. By Elmer

Jan. 21 Read first time 332
Jan. 26 Referred to Committee on Natural Resources 374
Feb. 18 Elmer motion to withdraw bill laid over 676
Feb. 19 Elmer pending motion p. 676 prevailed. Withdrawn 704

LEGISLATIVE BILL 747. By Elmer

Jan. 21 Read first time 332
Jan. 26 Referred to Committee on Government, Military and Veterans Affairs 374
Mar. 11 Notice of hearing (3/19) 988

LEGISLATIVE BILL 748. By Elmer

Jan. 21 Read first time 332
Jan. 26 Referred to Committee on Natural Resources 374
Mar. 2 Notice of hearing (3/10) 807

LEGISLATIVE BILL 749. By Fisher, Crosby, Cudaback, Elmer, Hohenstein, Hudkins, Lynch, Pedersen, Pirsch, Schellpeper, Schmitt, Vrtiska, Wehrbein

Jan. 21 Read first time 332
Jan. 26 Referred to Committee on Transportation 374
Feb. 11 Notice of hearing (3/16) 594

LEGISLATIVE BILL 750. By Fisher, Bohlke, Schmitt, Wehrbein

Jan. 21 Read first time 333
Jan. 26 Referred to Committee on Urban Affairs 374
Feb. 16 Notice of hearing (3/16) 649
Mar. 23 Placed on General File 1139
Apr. 8 Advanced for Review 1455
Apr. 19 Placed on Select File - AM5467 1596
Apr. 21 AM5467 (E & R) adopted. Advanced for Engrossment 1670
Apr. 28 Correctly Engrossed 1786
May 5 Final Reading 38-0-11 1965
May 5 President signed 1968
May 5 Presented to Governor (5/5) 1969
May 11 Approved by Governor (5/8) 2018

LEGISLATIVE BILL 751. By Beutler

Jan. 21 Read first time 333
Jan. 26 Referred to Committee on Natural Resources 374
Feb. 4 Notice of hearing (2/11) 493

LEGISLATIVE BILL 752. By Beutler

Jan. 21 Read first time 333
Jan. 26 Referred to Committee on Natural Resources 374

Jan. 29 Notice of hearing (2/5) 415
Mar. 23 Indefinitely postponed 1132

LEGISLATIVE BILL 753. By Coordsen, Ashford, Elmer, Hohenstein, Pirsch

Jan. 21 Read first time 333
Jan. 26 Referred to Committee on Business and Labor 374
Feb. 11 Notice of hearing (2/22) 594

LEGISLATIVE BILL 754. By Abboud

Jan. 21 Read first time 333
Jan. 26 Referred to Committee on Banking, Commerce and Insurance 374
Feb. 5 Rereferred to Committee on Business and Labor 518
Feb. 11 Notice of hearing (2/22) 594
Feb. 23 Placed on General File 747
Mar. 18 Business and Labor Committee priority bill 1057

LEGISLATIVE BILL 754A. By Abboud

Mar. 3 Read first time. Placed on General File 845

LEGISLATIVE BILL 755. By Wickersham

Jan. 21 Read first time 334
Jan. 26 Referred to Committee on Education 374
Feb. 3 Notice of hearing (3/9) 480

LEGISLATIVE BILL 756. By Robak

Jan. 21 Read first time 334
Jan. 26 Referred to Committee on Banking, Commerce and Insurance 374
Feb. 10 Notice of hearing (3/9) 579
Mar. 24 Indefinitely postponed 1162

LEGISLATIVE BILL 757. By Landis, Abboud, Coordsen, Withem

Jan. 21 Read first time 334
Jan. 26 Referred to Committee on Business and Labor 374
Feb. 11 Notice of hearing (3/8) 594
Mar. 18 Coordsen priority bill 1057
Mar. 25 Placed on General File - Com AM1004 1192
Mar. 30 Landis AM1030 printed 1219
Mar. 31 Landis AM1188 printed 1281
Apr. 5 Abboud AM1247 to committee AM1004 printed 1349
Apr. 8 Moore AM1362 printed 1451

Apr. 8 Hall AM1250 to committee AM1004 printed 1466
Apr. 8 Hall AM1272 printed 1467
Apr. 8 Hall AM1246 to committee AM1004 printed 1471
Apr. 19 Abboud pending AM1247 p. 1349 ruled not germane. Committee AM1004 adopted. Landis pending AM1030 p. 1219 withdrawn. Lindsay FA95 to AM1188 pending 1604
Apr. 19 Lindsay pending FA95 p. 1605 lost. Hall request for division of question on Landis pending AM1188 p. 1281 sustained. Landis FA96 adopted. Hall FA100 to FA96 lost 1610
Apr. 19 Landis FA97 pending. Lindsay FA101 and Beutler AM1542 lost 1627
Apr. 19 Lindsay FA102 to AM1188 printed 1629
Apr. 19 Lindsay FA103 to AM1188 printed 1630
Apr. 20 Hall FA104 and Lindsay pending FA102 p. 1629 withdrawn. Lindsay request to substitute amendment prevailed. Lindsay pending FA103 p. 1630 withdrawn. Lindsay substitute FA105 to FA97 pending 1632
Apr. 20 Lindsay pending FA105 p. 1632 and Hall FA106 lost. Hall FA107 to FA97 pending 1638
Apr. 20 Will AM1586 printed 1648
Apr. 22 Hall pending FA107 p. 1639, Lindsay FA114 and FA115 to FA97 lost 1685
Apr. 22 Abboud FA116 lost. Withem motion to suspend rules and allow vote on FA97 prevailed. Landis pending FA97 p. 1627 adopted. Landis FA98 pending 1689
Apr. 22 Lindsay FA117 printed 1691
Apr. 27 Will FA122 lost. Chambers motion to reconsider FA122 lost. Landis motion to invoke cloture prevailed. Lindsay request for point of order ruled out of order. Chambers motion to reconsider cloture motion ruled out of order. Chambers challenge of chair ruled out of order. Advanced for Review. Chambers motion to reconsider vote on advancement of bill ruled out of order 1721
Apr. 27 Lindsay AM1703 to AM1188 printed 1725
May 3 Placed on Select File - AM5491 1904
May 12 Attorney General's Opinion #93037 to Abboud 2067
May 24 Abboud AM2275 printed 2420
May 25 Abboud AM2412 printed 2465
May 27 Abboud AM2493 printed 2550
June 1 AM5491 (E & R) adopted. Landis pending FA98 p. 1690 adopted as amended by Abboud pending AM2493 p. 2550 and

Landis-Chambers AM2549 2625
June 2 Landis FA99, Landis-Chambers AM2564, and Hall-Landis FA290 adopted. Chambers FA289 and Hall pending AM1272 p. 1467 lost. Moore pending AM1362 p. 1451, Abboud pending AM1247 p. 1349, Hall pending AM1250 p. 1466 and AM1246 p. 1471, Will pending AM1586 p. 1648, Lindsay pending FA117 p. 1691 and AM1703 p. 1725 and Abboud pending AM2275 p. 2420 and AM2412 p. 2465 withdrawn. Advanced for Engrossment 2664
June 3 Correctly Engrossed 2741
June 3 ER7325 change 2742
June 8 Will motion to suspend rules prevailed 2816
June 8 Final Reading 41-3-5 2840
June 8 President signed 2846
June 8 Presented to Governor (6/8) 2849
June 15 Approved by Governor (6/8) 2856

LEGISLATIVE BILL 757A. By Landis, Coordsen

Apr. 15 Read first time. Placed on General File 1559
Apr. 28 Advanced for Review 1777
May 3 Placed on Select File 1906
May 4 Landis AM1707 printed 1941
June 2 Landis pending AM1707 p. 1941 adopted. Advanced for Engrossment 2668
June 3 Correctly Engrossed 2741
June 3 ER7324 change 2742
June 8 Will motion to suspend rules prevailed 2816
June 8 Final Reading 40-3-6 2841
June 8 President signed 2846
June 8 Presented to Governor (6/8) 2849
June 15 Approved by Governor (6/8) 2856

LEGISLATIVE BILL 758. By Will

Jan. 21 Read first time 334
Jan. 26 Referred to Committee on Education 374
Feb. 3 Notice of hearing (3/8) 480
Mar. 30 Placed on General File - Com AM1116 1256

LEGISLATIVE BILL 759. By Landis

Jan. 21 Read first time 335
Jan. 26 Referred to Committee on Government, Military and Veterans Affairs 374
Mar. 11 Notice of hearing (3/19) 988

Mar. 25 Placed on General File - Com AM0591 1196
(Provisions/portions of LB 759 amended into LB 516 by AM2518)

LEGISLATIVE BILL 760. By Lindsay

Jan. 21 Read first time 335
Jan. 26 Referred to Committee on Judiciary 374
Jan. 28 Notice of hearing (2/4) 392
Feb. 9 Placed on General File - Com AM0196 572

LEGISLATIVE BILL 761. By Lindsay

Jan. 21 Read first time 335
Jan. 26 Referred to Committee on Health and Human Services 374
Feb. 3 Notice of hearing (2/19) 488
Mar. 2 Indefinitely postponed 800

LEGISLATIVE BILL 762. By Kristensen, Baack, Crosby, Cudaback, Day, Haberman, Hartnett, Hillman, Lynch, Schellpeper, Warner

Jan. 21 Read first time 335
Jan. 26 Referred to Committee on Judiciary 375
Mar. 10 Notice of hearing (3/18) 950
Mar. 19 Speaker priority bill 1115

LEGISLATIVE BILL 763. By Will

Jan. 21 Read first time 341
Jan. 27 Referred to Committee on Revenue 386
Feb. 3 Notice of hearing (2/25) 479
Mar. 2 Placed on General File - Com AM0588 804
(Provisions/portions of LB 763 amended into LB 310 by AM2250)

LEGISLATIVE BILL 764. By Bernard-Stevens

Jan. 21 Read first time 341
Jan. 27 Referred to Committee on Health and Human Services 386
Feb. 3 Notice of hearing (3/10) 488
Mar. 18 Indefinitely postponed 1079

LEGISLATIVE BILL 765. By Ashford

Jan. 21 Read first time 341
Jan. 27 Referred to Committee on Government, Military and Veterans Affairs 386
Mar. 10 Notice of hearing (3/17) 970
(Provisions/portions of LB 765 amended into LB 627 by AM1143)

LEGISLATIVE BILL 766. By Ashford

Jan.	21	Read first time	341
Jan.	27	Referred to Committee on Judiciary	386
Feb.	11	Notice of hearing (2/19)	615
Mar.	8	Placed on General File - Com AM0681	913

LEGISLATIVE BILL 767. By Ashford

Jan.	21	Read first time	341
Jan.	27	Notice of hearing (2/4)	385
Jan.	27	Referred to Committee on Revenue	386
Feb.	11	Placed on General File	617
Mar.	5	Advanced for Review	888
Mar.	17	Placed on Select File	1022
Mar.	24	Advanced for Engrossment	1165
Mar.	30	Correctly Engrossed	1244
Mar.	30	ER7229 change	1247
Apr.	5	Final Reading 45-0-4	1358
Apr.	5	Speaker signed	1361
Apr.	5	Presented to Governor (4/5)	1363
Apr.	7	Approved by Governor (4/7)	1442

LEGISLATIVE BILL 768. By Warner

Jan.	21	Read first time	341
Jan.	27	Referred to Committee on Urban Affairs	386
Feb.	16	Notice of hearing (3/9)	649
Mar.	30	Indefinitely postponed	1217

LEGISLATIVE BILL 769. By Hall, Schellpeper

Jan.	21	Read first time	342
Jan.	27	Referred to Committee on General Affairs	386
Feb.	10	Notice of hearing (2/22)	589

LEGISLATIVE BILL 770. By Beutler, Jones

Jan.	21	Read first time	342
Jan.	27	Referred to Committee on Agriculture	386
Feb.	9	Notice of hearing (2/23)	567

LEGISLATIVE BILL 771. By Coordsen

Jan.	21	Read first time	342
Jan.	27	Referred to Committee on Business and Labor	386
Feb.	11	Notice of hearing (3/8)	594

LEGISLATIVE BILL 772. By Elmer, Beutler

Jan. 21 Read first time 342
Jan. 27 Referred to Committee on Agriculture 386
Jan. 29 Notice of hearing (2/9) 425
Mar. 4 Indefinitely postponed 883

LEGISLATIVE BILL 773. By Beutler, Bromm, Elmer, Jones, Preister

Jan. 21 Read first time 342
Jan. 27 Referred to Committee on Natural Resources 386
Feb. 23 Notice of hearing (3/3) 750
Mar. 9 Placed on General File 935
(Provisions/portions of LB 773 amended into LB 235 by AM1941)

LEGISLATIVE BILL 774. By Haberman

Jan. 21 Read first time 343
Jan. 27 Referred to Committee on Revenue 386
Mar. 3 Notice of hearing (3/17) 850
Apr. 7 Indefinitely postponed 1435

LEGISLATIVE BILL 775. By Dierks, Bohlke, Kristensen

Jan. 21 Read first time 343
Jan. 27 Referred to Committee on Revenue 386
Feb. 5 Notice of hearing (3/4) 539
Mar. 16 Indefinitely postponed 991

LEGISLATIVE BILL 776. By Wesely

Jan. 21 Read first time 343
Jan. 27 Referred to Committee on Government, Military and Veterans Affairs 386
Feb. 10 Notice of hearing (2/18) 588

LEGISLATIVE BILL 777. By Wesely

Jan. 21 Read first time 343
Jan. 27 Referred to Committee on Transportation 386
Feb. 11 Notice of hearing (3/8) 594
Mar. 17 Indefinitely postponed 1045

LEGISLATIVE BILL 778. By Lindsay

Jan. 21 Read first time 343
Jan. 27 Referred to Committee on Revenue 386

Feb. 5 Notice of hearing (3/4) 539
Apr. 28 Indefinitely postponed 1805

LEGISLATIVE BILL 779. By Lindsay

Jan. 21 Read first time 343
Jan. 27 Referred to Committee on Judiciary 386
Mar. 10 Notice of hearing (3/19) 950
Mar. 22 Placed on General File 1119
Apr. 8 Advanced for Review 1454
Apr. 19 Placed on Select File - AM5463 1596
Apr. 21 AM5463 (E & R) adopted. Hudkins AM1515 and AM1514 adopted. Hudkins AM1513 lost. Kristensen motion to bracket until 6/1/93 withdrawn. Lindsay motion to bracket until 5/3/93--Hall objection withdrawn. Bracketed until 5/3/93 1667
Apr. 21 Kristensen AM1632 printed separate 1672
Apr. 22 Hudkins AM1512 printed 1692
Apr. 22 Hudkins AM1511 printed 1693
May 4 Landis AM1857 printed separate 1941
May 18 Lindsay AM2170 printed 2248

LEGISLATIVE BILL 780. By Lindsay

Jan. 21 Read first time 343
Jan. 27 Referred to Committee on Judiciary 386
Feb. 24 Notice of hearing (3/5) 760
Mar. 8 Indefinitely postponed 915

LEGISLATIVE BILL 781. By Lindsay

Jan. 21 Read first time 344
Jan. 27 Referred to Committee on Judiciary 386
Feb. 24 Notice of hearing (3/5) 760
Mar. 8 Placed on General File 913
Apr. 8 Advanced for Review 1447
Apr. 15 Placed on Select File - AM5461 1546
Apr. 16 AM5461 (E & R) adopted. Advanced for Engrossment 1572
Apr. 22 Correctly Engrossed 1688
Apr. 22 ER7254 change 1689
Apr. 30 Final Reading w/E 34-0-15 1847
Apr. 30 Speaker signed 1849
Apr. 30 Presented to Governor (4/30) 1872
May 4 Approved by Governor (5/4) 1933

LEGISLATIVE BILL 782. By Lindsay

Jan. 21 Read first time 344
Jan. 27 Referred to Committee on Health and Human Services 386
Feb. 3 Notice of hearing (2/19) 488
Mar. 18 Lindsay priority bill 1090
Mar. 25 Placed on General File - Com AM0755 1189
Apr. 30 Wesely AM1675 printed separate 1882
May 4 Lindsay AM1839 printed separate 1936
May 5 Committee AM0755 adopted. Lindsay pending AM1839 p. 1936 withdrawn. Wesely pending AM1675 p. 1882 and Lindsay FA173 adopted. Advanced for Review 1968
May 12 Placed on Select File - AM5511 (printed separate) 2082
May 20 AM5511 (E & R) adopted. Advanced for Engrossment 2375
June 1 Correctly Engrossed 2564
June 1 Lindsay AM2523 printed 2583
June 3 Returned to Select File for Lindsay amendment. Lindsay pending AM2523 p. 2583 adopted. Advanced for Re-Engrossment 2734
June 3 Wesely name added 2743
June 3 Correctly Re-Engrossed 2772
June 8 Will motion to suspend rules prevailed 2816
June 8 Final Reading 43-0-6 2842
June 8 President signed 2846
June 8 Presented to Governor (6/8) 2849
June 15 Approved by Governor (6/10) 2864
(Provisions/portions of LB 497 amended into LB 782 by AM1675)
(Provisions/portions of LB 514 amended into LB 782 by AM1675)

LEGISLATIVE BILL 783. By Lindsay, at the request of the Governor

Jan. 21 Read first time 344
Jan. 27 Referred to Committee on Judiciary 386
Feb. 3 Notice of hearing (2/10) 478
Feb. 16 Placed on General File - Com AM0280 640
Mar. 19 Speaker priority bill 1115
(Provisions/portions of LB 783 amended into LB 677 by AM2218)

LEGISLATIVE BILL 784. By Wesely

Jan. 21 Read first time 344
Jan. 27 Referred to Committee on Health and Human Services 386
Feb. 3 Notice of hearing (2/19) 488
Mar. 10 Indefinitely postponed 954
(Provisions/portions of LB 784 amended into LB 505 by AM0802)

LEGISLATIVE BILL 785. By Vrtiska

Jan. 21 Read first time 344
Jan. 27 Referred to Committee on Business and Labor 386
Feb. 11 Notice of hearing (3/8) 594
Mar. 24 Indefinitely postponed 1149

LEGISLATIVE BILL 786. By Crosby, Schellpeper

Jan. 21 Read first time 345
Jan. 27 Referred to Committee on Revenue 386
Feb. 5 Notice of hearing (3/5) 539
Mar. 11 Placed on General File 983

LEGISLATIVE BILL 787. By Wesely

Jan. 21 Read first time 345
Jan. 27 Referred to Committee on Health and Human Services 386
Feb. 3 Notice of hearing (2/24) 488

LEGISLATIVE BILL 788. By Wesely

Jan. 21 Read first time 345
Jan. 27 Referred to Committee on Appropriations 386
Feb. 9 Notice of hearing (3/9) 570

LEGISLATIVE BILL 789. By Natural Resources Committee

Jan. 21 Read first time 345
Jan. 27 Referred to Committee on Natural Resources 386
Feb. 4 Notice of hearing (2/11) 493
Feb. 16 Placed on General File 638
Mar. 5 Advanced for Review 895
Mar. 17 Placed on Select File - AM5417 1023
Mar. 30 AM5417 (E & R) adopted. Bernard-Stevens-Elmer-Coordsen AM1133 ruled germane and pending. Beutler challenge of Chair pending 1236
Mar. 30 Beutler pending motion to challenge Chair withdrawn. Bernard-Stevens et al pending AM1133 p. 1236 adopted as amended by Wehrbein AM1148. Beutler AM1164 lost. Wesely motion to indefinitely postpone laid over 1248
Apr. 6 Wesely pending motion p. 1251 withdrawn. Beutler-Bernard-Stevens AM1253 adopted as amended by Wickersham AM1313 and Bernard-Stevens AM1314. Advanced for Engrossment 1403
Apr. 13 Correctly Engrossed 1503

Apr. 13 ER7246 change 1505
Apr. 19 Final Reading w/E 39-4-6 1593
Apr. 19 President signed 1595
Apr. 19 Robak explanation of vote 1604
Apr. 19 Presented to Governor (4/19) 1607
Apr. 27 Approved by Governor (4/22) 1699
(Provisions/portions of LB 79 amended into LB 789 by AM1253)

LEGISLATIVE BILL 790. By Will, Bernard-Stevens, Bohlke, Landis, Schimek

Jan. 21 Read first time 346
Jan. 27 Referred to Committee on Judiciary 386
Mar. 10 Notice of hearing (3/19) 950
Mar. 16 Attorney General's Opinion #93015 to Lindsay 994
Mar. 22 Indefinitely postponed 1119

LEGISLATIVE BILL 791. By Abboud, Hartnett, Robak

Jan. 21 Read first time 346
Jan. 27 Referred to Committee on General Affairs 386
Feb. 10 Notice of hearing (2/22) 589

LEGISLATIVE BILL 792. By Moore, Ashford, Baack, Haberman, Hall, Warner, Wehrbein, Wesely

Jan. 21 Read first time 346
Jan. 27 Referred to Committee on Health and Human Services 386
Feb. 3 Notice of hearing (3/3) 488
Mar. 30 Indefinitely postponed 1256

LEGISLATIVE BILL 793. By Moore, Ashford, Baack, Haberman, Hall, Warner, Wehrbein, Wesely

Jan. 21 Read first time 348
Jan. 27 Referred to Committee on Health and Human Services 387
Feb. 3 Notice of hearing (3/3) 488
Mar. 30 Indefinitely postponed 1256

LEGISLATIVE BILL 794. By Moore, Ashford, Baack, Dierks, Haberman, Hall, Warner, Wehrbein, Wesely, Will

Jan. 21 Read first time 348
Jan. 27 Referred to Committee on Health and Human Services 387
Feb. 3 Notice of hearing (3/3) 488

Mar. 30 Indefinitely postponed 1256
Apr. 7 Appropriations Committee motion to place on General File laid over 1428
Apr. 15 Appropriations Committee pending motion p. 1428 withdrawn 1548

LEGISLATIVE BILL 795. By Moore, Baack, Dierks, Haberman, Hall, Schellpeper, Warner, Wehrbein, Wesely, Will

Jan. 21 Read first time 348
Jan. 25 Bernard-Stevens name added 370
Jan. 27 Referred to Committee on Health and Human Services 387
Feb. 3 Notice of hearing (3/5) 488
Mar. 30 Indefinitely postponed 1257

LEGISLATIVE BILL 796. By Moore, Ashford, Baack, Haberman, Hall, Warner, Wehrbein, Wesely

Jan. 21 Read first time 349
Jan. 27 Referred to Committee on Health and Human Services 387
Feb. 3 Notice of hearing (3/3) 488
Mar. 30 Indefinitely postponed 1257

LEGISLATIVE BILL 797. By Wesely, Baack, Dierks, Haberman, Hall, Moore, Rasmussen, Schellpeper, Warner, Wehrbein, Will

Jan. 21 Read first time 349
Jan. 25 Bernard-Stevens name added 370
Jan. 27 Referred to Committee on Health and Human Services 387
Feb. 3 Notice of hearing (3/4) 488

LEGISLATIVE BILL 798. By Wesely, Baack, Dierks, Haberman, Hall, Moore, Rasmussen, Schellpeper, Warner, Wehrbein, Will

Jan. 21 Read first time 349
Jan. 25 Bernard-Stevens name added 370
Jan. 27 Referred to Committee on Health and Human Services 387
Feb. 3 Notice of hearing (3/4) 488
Mar. 30 Placed on General File 1256
May 4 Advanced for Review 1936
May 11 Placed on Select File 2016
May 25 Advanced for Engrossment 2447
May 27 Correctly Engrossed 2538
June 3 Final Reading 44-0-5 2689
June 3 Speaker signed 2710

June 3 Presented to Governor (6/3) 2726
June 15 Approved by Governor (6/9) 2857

LEGISLATIVE BILL 798A. By Wesely

Apr. 27 Read first time. Placed on General File 1724
May 4 Advanced for Review 1936
May 11 Placed on Select File 2016
May 25 Advanced for Engrossment 2447
May 27 Correctly Engrossed 2538
June 3 Final Reading 45-0-4 2689
June 3 Speaker signed 2710
June 3 Presented to Governor (6/3) 2726
June 15 Approved by Governor (6/9) 2857

LEGISLATIVE BILL 799. By Wesely, Baack, Dierks, Haberman, Hall, Moore, Rasmussen, Schellpeper, Warner, Wehrbein, Will

Jan. 21 Read first time 349
Jan. 25 Bernard-Stevens name added 370
Jan. 27 Referred to Committee on Health and Human Services 387
Feb. 3 Notice of hearing (3/4) 488
Mar. 30 Placed on General File 1256
May 4 Advanced for Review 1936
May 11 Placed on Select File - AM5503 2016
May 18 Wesely AM2163 printed 2202
May 25 AM5503 (E & R) adopted. Wesely pending AM2163 p. 2202 adopted. Advanced for Engrossment 2447
May 27 Correctly Engrossed 2538
June 3 Final Reading 45-0-4 2690
June 3 Speaker signed 2710
June 3 Presented to Governor (6/3) 2726
June 15 Approved by Governor (6/9) 2857

LEGISLATIVE BILL 799A. By Wesely

Apr. 21 Read first time. Placed on General File 1672
May 4 Advanced for Review 1936
May 11 Placed on Select File 2016
May 25 Advanced for Engrossment 2447
May 27 Correctly Engrossed 2538
June 3 Final Reading 45-0-4 2691
June 3 Speaker signed 2710
June 3 Presented to Governor (6/3) 2726
June 15 Approved by Governor (6/9) 2857

LEGISLATIVE BILL 800. By Wesely, Baack, Dierks, Haberman, Hall, Moore, Rasmussen, Schellpeper, Warner, Wehrbein, Will

Jan.	21	Read first time	349
Jan.	25	Bernard-Stevens name added	370
Jan.	27	Referred to Committee on Health and Human Services	387
Feb.	3	Notice of hearing (3/4)	488
Apr.	14	Placed on General File - Com AM1416	1529
May	4	Committee AM1416 adopted. Advanced for Review	1936
May	11	Placed on Select File - AM5501	2016
May	13	Wesely AM2045 printed	2112
May	25	AM5501 (E & R) adopted. Wesely pending AM2045 p. 2112 withdrawn. Bromm AM2408 adopted. Advanced for Engrossment	2447
May	27	Correctly Engrossed	2538
May	27	ER7303 change	2541
June	3	Final Reading w/E 42-1-6	2691
June	3	Speaker signed	2710
June	3	Presented to Governor (6/3)	2726
June	15	Approved by Governor (6/9)	2857

LEGISLATIVE BILL 800A. By Wesely

Apr.	21	Read first time. Placed on General File	1672
May	4	Advanced for Review	1937
May	11	Placed on Select File	2016
May	25	Advanced for Engrossment	2448
May	27	Correctly Engrossed	2538
June	3	Final Reading 43-0-6	2692
June	3	Speaker signed	2710
June	3	Presented to Governor (6/3)	2726
June	15	Approved by Governor (6/9)	2857

LEGISLATIVE BILL 801. By Wesely, Baack, Dierks, Haberman, Hall, Moore, Rasmussen, Warner, Wehrbein, Will

Jan.	21	Read first time	350
Jan.	25	Bernard-Stevens name added	370
Jan.	27	Referred to Committee on Health and Human Services	387
Feb.	3	Notice of hearing (3/4)	488
Apr.	14	Placed on General File - Com AM1367	1530
May	4	Committee AM1367 adopted. Advanced for Review	1937
May	11	Placed on Select File - AM5504	2016
May	24	Wesely AM2171 printed	2425
May	25	AM5504 (E & R) adopted. Wesely pending AM2171 p. 2425 withdrawn. Wesely-Haberman AM2172 and Wesely AM2419	

adopted. Advanced for Engrossment 2448
May 27 Correctly Engrossed 2538
May 27 ER7304 change 2541
June 3 Final Reading 46-0-3 2693
June 3 Speaker signed 2710
June 3 Presented to Governor (6/3) 2726
June 15 Approved by Governor (6/9) 2857

LEGISLATIVE BILL 802. By Wesely, Baack, Dierks, Haberman, Hall, Moore, Rasmussen, Warner, Wehrbein, Will

Jan. 21 Read first time 350
Jan. 25 Bernard-Stevens name added 370
Jan. 27 Referred to Committee on Health and Human Services 387
Feb. 3 Notice of hearing (3/5) 488
Mar. 30 Indefinitely postponed 1257

LEGISLATIVE BILL 803. By Wesely, Baack, Dierks, Haberman, Hall, Moore, Rasmussen, Warner, Wehrbein, Will

Jan. 21 Read first time 350
Jan. 25 Bernard-Stevens name added 370
Jan. 27 Referred to Committee on Health and Human Services 387
Feb. 3 Notice of hearing (3/5) 488
Apr. 14 Indefinitely postponed 1532

LEGISLATIVE BILL 804. By Wesely, Ashford, Baack, Dierks, Haberman, Hall, Moore, Schellpeper, Warner, Wehrbein, Will

Jan. 21 Read first time 350
Jan. 27 Referred to Committee on Health and Human Services 387
Feb. 3 Notice of hearing (3/3) 488
Apr. 19 Placed on General File - Com AM1500 1624
May 3 Moore-Hohenstein-Ashford-Wehrbein-Avery-Bernard-Stevens-Hillman AM1765 to committee AM1500 printed 1903
May 4 Wesely AM1855 to committee AM1500 adopted. Moore et al pending AM1765 p. 1903 lost 1938
May 4 Moore AM1881 to committee AM1500 printed 1951
May 5 Wesely AM1898 and Beutler AM1801 to committee AM1500 adopted. Moore pending AM1881 p. 1951 to committee AM1500 pending 1977
May 5 Moore pending AM1881 p. 1951 and Moore FA175 to committee AM1500 adopted. Beutler FA174 lost. Committee AM1500

adopted as amended. Advanced for Review 1982
May 12 Placed on Select File - AM5510 2082
May 17 Wesely-Byars-Horgan-Vrtiska-Dierks-Day AM2061 printed 2174
May 24 Day-Vrtiska AM2325 to AM5510 printed 2419
May 26 Day, Rasmussen, and Byars names added 2497
May 26 AM5510 (E & R) adopted. Wesely et al pending AM2061 p. 2174 withdrawn. Wesely AM2478 adopted. Moore FA274, Moore AM2484, Day-Vrtiska pending AM2325 p. 2419 and Hall AM2479 lost. Advanced for Engrossment 2501
June 1 Correctly Engrossed 2587
June 1 ER7312 change 2588
June 3 Moore motion to suspend rules prevailed. Final Reading w/E 45-0-4 2703
June 3 Speaker signed 2710
June 3 Presented to Governor (6/3) 2726
June 15 Approved by Governor (6/9) 2857

LEGISLATIVE BILL 804A. By Wesely

Apr. 27 Read first time. Placed on General File 1724
May 5 Wesely AM1906 adopted. Advanced for Review 1984
May 12 Placed on Select File 2084
May 27 Wesely AM2499 adopted. Advanced for Engrossment 2552
June 1 Correctly Engrossed 2587
June 3 Moore motion to suspend rules prevailed 2703
June 3 Final Reading w/E 46-0-3 2704
June 3 Speaker signed 2710
June 3 Presented to Governor (6/3) 2726
June 15 Approved by Governor (6/9) 2857

LEGISLATIVE BILL 805. By Wesely, Baack, Dierks, Hall, Schellpeper, Warner, Wehrbein

Jan. 21 Read first time 350
Jan. 25 Bernard-Stevens name added 370
Jan. 27 Referred to Committee on Health and Human Services 387
Feb. 3 Notice of hearing (3/5) 488
Apr. 14 Placed on General File - Com AM1173 1531
Apr. 27 Wesely AM1694 to committee AM1173 printed 1725
May 4 Committee AM1173 adopted as amended by Wesely pending AM1694 p. 1725. Advanced for Review 1938
May 11 Placed on Select File - AM5508 2039
May 20 Wesely AM2282 to AM5508 printed 2367
May 25 AM5508 (E & R) adopted. Wesely pending

AM2282 p. 2367 and Lindsay AM2420 withdrawn. Wesely AM2413 to AM5508 adopted. Avery-Lindsay FA271 lost.
Advanced for Engrossment 2462
May 27 Correctly Engrossed 2538
May 27 ER7307 change 2541
June 3 Final Reading w/E 44-2-3 2694
June 3 Speaker signed 2710
June 3 Presented to Governor (6/3) 2726
June 15 Approved by Governor (6/9) 2857

LEGISLATIVE BILL 805A. By Wesely

Apr. 27 Read first time. Placed on General File 1724
May 4 Advanced for Review 1938
May 11 Placed on Select File 2041
May 25 Wesely AM2411 adopted.
Advanced for Engrossment 2464
May 27 Correctly Engrossed 2538
June 3 Final Reading 45-2-2 2694
June 3 Speaker signed 2710
June 3 Presented to Governor (6/3) 2726
June 15 Approved by Governor (6/9) 2857

LEGISLATIVE BILL 806. By Hall, Ashford, Dierks, Haberman, Moore, Rasmussen, Warner, Wehrbein, Wesely, Will

Jan. 21 Read first time 351
Jan. 27 Referred to Committee on Revenue 387
Feb. 2 Notice of hearing (2/10) 463
Apr. 6 Indefinitely postponed 1394
Apr. 7 Wesely motion to place on General File laid over 1436
Apr. 15 Wesely pending motion p. 1436 withdrawn 1549

LEGISLATIVE BILL 807. By Hall, Haberman, Moore, Rasmussen, Warner, Wehrbein, Wesely, Will

Jan. 21 Read first time 351
Jan. 27 Referred to Committee on Revenue 387
Feb. 2 Notice of hearing (2/10) 463
Mar. 9 Indefinitely postponed 940

LEGISLATIVE BILL 808. By Hall, Baack, Dierks, Haberman, Moore, Schellpeper, Warner, Wehrbein, Wesely, Will

Jan. 21 Read first time 351
Jan. 25 Bernard-Stevens name added 370
Jan. 27 Referred to Committee on Health and

Human Services 387
Feb. 3 Notice of hearing (3/3) 488
Apr. 14 Placed on General File - Com AM1372 1531
May 4 Committee AM1372 adopted as amended by Wesely FA167. Advanced for Review 1937
May 11 Placed on Select File - AM5506 2037
May 17 Wesely AM2164 to AM5506 printed 2196
May 24 Wesely AM2319 to AM5506 printed 2417
May 25 AM5506 (E & R) adopted. Wesely pending 2319 p. 2417 withdrawn. Wesely pending 2164 p. 2196, Rasmussen AM2386, Wesely FA266, Byars FA267, and Wesely reoffered AM2319 p. 2417 adopted. Advanced for Engrossment 2449
May 27 Correctly Engrossed 2555
May 27 ER7305 change 2557
June 3 Final Reading 47-0-2 2695
June 3 Speaker signed 2710
June 3 Presented to Governor (6/3) 2726
June 15 Approved by Governor (6/9) 2857

LEGISLATIVE BILL 808A. By Wesely

Apr. 27 Read first time. Placed on General File 1724
May 4 Advanced for Review 1937
May 11 Placed on Select File - AM5507 2039
May 25 AM5507 (E & R) adopted. Wesely AM2135 adopted. Advanced for Engrossment 2450
May 27 Correctly Engrossed 2555
June 3 Final Reading 47-0-2 2696
June 3 Speaker signed 2710
June 3 Presented to Governor (6/3) 2726
June 15 Approved by Governor (6/9) 2857

LEGISLATIVE BILL 809. By Hall, Haberman, Moore, Warner, Wehrbein, Wesely

Jan. 21 Read first time 351
Jan. 27 Referred to Committee on Health and Human Services 387
Feb. 3 Notice of hearing (3/5) 488
Mar. 30 Indefinitely postponed 1257

LEGISLATIVE BILL 810. By Warner, Dierks, Haberman, Hall, Moore, Wehrbein, Wesely, Will

Jan. 21 Read first time 351
Jan. 27 Referred to Committee on Revenue 387

Feb. 2 Notice of hearing (2/10) 463
Mar. 9 Indefinitely postponed 941

LEGISLATIVE BILL 811. By Warner, Dierks, Haberman, Hall, Moore, Wehrbein, Wesely, Will

Jan. 21 Read first time 352
Jan. 27 Referred to Committee on Revenue 387
Feb. 2 Notice of hearing (2/10) 463
Mar. 9 Indefinitely postponed 941

LEGISLATIVE BILL 812. By Warner, Haberman, Hall, Moore, Rasmussen, Wehrbein, Wesely

Jan. 21 Read first time 352
Jan. 27 Referred to Committee on Revenue 387
Feb. 2 Notice of hearing (2/11) 463
Mar. 9 Indefinitely postponed 941

LEGISLATIVE BILL 813. By Warner, Haberman, Hall, Moore, Wehrbein, Wesely

Jan. 21 Read first time 352
Jan. 27 Referred to Committee on Revenue 387
Feb. 2 Notice of hearing (2/11) 463
Mar. 9 Indefinitely postponed 941

LEGISLATIVE BILL 814. By Warner, Hall, Moore, Wehrbein, Wesely, Will, at the request of the Governor

Jan. 21 Read first time 352
Jan. 27 Referred to Committee on Revenue 387
Feb. 2 Notice of hearing (2/11) 463
Apr. 6 Indefinitely postponed 1394
Apr. 7 Wesely motion to place on General File laid over 1436
Apr. 15 Wesely pending motion p. 1436 withdrawn 1548

LEGISLATIVE BILL 815. By Warner, Dierks, Haberman, Hall, Moore, Schellpeper, Wehrbein, Wesely, Will

Jan. 21 Read first time 352
Jan. 27 Referred to Committee on Revenue 387
Feb. 2 Notice of hearing (2/11) 463
Apr. 27 Placed on General File - Com AM1699 1710
(printed separate)
May 3 Schellpeper AM1789 to committee
AM1699 printed 1893
May 11 Schellpeper-Byars-Crosby AM1925

to committee AM1699 printed 2047
May 12 Committee AM1699 adopted as amended by Warner AM1996. Schellpeper pending AM1789 p. 1893 and Schellpeper-Byars-Crosby pending AM1925 p. 2047 withdrawn. Schellpeper-Byars-Crosby AM2002 sustained division of question. Schellpeper et al FA187 to committee AM1699 adopted. Schellpeper et al FA188 lost. Advanced for Review 2058
May 12 Hall-Wesely AM2022 printed 2086
May 12 Hall-Wesely AM2023 printed 2088
May 18 Placed on Select File - AM5523 ..... 2244 (printed separate)
May 19 Hall-Wesely AM2242 to AM5523 printed 2336
May 19 Hall-Wesely AM2241 to AM5523 printed 2338
May 24 Byars AM2293 to AM5523 printed 2389
May 25 Hall AM2433 to AM5523 printed 2478
May 26 AM5523 (E & R) adopted. Hall-Wesely request to substitute amendment prevailed. Hall-Wesely pending AM2022 p. 2086 withdrawn. Warner substitute AM2415 to AM5523 adopted. Hall-Wesely pending AM2023 p. 2088, AM2242 p. 2336, AM2241 p. 2338, Byars pending AM2293 p. 2389 and Hall pending AM2433 p. 2478 withdrawn. Warner AM2472 adopted. Advanced for Engrossment 2494
May 26 Warner AM2501 printed 2528
June 1 Returned to Select File for Warner amendment. Warner pending AM2501 p. 2528 adopted. Advanced for Engrossment. Expedited 2592
June 1 Correctly Engrossed. ER7315 change 2602
June 3 Moore motion to suspend rules prevailed 2703
June 3 Final Reading w/E 42-5-2 2705
June 3 Speaker signed 2710
June 3 Presented to Governor (6/3) 2726
June 15 Approved by Governor (6/9) 2857
(Provisions/portions of LB 834 amended into LB 815 by AM1699)

LEGISLATIVE BILL 815A. By Warner

May 14 Read first time. Placed on General File 2139
May 19 Warner AM2237 adopted. Advanced for Review 2256
May 20 Placed on Select File 2366
May 26 Warner AM2410 adopted. Advanced for Engrossment 2496
June 1 Correctly Engrossed 2602
June 3 Moore motion to suspend rules prevailed 2703
June 3 Final Reading w/E 44-1-4 2706
June 3 Speaker signed 2710

June 3 Presented to Governor (6/3) 2726
June 15 Approved by Governor (6/9) 2857

LEGISLATIVE BILL 816. By Ashford, Baack, Dierks, Hall, Moore, Warner, Wehrbein, Wesely, Will,

Jan. 21 Read first time 353
Jan. 27 Referred to Committee on Health and Human Services 387
Feb. 3 Notice of hearing (3/4) 488
Apr. 14 Placed on General File - Com AM1366 (printed separate) 1532
May 3 Wesely AM1847 to committee AM1366 printed 1913
May 4 Committee AM1366 adopted as amended by Wesely pending AM1847 p. 1913. Advanced for Review 1937
May 11 Placed on Select File - AM5509 2039
May 25 Will-Rasmussen AM2401 printed 2436
May 25 AM5509 (E & R) adopted. Will-Rasmussen pending AM2401 p. 2436 withdrawn. Wesely AM2409, Will-Rasmussen FA268, Wesely FA269 and Ashford FA270 adopted. Advanced for Engrossment 2461
May 25 Abboud name added 2479
May 27 Correctly Engrossed 2555
May 27 ER7306 change 2557
June 3 Final Reading w/E 47-0-2 2697
June 3 Speaker signed 2710
June 3 Presented to Governor (6/3) 2726
June 15 Approved by Governor (6/9) 2857

LEGISLATIVE BILL 816A. By Wesely

May 14 Read first time. Placed on General File 2137
May 19 Advanced for Review 2257
May 20 Placed on Select File 2366
May 25 Advanced for Engrossment 2462
May 27 Correctly Engrossed 2555
June 3 Final Reading w/E 47-0-2 2697
June 3 Speaker signed 2710
June 3 Presented to Governor (6/3) 2726
June 15 Approved by Governor (6/9) 2857

LEGISLATIVE BILL 817. By Wesely, Byars

Jan. 21 Read first time 353
Jan. 27 Referred to Committee on Health and Human Services 387
Feb. 3 Notice of hearing (2/18) 487

Feb. 22 Placed on General File 724
Mar. 10 Wesely AM0831 printed 967
Mar. 11 Wesely pending AM0831 p. 967
adopted. Advanced for Review 974
Mar. 17 Hohenstein AM0877 printed 1025
Mar. 23 Placed on Select File - AM5431 1136
May 6 Wesely AM1245 printed 2004
May 25 Hall AM2434 printed 2475
June 1 Wesely AM2541 printed separate 2607

LEGISLATIVE BILL 818. By Health and Human Services Committee

Jan. 21 Read first time 353
Jan. 27 Referred to Committee on Health and
Human Services 387
Feb. 3 Notice of hearing (2/10) 487
Feb. 16 Placed on General File 646
Mar. 5 Advanced for Review 895
Mar. 17 Placed on Select File 1023
Mar. 30 Advanced for Engrossment 1257
Apr. 2 Correctly Engrossed 1318
Apr. 7 Final Reading 45-0-4 1423
Apr. 7 President signed 1427
Apr. 7 Presented to Governor (4/7) 1433
Apr. 13 Approved by Governor (4/12) 1480

LEGISLATIVE BILL 819. By Health and Human Services Committee

Jan. 21 Read first time 353
Jan. 27 Referred to Committee on Health and
Human Services 387
Feb. 3 Notice of hearing (3/10) 488
Mar. 25 Placed on General File - Com AM0993 1190

LEGISLATIVE BILL 820. By Hall, Baack, Bernard-Stevens, Beutler, Bohlke, Chambers, Coordsen, Haberman, Hartnett, Hillman, Landis, Lynch, Warner, Wesely, Will

Jan. 21 Read first time 353
Jan. 27 Referred to Committee on Judiciary 387
Mar. 3 Notice of hearing (3/11) 829
Mar. 16 Placed on General File 1009

LEGISLATIVE BILL 821. By Hartnett

Jan. 21 Read first time 354
Jan. 27 Referred to Committee on Education 387

Feb. 3 Notice of hearing (3/8) 480
Mar. 30 Indefinitely postponed 1260

LEGISLATIVE BILL 822. By Wesely

Jan. 21 Read first time 354
Jan. 27 Referred to Committee on Revenue 387
Feb. 3 Notice of hearing (2/19) 479
Mar. 2 Indefinitely postponed 807

LEGISLATIVE BILL 823. By Wesely

Jan. 21 Read first time 354
Jan. 27 Referred to Committee on Banking, Commerce and Insurance 387
Feb. 10 Notice of hearing (3/16) 579
Feb. 23 Notice of hearing (3/9) (Reset) 736
Mar. 10 Placed on General File 954
Apr. 8 Pending 1447

LEGISLATIVE BILL 824. By Wesely

Jan. 21 Read first time 354
Jan. 27 Referred to Committee on Revenue 387
Feb. 3 Notice of hearing (2/19) 479
Apr. 7 Indefinitely postponed 1435
Apr. 7 Wesely motion to place on General File laid over 1436
Apr. 15 Wesely pending motion p. 1436 withdrawn 1549

LEGISLATIVE BILL 825. By Wesely

Jan. 21 Read first time 354
Jan. 27 Referred to Committee on Judiciary 387
Mar. 17 Notice of hearing (3/25) 1027

LEGISLATIVE BILL 826. By Wesely

Jan. 21 Read first time 354
Jan. 27 Referred to Committee on Health and Human Services 387
Feb. 3 Notice of hearing (2/11) 487

LEGISLATIVE BILL 827. By Wesely

Jan. 21 Read first time 355
Jan. 27 Referred to Committee on Health and Human Services 387
Feb. 3 Notice of hearing (2/17) 487
Mar. 18 Wesely priority bill 1089

May 11 Placed on General File - Com AM1926 (printed separate) 2055
May 14 Wesely AM2050 printed separate 2133
May 14 Byars-Dierks AM2077 to committee AM1926 printed 2148
May 17 Byars-Dierks pending AM2077 p. 2148 sustained division of question. Committee AM1926 adopted as amended by Byars-Dierks FA217 and Byars FA218. Byers-Dierks FA216 withdrawn. Failed to advance for Review 2151

LEGISLATIVE BILL 828. By Wesely

Jan. 21 Read first time 355
Jan. 27 Referred to Committee on Health and Human Services 387
Feb. 3 Notice of hearing (3/11) 489
Mar. 23 Indefinitely postponed 1139

LEGISLATIVE BILL 829. By Wesely

Jan. 21 Read first time 356
Jan. 27 Referred to Committee on Revenue 387
Feb. 5 Notice of hearing (3/11) 539
Apr. 7 Indefinitely postponed 1435

LEGISLATIVE BILL 830. By Preister, Abboud, Beutler, Bohlke, Bromm, Chambers, Coordsen, Crosby, Cudaback, Day, Elmer, Fisher, Hall, Hartnett, Hillman, Hohenstein, Hudkins, Janssen, Jones, Lindsay, Lynch, Pedersen, Pirsch, Robak, Schellpeper, Schimek, Schmitt, Warner, Wehrbein, Wesely, Wickersham, Will

Jan. 21 Read first time 356
Jan. 27 Referred to Committee on Natural Resources 387
Feb. 4 Notice of hearing (2/11) 493
Feb. 16 Placed on General File 638
Mar. 11 Advanced for Review 974
Mar. 23 Placed on Select File 1136
Mar. 30 Avery-Vrtiska-Dierks-Bernard-Stevens-Cudaback-Hartnett-Elmer-Schellpeper-Beutler-Baack-Hudkins-Day AM1039 (on file) sustained division of question -- Avery et al FA50 and FA51 (on file) adopted. Advanced for Engrossment 1258
Apr. 2 Correctly Engrossed. ER7236 change 1346
Apr. 7 Final Reading 46-0-3 1424
Apr. 7 President signed 1427
Apr. 7 Presented to Governor (4/7) 1433
Apr. 13 Approved by Governor (4/13) 1488

(Provisions/portions of LB 335 amended into LB 830 by FA50)
(Provisions/portions of LB 532 amended into LB 830 by FA51)

LEGISLATIVE BILL 831. By Appropriations Committee, at the request of the Governor

Mar. 17 Read first time 1048
Mar. 18 Referred to Committee on Appropriations 1069
Mar. 18 Notice of hearing (3/25) 1095
Apr. 5 Placed on General File 1363
Apr. 7 Advanced for Review 1429
Apr. 7 Placed on Select File 1441
Apr. 13 Advanced for Engrossment 1480
Apr. 14 Correctly Engrossed 1512
Apr. 21 Moore motion to suspend rules prevailed 1655
Apr. 21 Final Reading w/E 44-0-5. Speaker signed 1656
Apr. 21 Presented to Governor (4/21) 1659
Apr. 27 Approved by Governor (4/22) 1699

LEGISLATIVE BILL 832. By Appropriations Committee, at the request of the Governor

Mar. 17 Read first time 1048
Mar. 18 Referred to Committee on Appropriations 1069
Mar. 18 Rereferred to Committee on Judiciary 1095
Mar. 22 Notice of hearing (3/30) 1121
Apr. 8 Placed on General File - Com AM1347 1456
May 12 Chambers FA189 withdrawn. Committee AM1347 sustained division of question -- FA190 pending. Bernard-Stevens FA192 to committee FA190 adopted. Bracketed until 5/13/93 2081
May 14 Committee FA190 adopted as amended. Committee FA191 adopted as amended by Chambers FA215. Advanced for Review 2138
May 14 Chambers AM2032 printed 2143
May 20 Placed on Select File - AM5529 2365
May 24 AM5529 (E & R) adopted. Chambers pending AM2032 p. 2143 withdrawn. Chambers-Avery AM2345 (on file) pending. Avery AM2373 to AM2345 lost. Chambers FA262 to AM2345 pending 2423
May 25 Chambers pending FA262 p. 2424 and Chambers-Avery pending AM2345 p. 2424 withdrawn. Moore AM2292 pending. Lindsay FA261, Chambers FA263, and Chambers FA264 to AM2292 lost 2432
May 25 Chambers FA265 to AM2292 pending 2436
May 25 Chambers pending FA265 to AM2292

lost. Bracketed until 5/26/93 2446
May 26 Moore pending AM2292 p. 2432 withdrawn.
Moore-Chambers FA273 adopted.
Advanced for Engrossment 2487
May 27 Correctly Engrossed 2538
June 3 Final Reading w/E 41-3-5 2686
June 3 Speaker signed 2710
June 3 Presented to Governor (6/3) 2726
June 8 Approved by Governor (6/8) 2850

LEGISLATIVE BILL 832A. By Moore

May 12 Read first time. Placed on General File 2071
May 14 Advanced for Review 2139
May 20 Placed on Select File 2366
May 26 Moore AM2350 adopted. Advanced for Engrossment 2487
May 27 Correctly Engrossed 2538
June 3 Final Reading w/E 41-3-5 2687
June 3 Speaker signed 2710
June 3 Presented to Governor (6/3) 2726
June 8 Approved by Governor (6/8) 2850

LEGISLATIVE BILL 833. By Nebraska Retirement Systems Committee

Mar. 17 Horgan motion to introduce bill laid over 1048
Mar. 18 Horgan pending motion p. 1048 prevailed 1067
Mar. 18 Read first time 1068
Mar. 18 Referred to Committee on Nebraska
Retirement Systems 1069
Mar. 18 Nebraska Retirement Systems
Committee priority bill 1073
Mar. 19 Notice of hearing (3/30) 1109
June 7 Placed on General File - Com AM2586 2807
(printed separate)

LEGISLATIVE BILL 834. By Warner, at the request of the Governor

Mar. 24 Read first time.
Referred to Committee on Revenue 1173
Mar. 24 Notice of hearing (3/31) 1174
Apr. 27 Indefinitely postponed 1768
(Provisions/portions of LB 834 amended into LB 815 by AM1699)

LEGISLATIVE BILL 835. By Business and Labor Committee

Apr. 7 Abboud motion to introduce bill laid over 1442
Apr. 8 Abboud pending motion p. 1442 prevailed.

Read first time 1445
Apr. 8 Referred to Committee on Business and Labor 1453
Apr. 8 Notice of hearing (4/22) 1472
Apr. 29 Placed on General File - Com AM1760 1810
May 12 Abboud AM1886 to committee AM1760 printed 2063
May 13 Committee AM1760 adopted as amended by Abboud pending AM1886 p. 2063, Lindsay FA197, and Schellpeper FA198. Schellpeper FA196 withdrawn. Advanced for Review 2099
May 18 Wehrbein AM2183 printed 2248
May 19 Placed on Select File - AM5528 2268
May 19 Wehrbein AM2249 to AM5528 printed 2298
May 20 Schimek AM2271 printed 2364
May 25 AM5528 (E & R) adopted. Wehrbein pending AM2183 p. 2248 withdrawn. Wehrbein pending AM2249 p. 2298 lost. Schimek pending AM2271 p. 2364 adopted. Advanced for Engrossment 2441
May 27 Correctly Engrossed 2538
May 27 ER7301 change 2541
June 3 Final Reading w/E 40-1-8 2688
June 3 Speaker signed 2710
June 3 Presented to Governor (6/3) 2726
June 8 Approved by Governor (6/8) 2850

LEGISLATIVE BILL 836. By Business and Labor Committee

Apr. 7 Abboud motion to introduce bill laid over 1442
Apr. 8 Abboud pending motion p. 1442 prevailed. Read first time 1445
Apr. 8 Referred to Committee on Business and Labor 1453
Apr. 8 Notice of hearing (4/22) 1472
Apr. 29 Indefinitely postponed 1810

LEGISLATIVE BILL 837. By Wesely, Baack, Landis, at the request of the Governor

Apr. 27 Read first time 1721
Apr. 28 Referred to Committee on Health and Human Services 1778
Apr. 28 Wesely-Byars AM1753 printed 1803
Apr. 28 Notice of hearing (5/5) 1806
May 12 Placed on General File - Com AM1982 2066
May 18 Attorney General's Opinion #93039 to Wesely 2212

(Provisions/portions of LB 837 amended into LB 536 by AM2051)

LEGISLATIVE BILL 838. By Appropriations Committee

Apr.	30	Moore motion to introduce bill prevailed	1850
Apr.	30	Read first time	1851
Apr.	30	Referred to Committee on Education	1875
Apr.	30	Baack motion to suspend rules and allow hearing prevailed. Notice of hearing (5/6)	1876
May	11	Placed on General File	2030
May	12	Advanced for Review	2074
May	18	Placed on Select File	2245
May	24	Advanced for Engrossment	2416
May	26	Correctly Engrossed	2499
June	2	Returned to Select File for Bernard-Stevens amendment. Bernard-Stevens FA288 adopted. Advanced for Re-Engrossment	2638
June	2	Returned to Select File for Moore amendment. Moore AM2320 adopted. Advanced for Re-Engrossment	2639
June	3	Correctly Re-Engrossed	2710
June	3	ER7321 change	2712
June	8	Will motion to suspend rules prevailed	2816
June	8	Final Reading w/E 46-0-3	2822
June	8	Speaker signed	2825
June	8	Presented to Governor (6/8)	2834
June	15	Approved by Governor (6/10)	2864

LEGISLATIVE BILL 839. By Appropriations Committee

Apr.	30	Moore motion to introduce bill prevailed	1850
Apr.	30	Read first time	1851
Apr.	30	Referred to Committee on Education	1875
Apr.	30	Baack motion to suspend rules and allow hearing prevailed. Notice of hearing (5/6)	1876
May	11	Placed on General File	2030
May	12	Advanced for Review	2074
May	18	Placed on Select File	2245
May	24	Advanced for Engrossment	2416
May	26	Correctly Engrossed	2499
June	1	Withem AM2496 printed separate	2584
June	2	Returned to Select File for Withem amendment. Withem pending AM2496 p. 2584 pending	2639
June	2	Withem pending AM2496 p. 2584 adopted. Advanced for Re-Engrossment	2643
June	2	Returned to Select File for Wickersham amendment. Wickersham AM2553 adopted. Advanced for Re-Engrossment	2644
June	2	Returned to Select File for Withem amendment. Withem AM2568 adopted. Wickersham motion to indefinitely postpone ruled out of order.	

Advanced for Re-Engrossment 2645
June 3 Correctly Re-Engrossed 2710
June 3 ER7323 change 2713
June 8 Will motion to suspend rules prevailed 2816
June 8 Wickersham motion to return to Select File for FA309 and Withem motion to return to Select File for FA310 withdrawn 2843
June 8 Failed on Final Reading w/E 27-17-5 2844
June 8 Final Reading 29-17-3. Withem motion to reconsider Final Reading w/E prevailed 2845
June 8 Final Reading w/E 40-7-2. President signed 2846
June 8 Presented to Governor (6/8) 2849
June 15 Approved by Governor (6/10) 2866
(Provisions/portions of LB 71 amended into LB 839 by AM2496)
(Provisions/portions of LB 454 amended into LB 839 by AM2496)
(Provisions/portions of LB 556 amended into LB 839 by AM2496)

LEGISLATIVE BILL 840. By Appropriations Committee

Apr. 30 Moore motion to introduce bill prevailed 1850
Apr. 30 Read first time 1852
Apr. 30 Referred to Committee on Health and Human Services 1875
Apr. 30 Baack motion to suspend rules and allow hearing prevailed. Notice of hearing (5/6) 1876
May 11 Placed on General File 2017
May 12 Moore-Wehrbein-Lynch-Avery-Bernard-Stevens-Hohenstein-Crosby AM2020 adopted. Advanced for Review 2074
May 18 Placed on Select File - AM5526 2245
May 24 AM5526 (E & R) adopted. Wesely AM2134 adopted. Advanced for Engrossment 2416
May 26 Correctly Engrossed 2499
June 2 Final Reading 49-0-0 2646
June 2 Speaker signed 2648
June 2 Presented to Governor (6/2) 2652
June 8 Approved by Governor (6/8) 2850

LEGISLATIVE BILL 840A. By Moore

May 19 Read first time. Placed on General File 2299
May 24 Advanced for Review 2387
May 24 Wesely AM2323 printed 2417
May 25 Placed on Select File 2445
May 26 Wesely pending AM2323 p. 2417 and Moore AM2324 adopted. Advanced for Engrossment 2483
May 26 Correctly Engrossed 2514
June 2 Final Reading w/E 49-0-0 2647
June 2 Speaker signed 2648
June 2 Presented to Governor (6/2) 2652
June 8 Approved by Governor (6/8) 2850

LEGISLATIVE BILL 841. By Appropriations Committee

Apr.	30	Moore motion to introduce bill prevailed	1850
Apr.	30	Read first time	1852
Apr.	30	Referred to Committee on Transportation	1875
Apr.	30	Baack motion to suspend rules and allow hearing prevailed. Notice of hearing (5/6)	1876
May	12	Placed on General File - Com AM2019	2087
May	14	Committee AM2019 lost. Advanced for Review	2146
May	18	Withem AM2137 printed	2228
May	18	Kristensen AM2150 printed	2234
May	19	Hall AM2153 printed	2290
May	20	Placed on Select File	2366
May	25	Withem pending AM2137 p. 2228 and Hall pending AM2153 p. 2290 withdrawn. Kristensen request to substitute amendment prevailed. Kristensen pending AM2150 p. 2234 withdrawn. Kristensen-Hillman substitute AM2395 adopted. Crosby AM2382 ruled not germane. Advanced for Engrossment	2438
May	26	Correctly Engrossed. ER7300 change	2529
June	2	Final Reading 42-0-7	2632
June	2	Robak explanation of vote	2642
June	2	Speaker signed	2648
June	2	Presented to Governor (6/2)	2652
June	8	Approved by Governor (6/7)	2809

LEGISLATIVE BILL 841A. By Moore

May	19	Read first time. Placed on General File	2286
May	24	Advanced for Review	2387
May	25	Placed on Select File	2445
May	26	Moore AM2423 adopted. Advanced for Engrossment	2482
May	26	Correctly Engrossed. ER7308 change	2529
June	2	Final Reading 44-0-5	2633
June	2	Robak explanation of vote	2642
June	2	Speaker signed	2648
June	2	Presented to Governor (6/2)	2652
June	8	Approved by Governor (6/7)	2809

LEGISLATIVE BILL 842. By Appropriations Committee

Apr.	30	Moore motion to introduce bill prevailed	1850
Apr.	30	Read first time	1852
Apr.	30	Referred to Committee on Banking, Commerce and Insurance	1875
Apr.	30	Baack motion to suspend rules and allow	

hearing prevailed. Notice of hearing (5/6) 1876
May 13 Placed on General File 2104
May 14 Advanced for Review 2147
May 20 Placed on Select File 2366
May 24 Advanced for Engrossment 2416
May 26 Correctly Engrossed 2499
June 2 Final Reading 44-0-5 2634
June 2 Speaker signed 2648
June 2 Presented to Governor (6/2) 2652
June 8 Approved by Governor (6/7) 2809

LEGISLATIVE BILL 843. By Appropriations Committee

Apr. 30 Moore motion to introduce bill prevailed 1850
Apr. 30 Read first time 1852
Apr. 30 Referred to Committee on Government, Military and Veterans Affairs 1875
Apr. 30 Baack motion to suspend rules and allow hearing prevailed. Notice of hearing (5/6) 1876
May 11 Placed on General File 2047
May 12 Advanced for Review 2081
May 18 Placed on Select File 2246
May 24 Advanced for Engrossment 2416
May 26 Correctly Engrossed 2499
June 2 Final Reading w/E 48-0-1 2647
June 2 Speaker signed 2648
June 2 Presented to Governor (6/2) 2652
June 8 Approved by Governor (6/7) 2809

LEGISLATIVE BILL 844. By Appropriations Committee

Apr. 30 Moore motion to introduce bill prevailed 1851
Apr. 30 Read first time 1853
Apr. 30 Referred to Committee on Judiciary 1875
Apr. 30 Baack motion to suspend rules and allow hearing prevailed. Notice of hearing (5/6) 1876

LEGISLATIVE BILL 845. By Appropriations Committee

Apr. 30 Moore motion to introduce bill prevailed 1851
Apr. 30 Read first time 1853
Apr. 30 Referred to Committee on Agriculture 1875
Apr. 30 Baack motion to suspend rules and allow hearing prevailed 1876
Apr. 30 Notice of hearing (5/6) 1877
May 4 Moore motion to withdraw bill laid over 1940
May 5 Dierks motion to suspend rules prevailed 1967
May 5 Notice of hearing (5/6) (Cancel). Moore pending motion p. 1940 prevailed. Withdrawn 1968

CHRONOLOGY OF CONSTITUTIONAL AMENDMENT RESOLUTIONS

NINETY-THIRD LEGISLTURE
FIRST SESSION
1993

LEGISLATIVE RESOLUTION 2CA. By Landis, Ashford

Jan.	7	Read first time	76
Jan.	7	Referred to Reference Committee	77
Jan.	12	Referred to Committee on Judiciary	163
Jan.	21	Hohenstein name added	357
Mar.	10	Notice of hearing (3/18)	950
Mar.	22	Indefinitely postponed	1119
Mar.	24	Landis motion to place on General File laid over	1158
Apr.	1	Landis pending motion p. 1158 prevailed. Placed on General File	1298

LEGISLATIVE RESOLUTION 3CA. By Withem

Jan.	7	Read first time	77
Jan.	7	Referred to Reference Committee	78
Jan.	12	Referred to Committee on Education	163
Jan.	25	Notice of hearing (2/1)	367
Mar.	30	Indefinitely postponed	1260

LEGISLATIVE RESOLUTION 4CA. By Kristensen

Jan.	8	Read first time	108
Jan.	8	Referred to Reference Committee	109
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	201
Feb.	17	Notice of hearing (2/25)	666

LEGISLATIVE RESOLUTION 7CA. By Kristensen

Jan.	11	Read first time. Referred to Reference Committee	147
Jan.	14	Referred to Committee on Judiciary	201
Jan.	27	Notice of hearing (2/3)	384
Feb.	8	Indefinitely postponed	550

LEGISLATIVE RESOLUTION 8CA. By Chambers, Baack, Pedersen, Witek, Abboud, Avery, Bernard-Stevens, Bohlke, Bromm,

Coordsen, Crosby, Cudaback, Day, Dierks, Elmer, Haberman, Hall, Hartmann, Hillman, Hohenstein, Horgan, Hudkins, Janssen, Kristensen, Lindsay, Lynch, McKenzie, Preister, Robak, Schimek, Schmitt, Vrtiska, Wesely, Wickersham, Withem

Jan. 11 Read first time 147
Jan. 11 Referred to Reference Committee 148
Jan. 13 Witek name withdrawn 174
Jan. 14 Referred to Committee on Government, Military and Veterans Affairs 201
Jan. 14 Pedersen name withdrawn 231
Jan. 19 Hohenstein name withdrawn 260
Jan. 27 Notice of hearing (2/4) 380
Feb. 9 Placed on General File - Com AM0266 561
Mar. 19 Speaker priority bill 1115

LEGISLATIVE RESOLUTION 11CA. By Beutler

Jan. 12 Read first time 165
Jan. 12 Referred to Reference Committee 170
Jan. 14 Referred to Committee on Government, Military and Veterans Affairs 201
Feb. 3 Notice of hearing (2/10) 466

LEGISLATIVE RESOLUTION 12CA. By Baack

Jan. 14 Read first time 206
Jan. 14 Referred to Reference Committee 208
Jan. 20 Referred to Committee on Government, Military and Veterans Affairs 264
Jan. 27 Notice of hearing (2/4) 380

LEGISLATIVE RESOLUTION 13CA. By Will

Jan. 14 Read first time 222
Jan. 14 Referred to Reference Committee 223
Jan. 20 Referred to Committee on Education 264
Jan. 26 Notice of hearing (2/2) 372
Feb. 25 Indefinitely postponed 784

LEGISLATIVE RESOLUTION 14CA. By Horgan

Jan. 14 Read first time 223
Jan. 14 Referred to Reference Committee 227
Jan. 20 Referred to Committee on Government, Military and Veterans Affairs 264
Feb. 3 Notice of hearing (2/10) 466

LEGISLATIVE RESOLUTION 15CA. By Kristensen

Jan. 19 Read first time.
Referred to Reference Committee 247
Jan. 20 Referred to Committee on Government, Military and Veterans Affairs 296
Feb. 17 Notice of hearing (2/25) 666
Mar. 19 Speaker priority bill 1115
Mar. 25 Placed on General File 1196

LEGISLATIVE RESOLUTION 16. By Coordsen, Abboud, Robinson, Crosby, Jones, Vrtiska, McKenzie, Hudkins, Hohenstein, Schmitt, Janssen, Avery, Witek, Pedersen, Fisher, Bromm, Haberman, Cudaback, Wehrbein, Dierks, Schellpeper, Elmer, Wickersham, Robak, Pirsch, Byars, Warner

Jan. 19 Read first time 257
Jan. 19 Referred to Reference Committee 258
Jan. 27 Referred to Committee on Judiciary 387
Mar. 17 Notice of hearing (3/25) 1027
Apr. 15 Placed on General File 1549

LEGISLATIVE RESOLUTION 18CA. By Beutler

Jan. 20 Read first time 282
Jan. 20 Referred to Reference Committee 283
Jan. 25 Referred to Committee on Government, Military and Veterans Affairs 365
Mar. 17 Notice of hearing (3/24) 1047

LEGISLATIVE RESOLUTION 19CA. By Bromm

Jan. 20 Read first time 285
Jan. 20 Referred to Reference Committee 286
Jan. 25 Referred to Committee on Revenue 365
Feb. 3 Notice of hearing (2/24) 479

LEGISLATIVE RESOLUTION 21CA. By Warner, Bromm, Fisher, Pedersen, Schellpeper, Witek

Jan. 20 Read first time.
Referred to Reference Committee 300
Jan. 25 Referred to Committee on Revenue 365
Feb. 2 Notice of hearing (2/17) 463

LEGISLATIVE RESOLUTION 22CA. By Beutler

Jan. 20 Read first time 300
Jan. 20 Referred to Reference Committee 302
Jan. 25 Referred to Committee on Government, Military and Veterans Affairs 365
Mar. 17 Notice of hearing (3/24) 1047

LEGISLATIVE RESOLUTION 23CA. By Urban Affairs Committee

Jan. 20 Read first time 302
Jan. 20 Referred to Reference Committee 304
Jan. 25 Referred to Committee on Urban Affairs 365
Feb. 16 Notice of hearing (3/9) 649
Mar. 30 Indefinitely postponed 1217

LEGISLATIVE RESOLUTION 24CA. By Urban Affairs Committee

Jan. 20 Read first time 304
Jan. 20 Referred to Reference Committee 305
Jan. 25 Referred to Committee on Urban Affairs 366
Feb. 16 Notice of hearing (3/9) 649
Mar. 30 Indefinitely postponed 1217

LEGISLATIVE RESOLUTION 26CA. By Crosby

Jan. 21 Read first time 318
Jan. 21 Referred to Reference Committee 320
Jan. 27 Referred to Committee on Government, Military and Veterans Affairs 367
Mar. 10 Notice of hearing (3/17) 970

LEGISLATIVE RESOLUTION 27CA. By Rasmussen

Jan. 21 Read first time 336
Jan. 21 Referred to Reference Committee 337
Jan. 27 Referred to Committee on Government, Military and Veterans Affairs 387
Feb. 17 Notice of hearing (2/25) 666

LEGISLATIVE RESOLUTION 28CA. By Beutler

Jan. 21 Read first time 337
Jan. 21 Referred to Reference Committee 340
Jan. 27 Referred to Committee on Judiciary 387
Mar. 10 Notice of hearing (3/17) 949
Mar. 24 Placed on General File - Com AM1002 1158

LEGISLATIVE RESOLUTION 29CA. By Pirsch, Abboud, Ashford, Beutler, Bromm, Dierks, Fisher, Haberman, Hohenstein, Horgan, Hudkins, Lindsay, Pedersen, Preister, Robak, Schimek, Schmitt, Vrtiska, Wehrbein, Will, Witek

Jan.	21	Read first time	346
Jan.	21	Referred to Reference Committee	347
Jan.	26	Jones name added	377
Jan.	27	Referred to Committee on Judiciary	387
Mar.	17	Notice of hearing (3/24)	1027

LEGISLATIVE RESOLUTION 79. By Coordsen

Apr.	20	Read first time. Laid over. Referred to Reference Committee	1635
Apr.	28	Referred to Committee on Natural Resources	1805
May	3	Notice of hearing (5/13)	1904

LEGISLATIVE BILLS AND CONSTITUTIONAL AMENDMENT RESOLUTIONS BY INTRODUCERS

CHRIS ABBOUD

LB	
124*	Provide harassment as an unlawful employment practice.
133*	Prohibit institutional vandalism and criminal intimidation.
137*	Change provisions for commencement and limitation of product liability actions.
262*	Change provisions for when a civil suit is permitted.
360*	Define discrimination against persons with disabilities as an unlawful employment practice.
379*	Change provisions for prosecution of persons committing the offense of unauthorized use of a financial transaction device.
380*	Adopt the Economy and Productivity In State Government Act.
430*	Change penalty provisions relating to manslaughter and child abuse.
495*	Permit distribution of samples of smokeless tobacco products for promotional purposes.
534*	Redefine the term "investment" under the Employment and Investment Growth Act.
535*	Increase the number of separate juvenile court judges in certain counties.
551*	Provide power to establish and fund a scholarship program for underprivileged youth in certain counties.
558*	Change provisions for furnishing proof of financial responsibility for renewal of motor vehicle registration by telephone.
627*	Designate the Nebraska Crime Control Act of 1993.
627A	Appropriation Bill.
629*	Adopt the Parenting Act.
635*	Authorize public meetings to be held by means of video or telecommunications equipment.
717*	Preserve the powers of the chief of police in metropolitan class cities against certain labor agreement provisions.
719*	Provide access to certain records of children in the custody of the state to certain individuals and agencies.
725*	Change provisions relating to enterprise zones.
754	Authorize pooling by self-insurers relating to workers' compensation.
754A	Appropriation Bill.
757*	Change provisions of workers' compensation laws.
791*	Eliminate the Thoroughbred Racing Assistance Fund.

816* Adopt the Managed Care Plan Act.
830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR
8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
16* Memorialize Congress to authorize states to prohibit desecration of the flag.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.

BRAD ASHFORD

LB
82 Change provisions relating to liability for and procedures of vehicular pursuit.
83* Require firearms to be stored securely and require notices and warnings upon sale, trade, or transfer of a firearm.
84* Change provisions for preferences given to resident bidders when awarding public contracts.
85 Change applicability of the Civil Service Act.
117A Appropriation Bill.
133* Prohibit institutional vandalism and criminal intimidation.
181* Change provisions relating to student discipline.
184 Eliminate the office of county superintendent.
190*** Create the Rural Economic Development Commission within the Department of Economic Development.
203* Change provisions relating to litter and waste reduction and recycling fees.
211* Create the Health Advisory Board.
221* Change allocations of funds for roads in counties.
241* Provide the Military Order of the Purple Heart is a recognized veterans organization.
290* Establish a fee on gross receipts of certain motor vehicle rental transactions.
352* Change provisions for membership on the Board of Parole.
367* Require notices of proposed changes in zoning classification for property within jurisdiction of metropolitan class cities.
403 Exclude motor carriers contracting with owner-operators from coverage of the Nebraska Workers' Compensation Act.
427* Change powers and duties of the State Auditor with respect to auditing of long distance telephone records of members of the Legislature.
431* Provide for the review of child deaths.
432* Authorize emergency temporary custody of certain juveniles by a physician.

488 Authorize Nebraska professional corporations to provide services in other states.
509* Provide salary increases for the Supreme Court judges.
534* Redefine the term "investment" under the Employment and Investment Growth Act.
535* Increase the number of separate juvenile court judges in certain counties.
600* Change the mode of inflicting the death penalty to lethal injection.
601* Prohibit former senators and legislative staff from engaging in lobbyist activities.
618* Change provisions for sale or service of alcoholic liquor by minors in the course of employment.
619* Impose a surcharge on certain defendants.
627* Designate the Nebraska Crime Control Act of 1993.
629* Adopt the Parenting Act.
635* Authorize public meetings to be held by means of video or telecommunications equipment.
739* Provide duties for the Game and Parks Commission relating to recreational trails.
753* Change the unemployment table for employment security.
765 Adopt the Community Correctional Facilities and Programs Act.
766 Provide for assistive animals for handicapped persons.
767 Change a provision for collection of sales tax for leased vehicles.
792* Eliminate the medically needy program and exclude certain persons from eligibility for medical assistance.
793* Eliminate the "Ribicoff program" and change provisions for medical assistance.
794* Exclude certain services from medical assistance.
796* Eliminate all optional services relating to medical assistance.
804* Provide a duty for the Director of Social Services limiting scope, duration, and amount of medical assistance.
806* Eliminate sales tax exemptions for hospitals and nursing homes.
816* Adopt the Managed Care Plan Act.

LR
2CA* Constitutional amendment to authorize the Legislature to provide for enforcement of mediation and other forms of dispute resolution.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.

MIKE AVERY

LB	
78*	Permit primary class cities and other political subdivisions to exchange services.
159*	Change the manner of calculating in lieu of tax payments to be made by the Game and Parks Commission.
185*	Define "ex parte communication" relating to administrative procedure.
190***	Create the Rural Economic Development Commission within the Department of Economic Development.
241*	Provide the Military Order of the Purple Heart is a recognized veterans organization.
427*	Change powers and duties of the State Auditor with respect to auditing of long distance telephone records of members of the Legislature.
516*	Change the use and examination of nontax funds for volunteer fire departments.
532*	Change provisions for permits for a commercial fish culturist.
551*	Provide power to establish and fund a scholarship program for underprivileged youth in certain counties.
552*	Change provisions for travel reports of state-owned motor vehicles.
LR	
8CA*	Authorize Legislators to participate in employee benefit programs available to other state officials.
16*	Memorialize Congress to authorize states to prohibit desecration of the flag.

DENNIS G. BAACK

LB	
70	Exempt oxygen for use in aquaculture from sales tax.
71	Provide a general fund property tax requirement for certain school districts.
72**	Eliminate provisions for acceptance or acquisition of radioactive waste by the state.
76*	Adopt the Election Act.
138***	Change and reenact provisions of Laws 1991, LB 849, relating to the State Lottery Act.
158***	Provide for intercity bus systems.
190***	Create the Rural Economic Development Commission within the Department of Economic Development.
190A*	Appropriation Bill.
212*	Provide for a system of personnel administration in certain counties.
228*	Prohibit the disclosure of nonpublic documents to the State Auditor.
229*	Allow the Executive Board of the Legislative Council to contract for auditing services.

235	Provide and change fees for park permits.
237*	Provide reimbursement provisions for petroleum release remedial actions.
239*	Change provisions relating to community colleges.
302*	Authorize the transfer of certain water appropriations.
325**	Change the state contribution for employee's health insurance program.
325A**	Appropriate funds to carry out provisions of LB 325.
326**	Appropriate funds for salary increases for state employees.
327**	Appropriate funds for payment of salaries for certain state officers.
328**	Appropriate funds for payment of salaries of members of the Legislature.
329**	Appropriate funds for capital construction.
330**	Appropriate funds for state government expenses.
331**	Provide deficit appropriations for state government expenses.
392*	Create and provide duties for the Special Education Accountability Commission.
419*	Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
428*	Adopt the Election Act.
495*	Permit distribution of samples of smokeless tobacco products for promotional purposes.
516*	Change the use and examination of nontax funds for volunteer fire departments.
531*	Provide for communication agreements with birth parents relating to adoption.
585	Define "public safety telecommunicator" and provide for training and certification.
586	Provide for alternative equivalent certificates for teaching.
587*	Change provisions for spending limitations, contributions, and campaign statements.
587A	Appropriation Bill.
588***	Adopt the Pesticide Act.
588A	Appropriation Bill.
613	Authorize fuel tax exemption certificates for counties.
635*	Authorize public meetings to be held by means of video or telecommunications equipment.
667*	Repeal the Free Flow of Information Act.
696*	Limit certain actions by an employer based on an employee's use of a lawful product.
718*	Prohibit certain provisions for medical benefit contracts and mail-order pharmacies.
719*	Provide access to certain records of children in the custody of the state to certain individuals and agencies.
762*	Create state district attorney offices.

792* Eliminate the medically needy program and exclude certain persons from eligibility for medical assistance.
793* Eliminate the "Ribicoff program" and change provisions for medical assistance.
794* Exclude certain services from medical assistance.
795* Change provisions for medical assistance funding for infants.
796* Eliminate all optional services relating to medical assistance.
797* Authorize a long-term care security demonstration program.
798* State intent that the Department of Social Services apply for a waiver from the federal government from the transfer of asset provision of the medical assistance program.
799* Change provisions for waiver of staffing requirements for certain nursing facilities.
800* Limit disposition of trust assets or income when beneficiary applies for public assistance.
801* Require evaluations of persons applying for admission to a nursing home.
802* Authorize the Department of Social Services to obtain a lien on real property of certain recipients of medical assistance.
803* Authorize claims against the estate of a person receiving medical assistance.
804* Provide a duty for the Director of Social Services limiting scope, duration, and amount of medical assistance.
805* Change the renewal fee for a license to practice medicine and surgery or osteopathic medicine.
808* Require copayment and deductibles for persons receiving medical assistance.
816* Adopt the Managed Care Plan Act.
820* Require signing of Supreme Court decisions by the justice principally writing the opinion.
837*** Change provisions relating to disciplinary actions under the Uniform Licensing Law.

LR
8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
12CA Provide for an annual adjustment in legislators' salaries to reflect changes in cost of living.

DAVID F. BERNARD-STEVENS

LB
28* Provide powers and duties for peace officers.
78* Permit primary class cities and other political subdivisions to exchange services.

79*	Change provisions for withdrawal of ground water for industrial purposes.
135	Require inspections of tattoo establishments.
139	Provide for the brand committee to contract with certain agencies to collect certain assessments.
140*	Change provisions for health and safety rules and regulations for railroad employees.
140A	Appropriation Bill.
144	Provide notice by Department of Environmental Control for remedial action plans.
145	Require certain persons to produce a certified birth certificate to obtain a driver's license or identification card.
145A	Appropriation Bill.
146	Redefine "Veteran of the Vietnam War."
203*	Change provisions relating to litter and waste reduction and recycling fees.
237*	Provide reimbursement provisions for petroleum release remedial actions.
241*	Provide the Military Order of the Purple Heart is a recognized veterans organization.
291*	Create and provide duties for the State Mental Health Planning and Evaluation Council.
302*	Authorize the transfer of certain water appropriations.
335	Adopt the Nebraska Aquaculture Act.
336	Provide for accreditation and approval standards relating to athletic activities in schools.
337*	Change provisions for treatment ordered by mental health boards.
402*	Change fees for firework display licenses.
419*	Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
431*	Provide for the review of child deaths.
438*	Change the name of the Department of Public Institutions.
469	Change provisions for creation and appointment of child abuse and neglect investigation and treatment teams.
470	Rename the Nebraska Comprehensive Community Mental Health Services Act and the Division on Alcoholism and Drug Abuse.
495*	Permit distribution of samples of smokeless tobacco products for promotional purposes.
516*	Change the use and examination of nontax funds for volunteer fire departments.
528*	Change provisions for immunization requirements for students enrolling in school.
531*	Provide for communication agreements with birth parents relating to adoption.
537*	Provide general obligation bond authority for natural resources districts.

556	Require the merger of Class I and Class VI school districts.
591*	Redefine terms to exempt auction sales of agricultural machinery, household goods, and personal effects from sales tax.
635*	Authorize public meetings to be held by means of video or telecommunications equipment.
637*	Change provisions and fees for campaign statements and to register as a lobbyist.
640*	Provide harassment is an unlawful employment practice.
641*	Create the Securities Act Educational Fund.
669*	Provide for licensure of mental health practitioners.
669A	Appropriation Bill.
685	Provide for rules and regulations for extracurricular activities in schools.
695	Change provisions for regulation of streets and sidewalks in first class cities.
719*	Provide access to certain records of children in the custody of the state to certain individuals and agencies.
722*	Adopt the Municipal Proprietary Function Act and the Municipal Miscellaneous Expenditure Act.
764	Eliminate an annual statement requirement relating to family policy.
790*	Prohibit interference with medical facilities, personnel, and patients.
795*	Change provisions for medical assistance funding for infants.
797*	Authorize a long-term care security demonstration program.
798*	State intent that the Department of Social Services apply for a waiver from the federal government from the transfer of asset provision of the medical assistance program.
799*	Change provisions for waiver of staffing requirements for certain nursing facilities.
800*	Limit disposition of trust assets or income when beneficiary applies for public assistance.
801*	Require evaluations of persons applying for admission to a nursing home.
802*	Authorize the Department of Social Services to obtain a lien on real property of certain recipients of medical assistance.
803*	Authorize claims against the estate of a person receiving medical assistance.
805*	Change the renewal fee for a license to practice medicine and surgery or osteopathic medicine.
808*	Require copayment and deductibles for persons receiving medical assistance.

820* Require signing of Supreme Court decisions by the justice principally writing the opinion.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.

CHRIS BEUTLER

LB

78* Permit primary class cities and other political subdivisions to exchange services.

91 Provide for certain investments of funds by a bank or trust company acting as a fiduciary.

100* Change the age of compulsory education.

121* Adopt the Limited Liability Company Act.

131 Change provisions relating to water wells.

131A Appropriation Bill.

185* Define "ex parte communication" relating to administrative procedure.

190*** Create the Rural Economic Development Commission within the Department of Economic Development.

240*** Change provisions for income tax credits, tax schedules, calculations, exemptions, and deductions.

241* Provide the Military Order of the Purple Heart is a recognized veterans organization.

301* Provide for ground water, storage facility, and instream flow appropriations for public water suppliers.

301A Appropriation Bill.

306 Change provisions relating to district court judicial districts and county judge districts.

314* Change the percentage amount of certain state boards of examiners fees credited to the General Fund.

389* Change provisions for election of directors from natural resources subdistricts.

390 Expand the jurisdiction of city police in primary class cities.

391 Provide a condition for licensure of a low-level radioactive waste facility.

427* Change powers and duties of the State Auditor with respect to auditing of long distance telephone records of members of the Legislature.

481A Appropriation Bill.

527* Change provisions for use of public power surplus line capacity.

529* Eliminate provisions relating to indeterminate sentences.

566 Provide for identification, inspection, and registration for abandoned wells.

567 Change provisions relating to certain liens as special assessments.

568	Authorize a parent to sue the other parent for support for a child's expenses for postsecondary education.
569	Change the age limits relating to compulsory education.
570	Change penalty provisions in the Environmental Protection Act.
571	Redefine terms relating to erosion and sediment control.
572	Impose a fee on the sale of bicycles to provide for trail development.
573	Increase the cigarette tax.
574	Restrict sales of electric energy by independent power producers.
622	Permit the Game and Parks Commission to establish fees.
623	Permit metropolitan class cities power to carry out air quality permitting and regulatory programs.
624	Create the Task Force on River Assessment.
625	Change a date for funds from the Low Level Radioactive Waste Compact States to be remitted to the Community Improvement Cash Fund.
626	Eliminate duties of the Department of Water Resources relating to flood plain management.
635*	Authorize public meetings to be held by means of video or telecommunications equipment.
638*	Change provisions for nomination of judges of the county court.
642*	Require a disclosure statement for certain residential real property sales.
657***	Appropriate funds for payment to depositors of failed industrial loan companies.
720*	Require the State Fire Marshal to establish a system for licensing underground storage tank installation and removal contractors.
735	Change a provision for when a divorce decree becomes final.
736	Adopt the Drinking Water Source Quality Act.
737	Change the number of members of the Game and Parks Commission and their qualifications.
738	Adopt the Real Estate Closing Act.
739*	Provide duties for the Game and Parks Commission relating to recreational trails.
751	Provide notice of possible future laws and rules integrating management of ground water and surface water.
752	Change fees for park permits.
770*	Change provisions for permits to raise wild animals.
772*	Adopt the Pesticide Preemption Act.
773*	Change fees for nonresident permits for hunting wild turkeys.
820*	Require signing of Supreme Court decisions by the justice principally writing the opinion.

830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR

11CA Constitutional amendment to establish standards for redistricting.

18CA Constitutional amendment to authorize Legislature to enact laws upon ratification by the people.

22CA Constitutional amendment to authorize Legislature to offer alternative measures to measures initiated by the people.

28CA Constitutional amendment to provide for disciplinary action against judges.

29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.

ARDYCE L. BOHLKE

LB

84* Change provisions for preferences given to resident bidders when awarding public contracts.

190*** Create the Rural Economic Development Commission within the Department of Economic Development.

240*** Change provisions for income tax credits, tax schedules, calculations, exemptions, and deductions.

242* Establish a standard to define sexual harassment.

273* Change and provide penalties relating to controlled substances.

291* Create and provide duties for the State Mental Health Planning and Evaluation Council.

302* Authorize the transfer of certain water appropriations.

305* Name the Telecommunications Relay System Act.

314* Change the percentage amount of certain state boards of examiners fees credited to the General Fund.

337* Change provisions for treatment ordered by mental health boards.

338* Adopt the Electrolysis Practice Act.

431* Provide for the review of child deaths.

438* Change the name of the Department of Public Institutions.

516* Change the use and examination of nontax funds for volunteer fire departments.

523* Change provisions relating to child, medical, and spousal support.

523A Appropriation Bill.

524* Adopt the Agricultural Chemical Storage and Containment Act.

525* Provide methods for the payment of employee wages.

526 Authorize municipal corporations to contract for juvenile emergency shelter care.

531* Provide for communication agreements with birth parents relating to adoption.

600* Change the mode of inflicting the death penalty to lethal injection.
607* Authorize voluntary contributions to the retirement plan for firefighter's in first class cities.
629* Adopt the Parenting Act.
635* Authorize public meetings to be held by means of video or telecommunications equipment.
640* Provide harassment is an unlawful employment practice.
640A Appropriation Bill.
642* Require a disclosure statement for certain residential real property sales.
656* Change provisions for inspection of private water supplies and private sewage disposal facilities.
718* Prohibit certain provisions for medical benefit contracts and mail-order pharmacies.
719* Provide access to certain records of children in the custody of the state to certain individuals and agencies.
744* Require health benefit programs to provide an open enrollment period to pharmacies.
750* Change powers and duties of museum boards relating to sale of property.
775* Authorize certain educational service units to be exempt from budget limitations.
790* Prohibit interference with medical facilities, personnel, and patients.
820* Require signing of Supreme Court decisions by the justice principally writing the opinion.
830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR
8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.

CURT BROMM

LB
78* Permit primary class cities and other political subdivisions to exchange services.
80* Lower the prohibited concentration of alcohol for DWI conviction.
159* Change the manner of calculating in lieu of tax payments to be made by the Game and Parks Commission.
185* Define "ex parte communication" relating to administrative procedure.
190*** Create the Rural Economic Development Commission within the Department of Economic Development.
213* Adopt the County Initiative and Referendum Act.
232* Provide procedures for drawing legislative and congressional district boundaries.

237* Provide reimbursement provisions for petroleum release remedial actions.

240*** Change provisions for income tax credits, tax schedules, calculations, exemptions, and deductions.

241* Provide the Military Order of the Purple Heart is a recognized veterans organization.

243* Redefine "Nebraska adjusted basis" relating to property taxation.

379* Change provisions for prosecution of persons committing the offense of unauthorized use of a financial transaction device.

386* Provide for in-lieu-of-property-tax payments by cities of the primary or metropolitan class and metropolitan utilities districts.

427* Change powers and duties of the State Auditor with respect to auditing of long distance telephone records of members of the Legislature.

483* Change references to "community services" to "compensatory services."

505* Adopt the Rural Health Opportunities Loan Act.

516* Change the use and examination of nontax funds for volunteer fire departments.

537* Provide general obligation bond authority for natural resources districts.

538* Change provisions for calculation of interest on certain condemnation awards.

539* Change provisions for interest on construction contracts.

587* Change provisions for spending limitations, contributions, and campaign statements.

588*** Adopt the Pesticide Act.

600* Change the mode of inflicting the death penalty to lethal injection.

601* Prohibit former senators and legislative staff from engaging in lobbyist activities.

602* Authorize retirement at age sixty years for judges.

603 Provide for the priority of claims of sellers of federal funds relating to insolvent banks.

604 Require guarantee to the Unemployment Compensation Fund before payment for public works contracts.

627* Designate the Nebraska Crime Control Act of 1993.

629* Adopt the Parenting Act.

635* Authorize public meetings to be held by means of video or telecommunications equipment.

773* Change fees for nonresident permits for hunting wild turkeys.

830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.

16* Memorialize Congress to authorize states to prohibit desecration of the flag.

19CA Constitutional amendment to allow in lieu of tax payments for real property acquired for water supply purposes for cities.

21CA* Constitutional amendment to provide that money from taxes and fees imposed on motor vehicles be used for payment of highway obligations.

29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.

DENNIS M. BYARS

LB

100* Change the age of compulsory education.

101 Change size, weight, and load provisions for farm equipment dealers.

105* Provide for a medical hardship driving permit.

106 Provide for administrative fines relating to motor vehicle industry licensing.

108* Provide for tourist-oriented directional sign panels.

123* Adopt the Watercraft Title Act.

124* Provide harassment as an unlawful employment practice.

161* Authorize state agencies and political subdivisions to contract with collection agencies.

174* Exempt personal property other than certain motor vehicles from property tax.

175* Exempt livestock from personal property tax.

176* Change provisions for applications to operate certain overweight vehicles with special permits.

187* Change provisions relating to funeral directors and embalmers.

197 Change provisions relating to forms of identification required to obtain a driver's license.

198 Redefine "apportionable vehicle."

199 Authorize veterans who have disabled veteran license plates to use parking places for handicapped persons without additional permits.

200 Define "bona fide consumer" relating to motor vehicles.

201* Change provisions for photographs on drivers' licenses and state identification cards.

238* Change safety requirements for towing cabin trailers and boats.

240*** Change provisions for income tax credits, tax schedules, calculations, exemptions, and deductions.

245* Change provisions relating to hunting permits.

255* Require certain employees to pay for collective bargaining.

261* Create the Collection Agency Licensing Board.
284* Exempt newspaper advertising supplements from sales tax.
290* Establish a fee on gross receipts of certain motor vehicle rental transactions.
291* Create and provide duties for the State Mental Health Planning and Evaluation Council.
337* Change provisions for treatment ordered by mental health boards.
351** Change provisions for distribution of cigarette tax proceeds to the Municipal Infrastructure Redevelopment Fund.
419* Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
424 Eliminate requirements for identification inspections when applying for certificate of title.
432* Authorize emergency temporary custody of certain juveniles by a physician.
438* Change the name of the Department of Public Institutions.
444* Change provisions for the recycling fee imposed on tires.
496* Change provisions relating to the practice of pharmacy.
575* Change provisions relating to motor vehicles.
591* Redefine terms to exempt auction sales of agricultural machinery, household goods, and personal effects from sales tax.
607* Authorize voluntary contributions to the retirement plan for firefighter's in first class cities.
627* Designate the Nebraska Crime Control Act of 1993.
635* Authorize public meetings to be held by means of video or telecommunications equipment.
711 Change provisions relating to child support.
712* Adopt the Beginning Farmer and Business Investment Act.
713* Provide for a sales tax on food.
718* Prohibit certain provisions for medical benefit contracts and mail-order pharmacies.
744* Require health benefit programs to provide an open enrollment period to pharmacies.
804* Provide a duty for the Director of Social Services limiting scope, duration, and amount of medical assistance.
817* Adopt the Hospital Cooperation Act.

LR

16* Memorialize Congress to authorize states to prohibit desecration of the flag.

ERNIE CHAMBERS

LB

25* Change provisions for corroboration of visual observations of speeding and the apprehension of a driver by a peace officer.

26*	Require proof of the essential elements of the offense of speeding.
27*	Change provisions relating to multicultural education.
179	Create the Multicultural Education Advisory Committee.
203*	Change provisions relating to litter and waste reduction and recycling fees.
228*	Prohibit the disclosure of nonpublic documents to the State Auditor.
229*	Allow the Executive Board of the Legislative Council to contract for auditing services.
240***	Change provisions for income tax credits, tax schedules, calculations, exemptions, and deductions.
381	Change provisions for the insurance program for student athletes at the University of Nebraska.
395*	Change provisions relating to employment discrimination based on sexual orientation.
419*	Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
431*	Provide for the review of child deaths.
433*	Change provisions relating to promotional distribution of tobacco products.
437*	Adopt the Family Medical Leave Act.
455	Provide a standard of proof for inmate disciplinary hearings.
456	Require a stipend to football players at the University of Nebraska at Lincoln.
474*	Provide for collegiate license plates.
540*	Clarify the requirements for release of certain legislative records.
579*	Allow the Executive Board to contract for professional services.
627*	Designate the Nebraska Crime Control Act of 1993.
651*	Eliminate the death penalty.
652*	Provide for consultation with an attorney for persons in custody under eighteen years of age.
666*	State findings regarding the constitutional powers of the Legislature.
667*	Repeal the Free Flow of Information Act.
676	Provide duties for employers of non-English-speaking employees.
677	Change and eliminate powers and duties of the Board of Parole.
677A	Appropriation Bill.
678	Require appointment of competent counsel in postconviction proceedings.
717*	Preserve the powers of the chief of police in metropolitan class cities against certain labor agreement provisions.
820*	Require signing of Supreme Court decisions by the justice principally writing the opinion.

830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.

GEORGE COORDSEN

LB

36* Change the dissolution date of ground water conservation districts.

67* Change provisions relating to fire clothing and equipment.

78* Permit primary class cities and other political subdivisions to exchange services.

125* Prohibit interference with a person engaged in hunting, trapping, or fishing.

159* Change the manner of calculating in lieu of tax payments to be made by the Game and Parks Commission.

162 Provide children be exempt from child labor laws when employed by parents.

163* Change provisions for issuance of permits, recordkeeping, and notification of use or storage of explosives.

164 Change nonresident truck permit registration fees.

165 Redefine "commercial motor vehicle" for obtaining a commercial driver's license.

169 Change provisions for the distribution of lists of registered voters.

170 Change provisions relating to the National Guard.

174* Exempt personal property other than certain motor vehicles from property tax.

175* Exempt livestock from personal property tax.

176* Change provisions for applications to operate certain overweight vehicles with special permits.

190*** Create the Rural Economic Development Commission within the Department of Economic Development.

230 Eliminate a provision relating to a debtor's rights in property.

240*** Change provisions for income tax credits, tax schedules, calculations, exemptions, and deductions.

241* Provide the Military Order of the Purple Heart is a recognized veterans organization.

243* Redefine "Nebraska adjusted basis" relating to property taxation.

244* Authorize charges for negligently or illegally caused fires.

266* Exempt farm products from personal property tax.

281 Phase out tuition credit for members of the Nebraska Active Selected Reserve.

282 Change provisions as to when motor vehicle headlights must be displayed.

290*	Establish a fee on gross receipts of certain motor vehicle rental transactions.
342	Change provisions for motor vehicle registration and proof of financial responsibility.
342A	Appropriation Bill.
419*	Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
444*	Change provisions for the recycling fee imposed on tires.
446*	Change provisions of the Administrative Procedure Act.
447	Require a study on the taxation of certain livestock.
516*	Change the use and examination of nontax funds for volunteer fire departments.
525*	Provide methods for the payment of employee wages.
575*	Change provisions relating to motor vehicles.
587*	Change provisions for spending limitations, contributions, and campaign statements.
591*	Redefine terms to exempt auction sales of agricultural machinery, household goods, and personal effects from sales tax.
615	Provide for alternate methods of assessment for prospective teachers.
616	Provide for formation of solid waste disposal districts.
617	Redefine terms under the Disposition of Personal Property Landlord and Tenant Act.
635*	Authorize public meetings to be held by means of video or telecommunications equipment.
675	Permit pooling of self-funded portions of employee benefit plans by political subdivisions.
718*	Prohibit certain provisions for medical benefit contracts and mail-order pharmacies.
744*	Require health benefit programs to provide an open enrollment period to pharmacies.
753*	Change the unemployment table for employment security.
757*	Change provisions of workers' compensation laws.
757A*	Appropriation Bill.
771	Provide for use of an economic variables test and concentric circle approach for establishing pay rates under the Industrial Relations Act.
820*	Require signing of Supreme Court decisions by the justice principally writing the opinion.
830*	Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR

8CA*	Authorize Legislators to participate in employee benefit programs available to other state officials.
16*	Memorialize Congress to authorize states to prohibit desecration of the flag.
79	Approve gift of real estate to the Game and Parks Commission.

LAVON CROSBY

LB	
77*	Change provisions regulating consumption of alcohol on public property.
78*	Permit primary class cities and other political subdivisions to exchange services.
80*	Lower the prohibited concentration of alcohol for DWI conviction.
110*	Change the informed consent provisions relating to abortion.
133*	Prohibit institutional vandalism and criminal intimidation.
147*	Adopt the Commercial Dog and Cat Operator Inspection Act.
173*	Authorize school crossing zones.
187*	Change provisions relating to funeral directors and embalmers.
191	Provide for additional alcohol tests for persons operating commercial motor vehicles.
223	Require insurance coverage of certain infertility procedures and treatment.
224	Change provisions relating to paternity.
225	Create the offense of unlawful storage of a firearm.
226	Change registration and licensure requirements for barbers.
241*	Provide the Military Order of the Purple Heart is a recognized veterans organization.
242*	Establish a standard to define sexual harassment.
245*	Change provisions relating to hunting permits.
249*	Adopt the State Government Effectiveness Act.
258	Provide an exemption for the Game and Parks Commission regarding prairie dog extermination.
259	Authorize certain vehicles to exceed length requirements.
260	Provide for responsibility for certain medical services for persons in police custody.
272*	Increase penalties for offenses related to delivery of pornography to minors.
292*	Change retirement date and benefit formula for school employees retirement plan.
292A	Appropriation Bill.
314*	Change the percentage amount of certain state boards of examiners fees credited to the General Fund.
366	Authorize members of school retirement system to elect to purchase years of service as a nonmember.
400	Change the offense of issuing a bad check.
401	Authorize alternative means to access public records.
418	Change an administrative fee under the Local Option Revenue Act.

419* Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
427* Change powers and duties of the State Auditor with respect to auditing of long distance telephone records of members of the Legislature.
431* Provide for the review of child deaths.
432* Authorize emergency temporary custody of certain juveniles by a physician.
471* Change provisions for wager deductions and simulcasting and provide rights for horseracing participants.
490* Provide for evidence of child abuse to be considered in child custody proceedings.
522* Adopt the Licensed Practical Nurse-Certified Act.
607* Authorize voluntary contributions to the retirement plan for firefighter's in first class cities.
635* Authorize public meetings to be held by means of video or telecommunications equipment.
637* Change provisions and fees for campaign statements and to register as a lobbyist.
657*** Appropriate funds for payment to depositors of failed industrial loan companies.
690 Prohibit use of certain titles relating to professional engineers and architects.
691 Increase the number of district judges in the third judicial district.
692 Change performance bond requirements for public buildings.
693 Change provisions for HIV testing for persons convicted of sexual assault.
749* Authorize the suspension of driving privileges for certain juveniles.
762* Create state district attorney offices.
786* Change provisions for levying of taxes by the school board or board of education.
830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR
8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
16* Memorialize Congress to authorize states to prohibit desecration of the flag.
26CA Constitutional amendment to eliminate the offices of Auditor of Public Accounts and the State Treasurer.

JIM D. CUDABACK

LB
66* Exempt members of risk management pools from certain insurance requirements.

119	Change provisions for the composition of the board of health in first and second class cities.
125*	Prohibit interference with a person engaged in hunting, trapping, or fishing.
134*	Change provisions relating to county treasurers.
189*	Change a sales tax rebate provision for purchases of depreciable agricultural machinery.
190***	Create the Rural Economic Development Commission within the Department of Economic Development.
192*	Change a reference to a code under the State Electrical Act.
193*	Change provisions relating to the State Electrical Act.
203*	Change provisions relating to litter and waste reduction and recycling fees.
213*	Adopt the County Initiative and Referendum Act.
232*	Provide procedures for drawing legislative and congressional district boundaries.
273*	Change and provide penalties relating to controlled substances.
302*	Authorize the transfer of certain water appropriations.
338*	Adopt the Electrolysis Practice Act.
338A	Appropriation Bill.
385	Change provisions for revocation and suspension of hunting and fishing licenses.
407	Change provisions relating to fire protection districts.
408	Change provisions for permits and bans on open burning.
439	Change provisions for methods of regulating water use in control and management areas.
496*	Change provisions relating to the practice of pharmacy.
502	Authorize the use of the Law Enforcement Improvement Fund for improvement of state university law enforcement.
505*	Adopt the Rural Health Opportunities Loan Act.
516*	Change the use and examination of nontax funds for volunteer fire departments.
591*	Redefine terms to exempt auction sales of agricultural machinery, household goods, and personal effects from sales tax.
597*	Change provisions for reimbursement for minor building modifications relating to special education.
627*	Designate the Nebraska Crime Control Act of 1993.
635*	Authorize public meetings to be held by means of video or telecommunications equipment.
719*	Provide access to certain records of children in the custody of the state to certain individuals and agencies.
721*	Authorize a local income tax for school districts.
722*	Adopt the Municipal Proprietary Function Act and the Municipal Miscellaneous Expenditure Act.

734* Change provisions for certification of tax levies by governing bodies and the Board of Equalization.
734A Appropriation Bill.
749* Authorize the suspension of driving privileges for certain juveniles.
762* Create state district attorney offices.
830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR
8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
16* Memorialize Congress to authorize states to prohibit desecration of the flag.

CONNIE DAY

LB
190*** Create the Rural Economic Development Commission within the Department of Economic Development.
240*** Change provisions for income tax credits, tax schedules, calculations, exemptions, and deductions.
305* Name the Telecommunications Relay System Act.
402* Change fees for firework display licenses.
415* Prohibit exclusion of certain prescription drugs from insurance coverage.
419* Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
427* Change powers and duties of the State Auditor with respect to auditing of long distance telephone records of members of the Legislature.
431* Provide for the review of child deaths.
432* Authorize emergency temporary custody of certain juveniles by a physician.
437* Adopt the Family Medical Leave Act.
438* Change the name of the Department of Public Institutions.
457* Provide for the crimes of deadly assault in the first and second degrees.
478* Change provisions relating to condominiums.
491*** Provide and change fees for motor vehicle titles, driver's licenses, motor vehicle licensing, and registration.
496* Change provisions relating to the practice of pharmacy.
501* Change provisions for contracts between counties and sanitary and improvement districts.
523* Change provisions relating to child, medical, and spousal support.
560* Require aerial applicators to have liability insurance.
564* Change provisions for driving while intoxicated.
564A Appropriation Bill.
589* Provide judges cannot hear cases of persons under age of nineteen without a parent or guardian being present.

590* Provide for disclosure of certain information relating to fatal motor vehicle accidents.
596* Prohibit the operation of motorboats during certain months.
597* Change provisions for reimbursement for minor building modifications relating to special education.
600* Change the mode of inflicting the death penalty to lethal injection.
601* Prohibit former senators and legislative staff from engaging in lobbyist activities.
635* Authorize public meetings to be held by means of video or telecommunications equipment.
647* Provide for programs for high-ability students.
719* Provide access to certain records of children in the custody of the state to certain individuals and agencies.
724 Change provisions of the retirement plans for firefighters and the State Patrol.
762* Create state district attorney offices.
804* Provide a duty for the Director of Social Services limiting scope, duration, and amount of medical assistance.
830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.

MERTON L. DIERKS

LB

104* Provide physicians post information relating to the medicare assignment program.
110* Change the informed consent provisions relating to abortion.
125* Prohibit interference with a person engaged in hunting, trapping, or fishing.
147* Adopt the Commercial Dog and Cat Operator Inspection Act.
148* Change provisions for radioactive waste disposal sites.
149* Restrict the issuance and provide for revocation of a license under the Low Level Radioactive Waste Disposal Act.
150* Authorize the State Treasurer to deposit funds in certain lending institutions for small business loans.
151* Provide penalties for offenses involving police animals.
152* Authorize funding to the Office of Rural Health for certain family practice residency programs.
152A* Appropriation Bill.
153* Require a permit for certain width livestock forage vehicles.

156* Prohibit the use of public facilities and funds for abortions.
159* Change the manner of calculating in lieu of tax payments to be made by the Game and Parks Commission.
174* Exempt personal property other than certain motor vehicles from property tax.
175* Exempt livestock from personal property tax.
176* Change provisions for applications to operate certain overweight vehicles with special permits.
187* Change provisions relating to funeral directors and embalmers.
189* Change a sales tax rebate provision for purchases of depreciable agricultural machinery.
190*** Create the Rural Economic Development Commission within the Department of Economic Development.
194* Authorize schools to require criminal history information as condition of employment.
195* Provide a tax on transactions.
238* Change safety requirements for towing cabin trailers and boats.
240*** Change provisions for income tax credits, tax schedules, calculations, exemptions, and deductions.
243* Redefine "Nebraska adjusted basis" relating to property taxation.
266* Exempt farm products from personal property tax.
415* Prohibit exclusion of certain prescription drugs from insurance coverage.
419* Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
431* Provide for the review of child deaths.
432* Authorize emergency temporary custody of certain juveniles by a physician.
438* Change the name of the Department of Public Institutions.
496* Change provisions relating to the practice of pharmacy.
505* Adopt the Rural Health Opportunities Loan Act.
516* Change the use and examination of nontax funds for volunteer fire departments.
591* Redefine terms to exempt auction sales of agricultural machinery, household goods, and personal effects from sales tax.
596* Prohibit the operation of motorboats during certain months.
635* Authorize public meetings to be held by means of video or telecommunications equipment.
775* Authorize certain educational service units to be exempt from budget limitations.
794* Exclude certain services from medical assistance.
795* Change provisions for medical assistance funding for infants.

797* Authorize a long-term care security demonstration program.
798* State intent that the Department of Social Services apply for a waiver from the federal government from the transfer of asset provision of the medical assistance program.
799* Change provisions for waiver of staffing requirements for certain nursing facilities.
800* Limit disposition of trust assets or income when beneficiary applies for public assistance.
801* Require evaluations of persons applying for admission to a nursing home.
802* Authorize the Department of Social Services to obtain a lien on real property of certain recipients of medical assistance.
803* Authorize claims against the estate of a person receiving medical assistance.
804* Provide a duty for the Director of Social Services limiting scope, duration, and amount of medical assistance.
805* Change the renewal fee for a license to practice medicine and surgery or osteopathic medicine.
806* Eliminate sales tax exemptions for hospitals and nursing homes.
808* Require copayment and deductibles for persons receiving medical assistance.
810* Change a sales tax exemption for prescriptions sold outside hospitals and nursing homes.
811* Impose a fee on prescription drugs.
815* Provide taxes on health care providers and change provisions relating to hospital authorities.
816* Adopt the Managed Care Plan Act.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
16* Memorialize Congress to authorize states to prohibit desecration of the flag.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.

W. OWEN ELMER

LB

62 Provide for removal of certain roads from the state highway system.
63 Adopt the Plastic Container Coding Act.
64 Authorize the Supreme Court to award costs in cases when a statute or ordinance is found unconstitutional.
65 Provide for entry upon property by representatives of political subdivisions.

79*	Change provisions for withdrawal of ground water for industrial purposes.
125*	Prohibit interference with a person engaged in hunting, trapping, or fishing.
158***	Provide for intercity bus systems.
159*	Change the manner of calculating in lieu of tax payments to be made by the Game and Parks Commission.
171	Change standards for revocation and suspension of sales tax permits.
189*	Change a sales tax rebate provision for purchases of depreciable agricultural machinery.
195*	Provide a tax on transactions.
241*	Provide the Military Order of the Purple Heart is a recognized veterans organization.
302*	Authorize the transfer of certain water appropriations.
383	Provide duties for local governing bodies relating to liquor licenses.
419*	Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
485*	Change provisions for condemnation of a utility.
486*	Change provisions for condemnation of a utility.
487*	Change provisions relating to condemnation of a utility.
512	Adopt the Liquefied Petroleum Gas Act.
516*	Change the use and examination of nontax funds for volunteer fire departments.
555	Change a notification requirement for property tax refunds.
591*	Redefine terms to exempt auction sales of agricultural machinery, household goods, and personal effects from sales tax.
597*	Change provisions for reimbursement for minor building modifications relating to special education.
600*	Change the mode of inflicting the death penalty to lethal injection.
627*	Designate the Nebraska Crime Control Act of 1993.
633*	Change provisions for calculation of tiered cost per student.
635*	Authorize public meetings to be held by means of video or telecommunications equipment.
745	Adopt the School Operation Fund Tax Act.
746	Eliminate provisions relating to gasohol and ethanol.
747	Change provisions for labor payment bonds for public building construction projects.
748	Accept real estate for a low level radioactive waste disposal site.
749*	Authorize the suspension of driving privileges for certain juveniles.
753*	Change the unemployment table for employment security.
772*	Adopt the Pesticide Preemption Act.

773* Change fees for nonresident permits for hunting wild turkeys.
830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
16* Memorialize Congress to authorize states to prohibit desecration of the flag.

DAN FISHER

LB

87 Adopt uniform provisions governing lost, destroyed, or stolen cashier's check, teller's check, or certified check.
155 Change restrictions on fund allocations from the Nebraska Resources Development Fund.
158*** Provide for intercity bus systems.
241* Provide the Military Order of the Purple Heart is a recognized veterans organization.
253* Change liability provisions for directors and officers of financial institutions.
292* Change retirement date and benefit formula for school employees retirement plan.
302* Authorize the transfer of certain water appropriations.
354* Provide for issuance of special license plates to active members of the Nebraska National Guard.
402* Change fees for firework display licenses.
471* Change provisions for wager deductions and simulcasting and provide rights for horseracing participants.
483* Change references to "community services" to "compensatory services."
495* Permit distribution of samples of smokeless tobacco products for promotional purposes.
516* Change the use and examination of nontax funds for volunteer fire departments.
524* Adopt the Agricultural Chemical Storage and Containment Act.
533* Prohibit rent-control regulation.
589* Provide judges cannot hear cases of persons under age of nineteen without a parent or guardian being present.
590* Provide for disclosure of certain information relating to fatal motor vehicle accidents.
600* Change the mode of inflicting the death penalty to lethal injection.
627* Designate the Nebraska Crime Control Act of 1993.
635* Authorize public meetings to be held by means of video or telecommunications equipment.

639* Change retirement benefit provisions for the State Patrol retirement plan.
696* Limit certain actions by an employer based on an employee's use of a lawful product.
718* Prohibit certain provisions for medical benefit contracts and mail-order pharmacies.
744* Require health benefit programs to provide an open enrollment period to pharmacies.
749* Authorize the suspension of driving privileges for certain juveniles.
750* Change powers and duties of museum boards relating to sale of property.
830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR
16* Memorialize Congress to authorize states to prohibit desecration of the flag.
21CA* Constitutional amendment to provide that money from taxes and fees imposed on motor vehicles be used for payment of highway obligations.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.

REX HABERMAN

LB
125* Prohibit interference with a person engaged in hunting, trapping, or fishing.
190*** Create the Rural Economic Development Commission within the Department of Economic Development.
195* Provide a tax on transactions.
228* Prohibit the disclosure of nonpublic documents to the State Auditor.
229* Allow the Executive Board of the Legislative Council to contract for auditing services.
266* Exempt farm products from personal property tax.
283 Adopt federal rules relating to the Commodity Code.
332 Provide duties for sellers and purchasers of beer kegs.
332A Appropriation Bill.
333 Require a covered walkway for certain construction projects near the State Capitol.
359* Change provisions of the State Boat Act.
419* Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
495* Permit distribution of samples of smokeless tobacco products for promotional purposes.
516* Change the use and examination of nontax funds for volunteer fire departments.
627* Designate the Nebraska Crime Control Act of 1993.
762* Create state district attorney offices.

774 Change the rate of tax on insurance premiums.

792* Eliminate the medically needy program and exclude certain persons from eligibility for medical assistance.

793* Eliminate the "Ribicoff program" and change provisions for medical assistance.

794* Exclude certain services from medical assistance.

795* Change provisions for medical assistance funding for infants.

796* Eliminate all optional services relating to medical assistance.

797* Authorize a long-term care security demonstration program.

798* State intent that the Department of Social Services apply for a waiver from the federal government from the transfer of asset provision of the medical assistance program.

799* Change provisions for waiver of staffing requirements for certain nursing facilities.

800* Limit disposition of trust assets or income when beneficiary applies for public assistance.

801* Require evaluations of persons applying for admission to a nursing home.

802* Authorize the Department of Social Services to obtain a lien on real property of certain recipients of medical assistance.

803* Authorize claims against the estate of a person receiving medical assistance.

804* Provide a duty for the Director of Social Services limiting scope, duration, and amount of medical assistance.

806* Eliminate sales tax exemptions for hospitals and nursing homes.

807* Eliminate a property tax exemption for not-for-profit hospitals.

808* Require copayment and deductibles for persons receiving medical assistance.

809* Provide for county payment of a portion of medical assistance payments.

810* Change a sales tax exemption for prescriptions sold outside hospitals and nursing homes.

811* Impose a fee on prescription drugs.

812* Provide a tax on the beds of health care providers.

813* Provide a tax on the patient days of health care providers.

815* Provide taxes on health care providers and change provisions relating to hospital authorities.

820* Require signing of Supreme Court decisions by the justice principally writing the opinion.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.

16* Memorialize Congress to authorize states to prohibit desecration of the flag.

29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.

TIMOTHY J. HALL

LB

134* Change provisions relating to county treasurers.

190*** Create the Rural Economic Development Commission within the Department of Economic Development.

195* Provide a tax on transactions.

228* Prohibit the disclosure of nonpublic documents to the State Auditor.

229* Allow the Executive Board of the Legislative Council to contract for auditing services.

240*** Change provisions for income tax credits, tax schedules, calculations, exemptions, and deductions.

241* Provide the Military Order of the Purple Heart is a recognized veterans organization.

285 Change the weekly payment benefit amount for employment security.

286 Change the weekly employment security benefit amount.

287 Change provisions relating to the hours for sale of liquor.

300* Provide fees on motor vehicles and rental transactions.

343 Provide liability provisions for accountants.

357* Authorize leave for state employees for specialized disaster relief services in Nebraska for the American Red Cross.

365* Change provisions for horseracing and parimutuel taxes.

394 Require disclosure of manufacturer adjustment programs for motor vehicles.

395* Change provisions relating to employment discrimination based on sexual orientation.

396 Change provisions relating to income taxation.

397** Change provisions for the location of the office of the State Athletic Commissioner.

397A Appropriation Bill.

419* Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.

495* Permit distribution of samples of smokeless tobacco products for promotional purposes.

540* Clarify the requirements for release of certain legislative records.

557 Change provisions relating to title insurance.

558*	Change provisions for furnishing proof of financial responsibility for renewal of motor vehicle registration by telephone.
559	Change provisions for taxation of certain membership fees, dues, and charges.
579*	Allow the Executive Board to contract for professional services.
579A	Appropriation Bill.
598*	Change the admissibility of evidence in certain crimes.
614	Change the duties of the Auditor of Public Accounts.
635*	Authorize public meetings to be held by means of video or telecommunications equipment.
647*	Provide for programs for high-ability students.
651*	Eliminate the death penalty.
652*	Provide for consultation with an attorney for persons in custody under eighteen years of age.
653*	Provide for an income tax deduction for certain educational expenses.
654	Authorize imposition of a fee on liquor retailers by cities.
657***	Appropriate funds for payment to depositors of failed industrial loan companies.
666*	State findings regarding the constitutional powers of the Legislature.
667*	Repeal the Free Flow of Information Act.
696*	Limit certain actions by an employer based on an employee's use of a lawful product.
700*	Adopt the Horseracing Industry Participants Bill of Rights Act.
701*	Adopt the Commercial Landlord and Tenant Act.
702	Eliminate a restriction on formation of a county visitors improvement fund.
703	Change provisions involving theft of motor vehicles.
704	Change provisions for employment driving permits.
705	Provide duties for the state investment officer with respect to corporations doing business in Northern Ireland.
706	Change provisions relating to initiative and referendum.
717*	Preserve the powers of the chief of police in metropolitan class cities against certain labor agreement provisions.
721*	Authorize a local income tax for school districts.
740*	Prohibit issuance of certificates of need for a one-year period for certain projects.
741*	Adopt the Mental Health and Substance Abuse Treatment Act.
769*	Redefine "community betterment purposes" under the County City and Lottery Act.
792*	Eliminate the medically needy program and exclude certain persons from eligibility for medical assistance.

793* Eliminate the "Ribicoff program" and change provisions for medical assistance.
794* Exclude certain services from medical assistance.
795* Change provisions for medical assistance funding for infants.
796* Eliminate all optional services relating to medical assistance.
797* Authorize a long-term care security demonstration program.
798* State intent that the Department of Social Services apply for a waiver from the federal government from the transfer of asset provision of the medical assistance program.
799* Change provisions for waiver of staffing requirements for certain nursing facilities.
800* Limit disposition of trust assets or income when beneficiary applies for public assistance.
801* Require evaluations of persons applying for admission to a nursing home.
802* Authorize the Department of Social Services to obtain a lien on real property of certain recipients of medical assistance.
803* Authorize claims against the estate of a person receiving medical assistance.
804* Provide a duty for the Director of Social Services limiting scope, duration, and amount of medical assistance.
805* Change the renewal fee for a license to practice medicine and surgery or osteopathic medicine.
806* Eliminate sales tax exemptions for hospitals and nursing homes.
807* Eliminate a property tax exemption for not-for-profit hospitals.
808* Require copayment and deductibles for persons receiving medical assistance.
809* Provide for county payment of a portion of medical assistance payments.
810* Change a sales tax exemption for prescriptions sold outside hospitals and nursing homes.
811* Impose a fee on prescription drugs.
812* Provide a tax on the beds of health care providers.
813* Provide a tax on the patient days of health care providers.
814*** Provide a tax on the gross revenue of all health care providers.
815* Provide taxes on health care providers and change provisions relating to hospital authorities.
816* Adopt the Managed Care Plan Act.
820* Require signing of Supreme Court decisions by the justice principally writing the opinion.

830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.

D. PAUL HARTNETT

LB

17* Change provisions relating to apprentice electricians.

102* Change provisions relating to membership on the State Racing Commission.

118* Change provisions for exemption from execution of certain settlements and compensation.

125* Prohibit interference with a person engaged in hunting, trapping, or fishing.

128* Change provisions for filing sales tax returns.

173* Authorize school crossing zones.

177 Authorize school boards to approve a hearing officer in contested terminations.

178 Change provisions for taking depositions in certain criminal procedures.

180* Change the fuel tax rates.

190*** Create the Rural Economic Development Commission within the Department of Economic Development.

203* Change provisions relating to litter and waste reduction and recycling fees.

207* Provide for interjurisdictional planning commissions.

208* Permit first and second class cities to designate extraterritorial jurisdiction for suburban development.

209* Provide for setting a time limit for recommendations from a planning commission.

210* Provide for a petition relating to annexation of sanitary and improvement districts.

248* Adopt the Contractor Registration Act.

297* Change provisions for operation of bicycles.

298 Exempt purchases by nonprofit corporations serving the elderly from sales and use tax.

339 Authorize limiting an insured's choice of a pharmacy.

402* Change fees for firework display licenses.

419* Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.

432* Authorize emergency temporary custody of certain juveniles by a physician.

484 Exempt antique slot machines from the offense of possession of a gambling device.

496* Change provisions relating to the practice of pharmacy.

496A Appropriation Bill.

516* Change the use and examination of nontax funds for volunteer fire departments.
531* Provide for communication agreements with birth parents relating to adoption.
551* Provide power to establish and fund a scholarship program for underprivileged youth in certain counties.
553 Authorize variances from regulations for water wells.
554 Change provisions relating to annexation and first class cities.
558* Change provisions for furnishing proof of financial responsibility for renewal of motor vehicle registration by telephone.
575* Change provisions relating to motor vehicles.
597* Change provisions for reimbursement for minor building modifications relating to special education.
630* Provide duties and limitations for municipalities annexing territory.
631* Provide for the automatic annexation of certain county roads by cities and villages.
632* Change provisions relating to handicapped parking.
635* Authorize public meetings to be held by means of video or telecommunications equipment.
638* Change provisions for nomination of judges of the county court.
674 Change provisions of the Litter Reduction and Recycling Act.
679* Transfer the Fire Service and Safety Training Program to the State Fire Marshal.
701* Adopt the Commercial Landlord and Tenant Act.
716* Provide additional election and nominating procedures for judicial nominating commissions.
720* Require the State Fire Marshal to establish a system for licensing underground storage tank installation and removal contractors.
725* Change provisions relating to enterprise zones.
725A Appropriation Bill.
726* Provide calculations for population changes resulting from annexation.
727 Change provisions for recording of plats, subdivisions, and conveyances by the register of deeds.
728 Change provisions relating to pickle cards.
729 Require an analysis of county costs and operations for distribution of tax burden.
730 Redefine "lottery" and "raffle" under the Lottery and Raffle Act.
731 Change provisions for handicapped or disabled parking permits.
732 Change provisions of the Local Option Municipal Economic Development Act.

733 Authorize issuance of bonds by cities for economic development.
762* Create state district attorney offices.
791* Eliminate the Thoroughbred Racing Assistance Fund.
820* Require signing of Supreme Court decisions by the justice principally writing the opinion.
821 Provide for guidance counseling services for elementary students.
830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.

JOYCE HILLMAN

LB

108* Provide for tourist-oriented directional sign panels.
125* Prohibit interference with a person engaged in hunting, trapping, or fishing.
137* Change provisions for commencement and limitation of product liability actions.
147* Adopt the Commercial Dog and Cat Operator Inspection Act.
157 Change provisions for deposits in certain financial institutions by cities and villages.
158*** Provide for intercity bus systems.
158A Appropriation Bill.
173* Authorize school crossing zones.
186* Change provisions for year-round operation of public schools.
190*** Create the Rural Economic Development Commission within the Department of Economic Development.
196* Provide for a medical hardship permit to operate a motor vehicle.
211* Create the Health Advisory Board.
211A Appropriation Bill.
212* Provide for a system of personnel administration in certain counties.
237* Provide reimbursement provisions for petroleum release remedial actions.
238* Change safety requirements for towing cabin trailers and boats.
239* Change provisions relating to community colleges.
240*** Change provisions for income tax credits, tax schedules, calculations, exemptions, and deductions.
241* Provide the Military Order of the Purple Heart is a recognized veterans organization.
242* Establish a standard to define sexual harassment.

244* Authorize charges for negligently or illegally caused fires.
273* Change and provide penalties relating to controlled substances.
302* Authorize the transfer of certain water appropriations.
338* Adopt the Electrolysis Practice Act.
419* Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
431* Provide for the review of child deaths.
457* Provide for the crimes of deadly assault in the first and second degrees.
491*** Provide and change fees for motor vehicle titles, driver's licenses, motor vehicle licensing, and registration.
523* Change provisions relating to child, medical, and spousal support.
531* Provide for communication agreements with birth parents relating to adoption.
590* Provide for disclosure of certain information relating to fatal motor vehicle accidents.
600* Change the mode of inflicting the death penalty to lethal injection.
629* Adopt the Parenting Act.
635* Authorize public meetings to be held by means of video or telecommunications equipment.
637* Change provisions and fees for campaign statements and to register as a lobbyist.
640* Provide harassment is an unlawful employment practice.
679* Transfer the Fire Service and Safety Training Program to the State Fire Marshal.
719* Provide access to certain records of children in the custody of the state to certain individuals and agencies.
734* Change provisions for certification of tax levies by governing bodies and the Board of Equalization.
762* Create state district attorney offices.
820* Require signing of Supreme Court decisions by the justice principally writing the opinion.
830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR
8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.

KURT A. HOHENSTEIN

LB
11 Change provisions for determination of tax situs for motor vehicle registration.
28* Provide powers and duties for peace officers.
51 Change provisions relating to limitations on proceedings against trustees.

55* Provide procedures for drawing legislative and congressional district boundaries.

80* Lower the prohibited concentration of alcohol for DWI conviction.

102* Change provisions relating to membership on the State Racing Commission.

112* Authorize county boards to consolidate services for issuance of title and registration certificates for motor vehicles.

125* Prohibit interference with a person engaged in hunting, trapping, or fishing.

150* Authorize the State Treasurer to deposit funds in certain lending institutions for small business loans.

151* Provide penalties for offenses involving police animals.

190*** Create the Rural Economic Development Commission within the Department of Economic Development.

237* Provide reimbursement provisions for petroleum release remedial actions.

241* Provide the Military Order of the Purple Heart is a recognized veterans organization.

276* Change provisions for deposit of inmate wages in the Victim's Compensation Fund.

277* Provide for a parole supervision fee to be paid by parolees.

308* Provide for publication of persons in arrears of child support.

340* Provide for titling of mobile homes.

346* Change and eliminate provisions relating to taxation of motor vehicles.

352* Change provisions for membership on the Board of Parole.

353* Change penalties for motor vehicle homicide.

427* Change powers and duties of the State Auditor with respect to auditing of long distance telephone records of members of the Legislature.

430* Change penalty provisions relating to manslaughter and child abuse.

436* Require an evaluation prior to commitment of a juvenile to a Youth Development Center.

468 Change residency requirements and appointment provisions for county attorneys.

471* Change provisions for wager deductions and simulcasting and provide rights for horseracing participants.

474* Provide for collegiate license plates.

509* Provide salary increases for the Supreme Court judges.

516* Change the use and examination of nontax funds for volunteer fire departments.

519* Change penalty provisions for child abuse.

523* Change provisions relating to child, medical, and spousal support.
564* Change provisions for driving while intoxicated.
590* Provide for disclosure of certain information relating to fatal motor vehicle accidents.
591* Redefine terms to exempt auction sales of agricultural machinery, household goods, and personal effects from sales tax.
601* Prohibit former senators and legislative staff from engaging in lobbyist activities.
619* Impose a surcharge on certain defendants.
627* Designate the Nebraska Crime Control Act of 1993.
635* Authorize public meetings to be held by means of video or telecommunications equipment.
719* Provide access to certain records of children in the custody of the state to certain individuals and agencies.
749* Authorize the suspension of driving privileges for certain juveniles.
753* Change the unemployment table for employment security.
830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR

2CA* Constitutional amendment to authorize the Legislature to provide for enforcement of mediation and other forms of dispute resolution.
16* Memorialize Congress to authorize states to prohibit desecration of the flag.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.

THOMAS R. HORGAN

LB

103* Provide for a written independent living plan for certain juveniles.
107 Change provisions of the school employees retirement system for Class V school districts.
125* Prohibit interference with a person engaged in hunting, trapping, or fishing.
133* Prohibit institutional vandalism and criminal intimidation.
147* Adopt the Commercial Dog and Cat Operator Inspection Act.
152* Authorize funding to the Office of Rural Health for certain family practice residency programs.
156* Prohibit the use of public facilities and funds for abortions.
189* Change a sales tax rebate provision for purchases of depreciable agricultural machinery.
203* Change provisions relating to litter and waste reduction and recycling fees.

203A	Appropriation Bill.
206*	Prohibit open containers of alcoholic liquor in motor vehicles.
211*	Create the Health Advisory Board.
213*	Adopt the County Initiative and Referendum Act.
241*	Provide the Military Order of the Purple Heart is a recognized veterans organization.
242*	Establish a standard to define sexual harassment.
249*	Adopt the State Government Effectiveness Act.
300*	Provide fees on motor vehicles and rental transactions.
363	Change provisions for the purchase of service credit in the judge's retirement system.
367*	Require notices of proposed changes in zoning classification for property within jurisdiction of metropolitan class cities.
387	Require a diagnosis code on hospital uniform billing forms.
402*	Change fees for firework display licenses.
415*	Prohibit exclusion of certain prescription drugs from insurance coverage.
427*	Change powers and duties of the State Auditor with respect to auditing of long distance telephone records of members of the Legislature.
432*	Authorize emergency temporary custody of certain juveniles by a physician.
433*	Change provisions relating to promotional distribution of tobacco products.
434	Require a motor vehicle parked on highways to be registered.
435	Change provisions relating to assignments of child support to the Department of Social Services.
438*	Change the name of the Department of Public Institutions.
444*	Change provisions for the recycling fee imposed on tires.
459	Change provisions for investment of retirement funds and adjustments to employer accounts.
460	Change provisions of the deferred compensation plan for state and county employees.
485*	Change provisions for condemnation of a utility.
486*	Change provisions for condemnation of a utility.
487*	Change provisions relating to condemnation of a utility.
491***	Provide and change fees for motor vehicle titles, driver's licenses, motor vehicle licensing, and registration.
496*	Change provisions relating to the practice of pharmacy.
531*	Provide for communication agreements with birth parents relating to adoption.
551*	Provide power to establish and fund a scholarship program for underprivileged youth in certain counties.

558* Change provisions for furnishing proof of financial responsibility for renewal of motor vehicle registration by telephone.
575* Change provisions relating to motor vehicles.
602* Authorize retirement at age sixty years for judges.
635* Authorize public meetings to be held by means of video or telecommunications equipment.
639* Change retirement benefit provisions for the State Patrol retirement plan.
696* Limit certain actions by an employer based on an employee's use of a lawful product.
698 Provide penalties for driving under the influence when a minor is in the vehicle.
699 Change provisions of the county and state employees' retirement plans.
717* Preserve the powers of the chief of police in metropolitan class cities against certain labor agreement provisions.

LR
8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
14CA Constitutional amendment to create the Nebraska Redistricting Commission.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.

CAROL HUDKINS

LB
78* Permit primary class cities and other political subdivisions to exchange services.
80* Lower the prohibited concentration of alcohol for DWI conviction.
220* Authorize increase in anticipated aggregate receipts from property taxes.
241* Provide the Military Order of the Purple Heart is a recognized veterans organization.
353* Change penalties for motor vehicle homicide.
575* Change provisions relating to motor vehicles.
596* Prohibit the operation of motorboats during certain months.
597* Change provisions for reimbursement for minor building modifications relating to special education.
600* Change the mode of inflicting the death penalty to lethal injection.
619* Impose a surcharge on certain defendants.
627* Designate the Nebraska Crime Control Act of 1993.
635* Authorize public meetings to be held by means of video or telecommunications equipment.
749* Authorize the suspension of driving privileges for certain juveniles.

830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.

16* Memorialize Congress to authorize states to prohibit desecration of the flag.

29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.

RAY JANSSEN

LB

190*** Create the Rural Economic Development Commission within the Department of Economic Development.

240*** Change provisions for income tax credits, tax schedules, calculations, exemptions, and deductions.

273* Change and provide penalties relating to controlled substances.

284* Exempt newspaper advertising supplements from sales tax.

402* Change fees for firework display licenses.

483* Change references to "community services" to "compensatory services."

516* Change the use and examination of nontax funds for volunteer fire departments.

538* Change provisions for calculation of interest on certain condemnation awards.

539* Change provisions for interest on construction contracts.

591* Redefine terms to exempt auction sales of agricultural machinery, household goods, and personal effects from sales tax.

596* Prohibit the operation of motorboats during certain months.

597* Change provisions for reimbursement for minor building modifications relating to special education.

597A Appropriation Bill.

600* Change the mode of inflicting the death penalty to lethal injection.

601* Prohibit former senators and legislative staff from engaging in lobbyist activities.

627* Designate the Nebraska Crime Control Act of 1993.

635* Authorize public meetings to be held by means of video or telecommunications equipment.

679* Transfer the Fire Service and Safety Training Program to the State Fire Marshal.

830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.

16* Memorialize Congress to authorize states to prohibit desecration of the flag.

JIM JONES

LB

80* Lower the prohibited concentration of alcohol for DWI conviction.

153* Require a permit for certain width livestock forage vehicles.

156* Prohibit the use of public facilities and funds for abortions.

159* Change the manner of calculating in lieu of tax payments to be made by the Game and Parks Commission.

174* Exempt personal property other than certain motor vehicles from property tax.

175* Exempt livestock from personal property tax.

176* Change provisions for applications to operate certain overweight vehicles with special permits.

185* Define "ex parte communication" relating to administrative procedure.

195* Provide a tax on transactions.

233* Change provisions for selection of presidential electors.

241* Provide the Military Order of the Purple Heart is a recognized veterans organization.

243* Redefine "Nebraska adjusted basis" relating to property taxation.

246* Add Howard County to the brand inspection area.

247 Change intent provisions for surface water and ground water.

266* Exempt farm products from personal property tax.

302* Authorize the transfer of certain water appropriations.

419* Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.

516* Change the use and examination of nontax funds for volunteer fire departments.

524* Adopt the Agricultural Chemical Storage and Containment Act.

591* Redefine terms to exempt auction sales of agricultural machinery, household goods, and personal effects from sales tax.

600* Change the mode of inflicting the death penalty to lethal injection.

601* Prohibit former senators and legislative staff from engaging in lobbyist activities.

627* Designate the Nebraska Crime Control Act of 1993.

634* Adopt the Student Privacy and Parental Rights Act.

635* Authorize public meetings to be held by means of video or telecommunications equipment.
770* Change provisions for permits to raise wild animals.
773* Change fees for nonresident permits for hunting wild turkeys.
830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR

16* Memorialize Congress to authorize states to prohibit desecration of the flag.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.

DOUGLAS A. KRISTENSEN

LB

12 Limit recovery for claims under the State Tort Claims Act.
13 Change provisions relating to judges' retirement.
14 Authorize creation of security interests in rents.
15 Authorize certain road projects.
29 Change a provision relating to amendment of pleadings.
30 Subject the Board of Directors of the Comprehensive Health Insurance Pool and its actions to the Administrative Procedure Act.
31 Change provisions relating to the Department of Correctional Services.
32 Change provisions relating to wages and other money committed to the Department of Correctional Services.
121* Adopt the Limited Liability Company Act.
121A Appropriation Bill.
160 Change provisions for review and modification of child support orders.
161* Authorize state agencies and political subdivisions to contract with collection agencies.
233* Change provisions for selection of presidential electors.
253* Change liability provisions for directors and officers of financial institutions.
254* Provide for arrest of an offender in any other jurisdiction in this state by a law enforcement officer.
284* Exempt newspaper advertising supplements from sales tax.
370 Change, transfer, and eliminate provisions relating to rules of the road.
404 Adopt the Fine Art Consignment Act.
411A Appropriation Bill.
420A Appropriation Bill.
472 Change height requirements for marking and lighting structures.

473	Create the Class W felony for driving while under the influence of alcohol.
477	Change provisions for payments to political subdivisions for railroad crossing elimination.
503	Change provisions for employment of persons committed to the Department of Correctional Services.
504	Eliminate a requirement for eligibility or continued coverage under the Comprehensive Health Insurance Pool.
507*	Require estimates and appropriations for legislation which is projected to increase inmate populations.
509*	Provide salary increases for the Supreme Court judges.
531*	Provide for communication agreements with birth parents relating to adoption.
575*	Change provisions relating to motor vehicles.
686	Define persons doing utilization reviews as physicians or surgeons for purposes of licensure.
687	Authorize employment of a Counsel to the Legislature.
688	Change provisions relating to the Nebraska Business Corporation Act.
719*	Provide access to certain records of children in the custody of the state to certain individuals and agencies.
762*	Create state district attorney offices.
775*	Authorize certain educational service units to be exempt from budget limitations.

LR

4CA	Constitutional amendment to establish requirements for eligibility to serve as Attorney General.
7CA	Constitutional amendment to require the Supreme Court to give written opinions on revenue issues.
8CA*	Authorize Legislators to participate in employee benefit programs available to other state officials.
15CA	Constitutional amendment to change provisions for final passage of legislation.

DAVID LANDIS

LB

39	Provide for approval of additions and plats by the city planning commission in primary class cities.
40	Authorize property tax work-off programs.
41	Change provisions for issuance of rules, regulations, and certificates for accountants.
42	Adopt the Intrastate Pay-Per-Call Regulation Act.
44*	Provide the Director of Personnel administer an employee recognition program for state employees.
78*	Permit primary class cities and other political subdivisions to exchange services.
81	Change provisions relating to banking and finance.
121*	Adopt the Limited Liability Company Act.
124*	Provide harassment as an unlawful employment practice.

124A	Appropriation Bill.
190***	Create the Rural Economic Development Commission within the Department of Economic Development.
202	Adopt the Uniform Premarital Agreement Act.
216	Change provisions relating to the Securities Act of Nebraska.
217	Redefine "financial institution" under the Mortgage Bankers Registration and Licensing Act.
218	Change provisions relating to seller-assisted marketing plans.
219	Exempt loans secured by real estate from the limitation on the rate of interest.
220*	Authorize increase in anticipated aggregate receipts from property taxes.
240***	Change provisions for income tax credits, tax schedules, calculations, exemptions, and deductions.
240A	Appropriation Bill.
241*	Provide the Military Order of the Purple Heart is a recognized veterans organization.
249*	Adopt the State Government Effectiveness Act.
249A	Appropriation Bill.
250*	Provide for nonprobate transfers on death.
334	Provide an additional power to the Department of Labor to distribute information regarding the role of the part-time labor force.
402*	Change fees for firework display licenses.
405	Change provisions relating to retired judges.
419*	Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
427*	Change powers and duties of the State Auditor with respect to auditing of long distance telephone records of members of the Legislature.
458*	Adopt the Nebraska Uniform Enforcement of Foreign Judgments Act.
478*	Change provisions relating to condominiums.
499*	Adopt the Uniform Interstate Family Support Act.
500*	Adopt the Uniform Interstate Family Support Act.
527*	Change provisions for use of public power surplus line capacity.
539*	Change provisions for interest on construction contracts.
578*	Change provisions for election of county board members in certain counties.
581	Change provisions for condemnation of a utility.
582	Change registration and renewal fees for film vehicles.
583	Change provisions relating to insurance.
583A	Appropriation Bill.
599	Provide for acceptance of bank deposits by subsidiaries and affiliates.

605 Establish penalties for public power officials for not publishing certain salaries.
606 Change provisions for valuation of agricultural and horticultural land.
612 Change provisions for evidence by the Commission of Industrial Relations.
629* Adopt the Parenting Act.
635* Authorize public meetings to be held by means of video or telecommunications equipment.
640* Provide harassment is an unlawful employment practice.
652* Provide for consultation with an attorney for persons in custody under eighteen years of age.
657*** Appropriate funds for payment to depositors of failed industrial loan companies.
670 Increase the statutory authority for an appropriation to the State Energy Office Cash Fund.
671 Provide for the use of ignition interlock devices.
757* Change provisions of workers' compensation laws.
757A* Appropriation Bill.
759 Change provisions for recording requirements for bonds.
790* Prohibit interference with medical facilities, personnel, and patients.
820* Require signing of Supreme Court decisions by the justice principally writing the opinion.
837*** Change provisions relating to disciplinary actions under the Uniform Licensing Law.

LR
2CA* Constitutional amendment to authorize the Legislature to provide for enforcement of mediation and other forms of dispute resolution.

JOHN C. LINDSAY

LB
25* Change provisions for corroboration of visual observations of speeding and the apprehension of a driver by a peace officer.
26* Require proof of the essential elements of the offense of speeding.
27* Change provisions relating to multicultural education.
109* Eliminate certain prohibitions on cross-employment for state employees.
110* Change the informed consent provisions relating to abortion.
110A Appropriation Bill.
111 Change provisions of the Consumer Rental Purchase Agreement Act.
112* Authorize county boards to consolidate services for issuance of title and registration certificates for motor vehicles.

113 Change provisions relating to sentence reduction and delivery of an offender.
114 Adopt the Health Care Fraudulent Claims Act.
115 Provide non-custodial parents with certain rights relating to health or safety of children.
116 Change provisions relating to corporations and meetings of shareholders.
117 Prohibit possession of a firearm while in violation of certain drug laws and require distribution of information regarding firearms.
118* Change provisions for exemption from execution of certain settlements and compensation.
121* Adopt the Limited Liability Company Act.
126* Change and specify time periods for applications for replacement drivers' licenses and identification cards.
127* Permit wine sampling in certain retail outlets.
137* Change provisions for commencement and limitation of product liability actions.
143 Change provisions for underinsured and uninsured motor vehicle insurance coverage.
156* Prohibit the use of public facilities and funds for abortions.
188 Limit actions to cancel or invalidate conveyances subdividing real estate.
221* Change allocations of funds for roads in counties.
250* Provide for nonprobate transfers on death.
261* Create the Collection Agency Licensing Board.
262* Change provisions for when a civil suit is permitted.
276* Change provisions for deposit of inmate wages in the Victim's Compensation Fund.
277* Provide for a parole supervision fee to be paid by parolees.
278* Provide for an out-of-state rendition amendment to the Interstate Compact on Juveniles.
352* Change provisions for membership on the Board of Parole.
458* Adopt the Nebraska Uniform Enforcement of Foreign Judgments Act.
461 Redefine "criminal detention facility."
462 Change provisions for publication of court opinions by the Court of Appeals.
463 Change provisions relating to exemptions from execution.
464 Adopt the Power of Attorney Act.
465 Change the name of the Nebraska Educational Facilities Authority and authorize the issuance of certain bonds.
466 Adopt the Religious Civil Rights Act.
467 Provide restrictions on proceedings against sureties.
475 Change the interest rates on judgments.

476	Change provisions for collection of fines and costs in county and districts courts.
494	Establish liability for accountants.
495*	Permit distribution of samples of smokeless tobacco products for promotional purposes.
497*	Change provisions for appointment, powers, and duties of guardians and conservators.
499*	Adopt the Uniform Interstate Family Support Act.
500*	Adopt the Uniform Interstate Family Support Act.
500A	Appropriation Bill.
507*	Require estimates and appropriations for legislation which is projected to increase inmate populations.
509*	Provide salary increases for the Supreme Court judges.
551*	Provide power to establish and fund a scholarship program for underprivileged youth in certain counties.
558*	Change provisions for furnishing proof of financial responsibility for renewal of motor vehicle registration by telephone.
592	Authorize the Supreme Court to close courts and court offices.
593	Change provisions for payment of costs and expenses of the county courts.
594	Change settlement provisions for workers' compensation proceedings.
595	Increase the cigarette tax to provide funding for cancer research.
595A	Appropriation Bill.
598*	Change the admissibility of evidence in certain crimes.
602*	Authorize retirement at age sixty years for judges.
635*	Authorize public meetings to be held by means of video or telecommunications equipment.
642*	Require a disclosure statement for certain residential real property sales.
642A	Appropriation Bill.
651*	Eliminate the death penalty.
707*	State intent relating to battered spouse syndrome and battered person syndrome.
760	Redefine "surviving spouse" relating to homesteads.
761	Require sharing of costs of claims and actions related to the lien of a physician, nurse, or hospital.
778	Adopt the Campaign Committee Income Tax Act.
779	Authorize pretrial diversion for certain violators.
780	Provide an additional fee in civil cases.
781	Authorize the award of fees and expenses in certain legal actions.
782*	Change provisions for the signing of the power of attorney.
783**	Change provisions for pardon application, record keeping, and restoration of civil rights.

830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.

29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.

DANIEL C. LYNCH

LB

16* Require a preplacement adoptive home study in certain adoption proceedings.

16A Appropriation Bill.

17* Change provisions relating to apprentice electricians.

18 Provide certified birth certificates at no charge to certain persons.

19 Change provisions relating to hunting.

20 Change provisions relating to school administrators.

27* Change provisions relating to multicultural education.

33* Change the homestead exemption.

34* Change the homestead exemption.

66* Exempt members of risk management pools from certain insurance requirements.

86* Change penalty provisions for transport of sand, gravel, or rock upon highways.

123* Adopt the Watercraft Title Act.

125* Prohibit interference with a person engaged in hunting, trapping, or fishing.

158*** Provide for intercity bus systems.

172 Authorize natural resources districts to adopt flood control improvement corridor maps.

192* Change a reference to a code under the State Electrical Act.

193* Change provisions relating to the State Electrical Act.

221* Change allocations of funds for roads in counties.

234 Change provisions for hunting, killing, or trapping certain wild game.

240*** Change provisions for income tax credits, tax schedules, calculations, exemptions, and deductions.

241* Provide the Military Order of the Purple Heart is a recognized veterans organization.

248* Adopt the Contractor Registration Act.

248A Appropriation Bill.

255* Require certain employees to pay for collective bargaining.

284* Exempt newspaper advertising supplements from sales tax.

290* Establish a fee on gross receipts of certain motor vehicle rental transactions.

293 Adopt the Campaign Finance Reform Act.

294* Exempt retired physicians and dentists from liability for civil damages for volunteer work.
295 Change provisions for fees of the clerk of the district court.
296 Change the membership of the Public Employees Retirement Board.
300* Provide fees on motor vehicles and rental transactions.
307 Provide for exceeding the budget limitation for certain state and federal mandates.
314* Change the percentage amount of certain state boards of examiners fees credited to the General Fund.
341 Prohibit the buying and selling of motor vehicles on Sunday.
369** Change provisions of the Deferred Building Renewal Act.
372 Provide for the negotiation of construction management services.
402* Change fees for firework display licenses.
419* Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
432* Authorize emergency temporary custody of certain juveniles by a physician.
496* Change provisions relating to the practice of pharmacy.
525* Provide methods for the payment of employee wages.
531* Provide for communication agreements with birth parents relating to adoption.
533* Prohibit rent-control regulation.
549* Provide restrictions on the closure of a mobile home park.
550* Provide restrictions on the sale of a mobile home park.
551* Provide power to establish and fund a scholarship program for underprivileged youth in certain counties.
607* Authorize voluntary contributions to the retirement plan for firefighter's in first class cities.
618* Change provisions for sale or service of alcoholic liquor by minors in the course of employment.
619* Impose a surcharge on certain defendants.
632* Change provisions relating to handicapped parking.
635* Authorize public meetings to be held by means of video or telecommunications equipment.
637* Change provisions and fees for campaign statements and to register as a lobbyist.
642* Require a disclosure statement for certain residential real property sales.
657*** Appropriate funds for payment to depositors of failed industrial loan companies.
664 Redefine the term "motorcycle."
665 Adopt the Citizen Participation Act.
749* Authorize the suspension of driving privileges for certain juveniles.
762* Create state district attorney offices.

820* Require signing of Supreme Court decisions by the justice principally writing the opinion.
830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR
8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.

JANIS MCKENZIE

LB
36* Change the dissolution date of ground water conservation districts.
37* Eliminate a fee on commercial fertilizer.
77* Change provisions regulating consumption of alcohol on public property.
125* Prohibit interference with a person engaged in hunting, trapping, or fishing.
186* Change provisions for year-round operation of public schools.
190*** Create the Rural Economic Development Commission within the Department of Economic Development.
240*** Change provisions for income tax credits, tax schedules, calculations, exemptions, and deductions.
273* Change and provide penalties relating to controlled substances.
302* Authorize the transfer of certain water appropriations.
305* Name the Telecommunications Relay System Act.
305A Appropriation Bill.
364* Change provisions relating to ethanol.
415* Prohibit exclusion of certain prescription drugs from insurance coverage.
419* Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
427* Change powers and duties of the State Auditor with respect to auditing of long distance telephone records of members of the Legislature.
432* Authorize emergency temporary custody of certain juveniles by a physician.
520* Provide for early intervention services and create the Special Education Accountability Commission.
647* Provide for programs for high-ability students.
647A Appropriation Bill.
648* Provide for comprehensive environmental lead inspections.
713* Provide for a sales tax on food.

LR
8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.

16* Memorialize Congress to authorize states to prohibit desecration of the flag.

SCOTT MOORE

LB	
35	Change provisions for adoption of standard codes by counties.
36*	Change the dissolution date of ground water conservation districts.
37*	Eliminate a fee on commercial fertilizer.
38*	Require certain statements of General Fund receipts.
125*	Prohibit interference with a person engaged in hunting, trapping, or fishing.
126*	Change and specify time periods for applications for replacement drivers' licenses and identification cards.
159*	Change the manner of calculating in lieu of tax payments to be made by the Game and Parks Commission.
228*	Prohibit the disclosure of nonpublic documents to the State Auditor.
229*	Allow the Executive Board of the Legislative Council to contract for auditing services.
280	Provide additional power for the Nebraska Arts Council.
291*	Create and provide duties for the State Mental Health Planning and Evaluation Council.
322A	Appropriation Bill.
337*	Change provisions for treatment ordered by mental health boards.
371	Change enforcement and penalty provisions relating to protective helmets.
392*	Create and provide duties for the Special Education Accountability Commission.
417*	Change provisions for membership, enrollment requirements, and benefits of county and state employee retirement plans.
419*	Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
429	Authorize use of oral pharmaceutical agents by optometrists.
491***	Provide and change fees for motor vehicle titles, driver's licenses, motor vehicle licensing, and registration.
491A	Appropriation Bill.
495*	Permit distribution of samples of smokeless tobacco products for promotional purposes.
516*	Change the use and examination of nontax funds for volunteer fire departments.
541	Appropriate funds for the expenses of state government.
542	Provide for allocation of gifts, bequests, and devises made available to the State of Nebraska.

543 Transfer interest earnings from the Imprest Payroll Fund and excess funds to Accounting Division Cash Fund.
544 Provide duties relating to long-term financing for the state.
544A Appropriation Bill.
545 Provide for acceptance of cession or retrocession of jurisdiction.
546* Limit minors access to pornography.
635* Authorize public meetings to be held by means of video or telecommunications equipment.
636 Authorize use of certain agents by optometrists in the treatment of glaucoma.
637* Change provisions and fees for campaign statements and to register as a lobbyist.
662 Change provisions for location of certain rights-of-way for telephone companies.
663 Provide for criminal history checks of persons residing at a house for which designation as a McGruff House is sought.
792* Eliminate the medically needy program and exclude certain persons from eligibility for medical assistance.
793* Eliminate the "Ribicoff program" and change provisions for medical assistance.
794* Exclude certain services from medical assistance.
795* Change provisions for medical assistance funding for infants.
796* Eliminate all optional services relating to medical assistance.
797* Authorize a long-term care security demonstration program.
798* State intent that the Department of Social Services apply for a waiver from the federal government from the transfer of asset provision of the medical assistance program.
799* Change provisions for waiver of staffing requirements for certain nursing facilities.
800* Limit disposition of trust assets or income when beneficiary applies for public assistance.
801* Require evaluations of persons applying for admission to a nursing home.
802* Authorize the Department of Social Services to obtain a lien on real property of certain recipients of medical assistance.
803* Authorize claims against the estate of a person receiving medical assistance.
804* Provide a duty for the Director of Social Services limiting scope, duration, and amount of medical assistance.
806* Eliminate sales tax exemptions for hospitals and nursing homes.

807* Eliminate a property tax exemption for not-for-profit hospitals.
808* Require copayment and deductibles for persons receiving medical assistance.
809* Provide for county payment of a portion of medical assistance payments.
810* Change a sales tax exemption for prescriptions sold outside hospitals and nursing homes.
811* Impose a fee on prescription drugs.
812* Provide a tax on the beds of health care providers.
813* Provide a tax on the patient days of health care providers.
814*** Provide a tax on the gross revenue of all health care providers.
815* Provide taxes on health care providers and change provisions relating to hospital authorities.
816* Adopt the Managed Care Plan Act.
832A Appropriation Bill.
840A Appropriation Bill.
841A Appropriation Bill.

DWITE A. PEDERSEN

LB
86* Change penalty provisions for transport of sand, gravel, or rock upon highways.
109* Eliminate certain prohibitions on cross-employment for state employees.
181* Change provisions relating to student discipline.
201* Change provisions for photographs on drivers' licenses and state identification cards.
206* Prohibit open containers of alcoholic liquor in motor vehicles.
238* Change safety requirements for towing cabin trailers and boats.
241* Provide the Military Order of the Purple Heart is a recognized veterans organization.
272* Increase penalties for offenses related to delivery of pornography to minors.
278* Provide for an out-of-state rendition amendment to the Interstate Compact on Juveniles.
294* Exempt retired physicians and dentists from liability for civil damages for volunteer work.
299* Change provisions relating to the offense of stalking.
308* Provide for publication of persons in arrears of child support.
352* Change provisions for membership on the Board of Parole.
353* Change penalties for motor vehicle homicide.
354* Provide for issuance of special license plates to active members of the Nebraska National Guard.

355* Adopt the State Government Assessment Act.
365* Change provisions for horseracing and parimutuel taxes.
402* Change fees for firework display licenses.
419* Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
427* Change powers and duties of the State Auditor with respect to auditing of long distance telephone records of members of the Legislature.
511* Prohibit certain zoning ordinances, resolutions, or regulations limiting the location of manufactured homes.
516* Change the use and examination of nontax funds for volunteer fire departments.
530* Authorize incorporation as a city of the first or second class by petition.
546* Limit minors access to pornography.
549* Provide restrictions on the closure of a mobile home park.
550* Provide restrictions on the sale of a mobile home park.
551* Provide power to establish and fund a scholarship program for underprivileged youth in certain counties.
552* Change provisions for travel reports of state-owned motor vehicles.
564* Change provisions for driving while intoxicated.
589* Provide judges cannot hear cases of persons under age of nineteen without a parent or guardian being present.
590* Provide for disclosure of certain information relating to fatal motor vehicle accidents.
601* Prohibit former senators and legislative staff from engaging in lobbyist activities.
618* Change provisions for sale or service of alcoholic liquor by minors in the course of employment.
619* Impose a surcharge on certain defendants.
627* Designate the Nebraska Crime Control Act of 1993.
635* Authorize public meetings to be held by means of video or telecommunications equipment.
679* Transfer the Fire Service and Safety Training Program to the State Fire Marshal.
718* Prohibit certain provisions for medical benefit contracts and mail-order pharmacies.
744* Require health benefit programs to provide an open enrollment period to pharmacies.
749* Authorize the suspension of driving privileges for certain juveniles.
830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR

16* Memorialize Congress to authorize states to prohibit desecration of the flag.

21CA* Constitutional amendment to provide that money from taxes and fees imposed on motor vehicles be used for payment of highway obligations.

29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.

CAROL MCBRIDE PIRSCH

LB

86* Change penalty provisions for transport of sand, gravel, or rock upon highways.

120* Establish statute of limitations for civil actions based on childhood sexual abuse.

122 Allow state chartered credit unions equal powers as federal credit unions.

194* Authorize schools to require criminal history information as condition of employment.

244* Authorize charges for negligently or illegally caused fires.

245* Change provisions relating to hunting permits.

272* Increase penalties for offenses related to delivery of pornography to minors.

273* Change and provide penalties relating to controlled substances.

276* Change provisions for deposit of inmate wages in the Victim's Compensation Fund.

277* Provide for a parole supervision fee to be paid by parolees.

277A Appropriation Bill.

278* Provide for an out-of-state rendition amendment to the Interstate Compact on Juveniles.

279 Change provisions for seizure and disposition of certain property involved in criminal activity.

299* Change provisions relating to the offense of stalking.

309 Require a chemical test for drugs or alcohol for persons applying for a motorcycle driver's license.

352* Change provisions for membership on the Board of Parole.

355* Adopt the State Government Assessment Act.

357* Authorize leave for state employees for specialized disaster relief services in Nebraska for the American Red Cross.

359* Change provisions of the State Boat Act.

367* Require notices of proposed changes in zoning classification for property within jurisdiction of metropolitan class cities.

427* Change powers and duties of the State Auditor with respect to auditing of long distance telephone records of members of the Legislature.

436* Require an evaluation prior to commitment of a juvenile to a Youth Development Center.

519* Change penalty provisions for child abuse.
523* Change provisions relating to child, medical, and spousal support.
529* Eliminate provisions relating to indeterminate sentences.
564* Change provisions for driving while intoxicated.
589* Provide judges cannot hear cases of persons under age of nineteen without a parent or guardian being present.
590* Provide for disclosure of certain information relating to fatal motor vehicle accidents.
618* Change provisions for sale or service of alcoholic liquor by minors in the course of employment.
619* Impose a surcharge on certain defendants.
634* Adopt the Student Privacy and Parental Rights Act.
635* Authorize public meetings to be held by means of video or telecommunications equipment.
707* State intent relating to battered spouse syndrome and battered person syndrome.
749* Authorize the suspension of driving privileges for certain juveniles.
753* Change the unemployment table for employment security.
830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR
16* Memorialize Congress to authorize states to prohibit desecration of the flag.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.

DONALD G. PREISTER

LB
80* Lower the prohibited concentration of alcohol for DWI conviction.
147* Adopt the Commercial Dog and Cat Operator Inspection Act.
148* Change provisions for radioactive waste disposal sites.
149* Restrict the issuance and provide for revocation of a license under the Low Level Radioactive Waste Disposal Act.
190A* Appropriation Bill.
240*** Change provisions for income tax credits, tax schedules, calculations, exemptions, and deductions.
241* Provide the Military Order of the Purple Heart is a recognized veterans organization.
301* Provide for ground water, storage facility, and instream flow appropriations for public water suppliers.
367* Require notices of proposed changes in zoning classification for property within jurisdiction of metropolitan class cities.

419* Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
427* Change powers and duties of the State Auditor with respect to auditing of long distance telephone records of members of the Legislature.
437* Adopt the Family Medical Leave Act.
549* Provide restrictions on the closure of a mobile home park.
550* Provide restrictions on the sale of a mobile home park.
551* Provide power to establish and fund a scholarship program for underprivileged youth in certain counties.
596* Prohibit the operation of motorboats during certain months.
597* Change provisions for reimbursement for minor building modifications relating to special education.
600* Change the mode of inflicting the death penalty to lethal injection.
601* Prohibit former senators and legislative staff from engaging in lobbyist activities.
627* Designate the Nebraska Crime Control Act of 1993.
629* Adopt the Parenting Act.
635* Authorize public meetings to be held by means of video or telecommunications equipment.
644* Change provisions for child custody and visitation.
717* Preserve the powers of the chief of police in metropolitan class cities against certain labor agreement provisions.
720* Require the State Fire Marshal to establish a system for licensing underground storage tank installation and removal contractors.
725* Change provisions relating to enterprise zones.
773* Change fees for nonresident permits for hunting wild turkeys.
830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR
8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.

JESSIE K. RASMUSSEN

LB
61* Prohibit disciplinary actions by employers based on use of lawful products and participation in lawful activities by employees.
186* Change provisions for year-round operation of public schools.
203* Change provisions relating to litter and waste reduction and recycling fees.

205*	Change provisions for obtaining information on relatives of an adopted person.
240***	Change provisions for income tax credits, tax schedules, calculations, exemptions, and deductions.
241*	Provide the Military Order of the Purple Heart is a recognized veterans organization.
242*	Establish a standard to define sexual harassment.
350*	Authorize the construction and use of fiber optic communications systems in schools.
357*	Authorize leave for state employees for specialized disaster relief services in Nebraska for the American Red Cross.
360*	Define discrimination against persons with disabilities as an unlawful employment practice.
360A	Appropriation Bill.
367*	Require notices of proposed changes in zoning classification for property within jurisdiction of metropolitan class cities.
392*	Create and provide duties for the Special Education Accountability Commission.
393	Provide and change procedures for investigations of child abuse and neglect.
399	Provide for credit of certain tax proceeds to the Excellence in Education Fund.
419*	Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
427*	Change powers and duties of the State Auditor with respect to auditing of long distance telephone records of members of the Legislature.
431*	Provide for the review of child deaths.
432*	Authorize emergency temporary custody of certain juveniles by a physician.
436*	Require an evaluation prior to commitment of a juvenile to a Youth Development Center.
438*	Change the name of the Department of Public Institutions.
491***	Provide and change fees for motor vehicle titles, driver's licenses, motor vehicle licensing, and registration.
496*	Change provisions relating to the practice of pharmacy.
510*	Provide additional types of licenses for early childhood programs.
520*	Provide for early intervention services and create the Special Education Accountability Commission.
520A	Appropriation Bill.
521	Adopt the Safe Children Policy Act.
522*	Adopt the Licensed Practical Nurse-Certified Act.
522A	Appropriation Bill.
523*	Change provisions relating to child, medical, and spousal support.

528* Change provisions for immunization requirements for students enrolling in school.
531* Provide for communication agreements with birth parents relating to adoption.
629* Adopt the Parenting Act.
635* Authorize public meetings to be held by means of video or telecommunications equipment.
640* Provide harassment is an unlawful employment practice.
643* Examine methods of providing appropriate education for students with hearing impairments.
644* Change provisions for child custody and visitation.
648* Provide for comprehensive environmental lead inspections.
707* State intent relating to battered spouse syndrome and battered person syndrome.
797* Authorize a long-term care security demonstration program.
798* State intent that the Department of Social Services apply for a waiver from the federal government from the transfer of asset provision of the medical assistance program.
799* Change provisions for waiver of staffing requirements for certain nursing facilities.
800* Limit disposition of trust assets or income when beneficiary applies for public assistance.
801* Require evaluations of persons applying for admission to a nursing home.
802* Authorize the Department of Social Services to obtain a lien on real property of certain recipients of medical assistance.
803* Authorize claims against the estate of a person receiving medical assistance.
804* Provide a duty for the Director of Social Services limiting scope, duration, and amount of medical assistance.
806* Eliminate sales tax exemptions for hospitals and nursing homes.
807* Eliminate a property tax exemption for not-for-profit hospitals.
812* Provide a tax on the beds of health care providers.

LR
27CA Constitutional amendment to provide no person shall exercise powers of more than one branch of government.

JENNIE ROBAK

LB
37* Eliminate a fee on commercial fertilizer.
55* Provide procedures for drawing legislative and congressional district boundaries.
108* Provide for tourist-oriented directional sign panels.
124* Provide harassment as an unlawful employment practice.

126* Change and specify time periods for applications for replacement drivers' licenses and identification cards.
127* Permit wine sampling in certain retail outlets.
128* Change provisions for filing sales tax returns.
129 Provide for a license to sell alcoholic liquor outside the corporate limits of cities and villages.
130 Create a professional counselor-patient privilege.
158*** Provide for intercity bus systems.
173* Authorize school crossing zones.
190*** Create the Rural Economic Development Commission within the Department of Economic Development.
196* Provide for a medical hardship permit to operate a motor vehicle.
204* Provide for lunch time for employees of retail establishments.
238* Change safety requirements for towing cabin trailers and boats.
240*** Change provisions for income tax credits, tax schedules, calculations, exemptions, and deductions.
241* Provide the Military Order of the Purple Heart is a recognized veterans organization.
242* Establish a standard to define sexual harassment.
251 Eliminate firework display licenses.
291* Create and provide duties for the State Mental Health Planning and Evaluation Council.
291A Appropriation Bill.
299* Change provisions relating to the offense of stalking.
337* Change provisions for treatment ordered by mental health boards.
352* Change provisions for membership on the Board of Parole.
353* Change penalties for motor vehicle homicide.
357* Authorize leave for state employees for specialized disaster relief services in Nebraska for the American Red Cross.
402* Change fees for firework display licenses.
419* Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
423 Change provisions relating to banking.
430* Change penalty provisions relating to manslaughter and child abuse.
438* Change the name of the Department of Public Institutions.
513* Provide for quality review teams under the Nebraska Comprehensive Community Mental Health Services Act.
513A* Appropriation Bill.
516* Change the use and examination of nontax funds for volunteer fire departments.
519* Change penalty provisions for child abuse.

523* Change provisions relating to child, medical, and spousal support.
549* Provide restrictions on the closure of a mobile home park.
550* Provide restrictions on the sale of a mobile home park.
655 Provide for a coordinated system of traffic control signals in certain cities.
656* Change provisions for inspection of private water supplies and private sewage disposal facilities.
719* Provide access to certain records of children in the custody of the state to certain individuals and agencies.
756 Authorize fees for returned checks in payment of revolving charge agreements.
791* Eliminate the Thoroughbred Racing Assistance Fund.
830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR
8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
16* Memorialize Congress to authorize states to prohibit desecration of the flag.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.

C. N. "BUD" ROBINSON

LB
86* Change penalty provisions for transport of sand, gravel, or rock upon highways.
90 Change provisions for payment of election expenses by public power districts.
105* Provide for a medical hardship driving permit.
105A Appropriation Bill.
186* Change provisions for year-round operation of public schools.
187* Change provisions relating to funeral directors and embalmers.
187A Appropriation Bill.
189* Change a sales tax rebate provision for purchases of depreciable agricultural machinery.
190*** Create the Rural Economic Development Commission within the Department of Economic Development.
203* Change provisions relating to litter and waste reduction and recycling fees.
236* Provide for payment and receipt of state funds by the use of electronic fund transfers.
237* Provide reimbursement provisions for petroleum release remedial actions.
241* Provide the Military Order of the Purple Heart is a recognized veterans organization.
320* Create the School Aid Fund.

350* Authorize the construction and use of fiber optic communications systems in schools.
386* Provide for in-lieu-of-property-tax payments by cities of the primary or metropolitan class and metropolitan utilities districts.
419* Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
444* Change provisions for the recycling fee imposed on tires.
445 Authorize sponsorship of student organizations by the State Board of Education and the Department of Education.
445A Appropriation Bill.
471* Change provisions for wager deductions and simulcasting and provide rights for horseracing participants.
483* Change references to "community services" to "compensatory services."
575* Change provisions relating to motor vehicles.
635* Authorize public meetings to be held by means of video or telecommunications equipment.
643* Examine methods of providing appropriate education for students with hearing impairments.

LR

16* Memorialize Congress to authorize states to prohibit desecration of the flag.

STAN SCHELLPEPER

LB

17* Change provisions relating to apprentice electricians.
53 Allow the sampling of wine upon the premises of a licensed retailer.
54* Change provisions for prohibited acts by an operator of a gift enterprise.
55* Provide procedures for drawing legislative and congressional district boundaries.
56 Provide for a medical hardship permit as a classification of driver's license.
57 Increase the membership of the Antique Farm Machinery and Equipment Commission.
58 Increase rate of tax authorized for certain public safety purposes.
59 Change provisions for collection of signatures for and filing of a remonstrance against sale of publicly owned real estate.
60 Provide for a medical hardship permit as a classification of driver's license.
102* Change provisions relating to membership on the State Racing Commission.
134* Change provisions relating to county treasurers.

136	Eliminate the property tax on personal property other than motor vehicles.
137*	Change provisions for commencement and limitation of product liability actions.
138***	Change and reenact provisions of Laws 1991, LB 849, relating to the State Lottery Act.
150*	Authorize the State Treasurer to deposit funds in certain lending institutions for small business loans.
152*	Authorize funding to the Office of Rural Health for certain family practice residency programs.
159*	Change the manner of calculating in lieu of tax payments to be made by the Game and Parks Commission.
174*	Exempt personal property other than certain motor vehicles from property tax.
175*	Exempt livestock from personal property tax.
182	Provide that members of the board of public power and irrigation districts may be considered employees for insurance purposes.
187*	Change provisions relating to funeral directors and embalmers.
189*	Change a sales tax rebate provision for purchases of depreciable agricultural machinery.
190***	Create the Rural Economic Development Commission within the Department of Economic Development.
192*	Change a reference to a code under the State Electrical Act.
193*	Change provisions relating to the State Electrical Act.
231	Authorize negotiation and execution of a tribal-state compact governing gambling.
240***	Change provisions for income tax credits, tax schedules, calculations, exemptions, and deductions.
241*	Provide the Military Order of the Purple Heart is a recognized veterans organization.
243*	Redefine "Nebraska adjusted basis" relating to property taxation.
244*	Authorize charges for negligently or illegally caused fires.
378	Change provisions for eligibility for liquor licenses.
419*	Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
501*	Change provisions for contracts between counties and sanitary and improvement districts.
505*	Adopt the Rural Health Opportunities Loan Act.
505A	Appropriation Bill.
506	Change provisions for applications for certification of social workers.
516*	Change the use and examination of nontax funds for volunteer fire departments.
560*	Require aerial applicators to have liability insurance.

561 Change provisions for the defense against the charge of selling alcohol to a minor.
562 Redefine terms relating to sales and use taxes.
563* Change provisions relating to state, county, city, and village lotteries.
635* Authorize public meetings to be held by means of video or telecommunications equipment.
672 Change provisions relating to horseracing.
673 Change provisions for removal of disabled motor vehicles.
694* Change and eliminate provisions relating to gambling.
718* Prohibit certain provisions for medical benefit contracts and mail-order pharmacies.
744* Require health benefit programs to provide an open enrollment period to pharmacies.
749* Authorize the suspension of driving privileges for certain juveniles.
762* Create state district attorney offices.
769* Redefine "community betterment purposes" under the County City and Lottery Act.
786* Change provisions for levying of taxes by the school board or board of education.
795* Change provisions for medical assistance funding for infants.
797* Authorize a long-term care security demonstration program.
798* State intent that the Department of Social Services apply for a waiver from the federal government from the transfer of asset provision of the medical assistance program.
799* Change provisions for waiver of staffing requirements for certain nursing facilities.
800* Limit disposition of trust assets or income when beneficiary applies for public assistance.
804* Provide a duty for the Director of Social Services limiting scope, duration, and amount of medical assistance.
805* Change the renewal fee for a license to practice medicine and surgery or osteopathic medicine.
808* Require copayment and deductibles for persons receiving medical assistance.
815* Provide taxes on health care providers and change provisions relating to hospital authorities.
830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR

16* Memorialize Congress to authorize states to prohibit desecration of the flag.

21CA* Constitutional amendment to provide that money from taxes and fees imposed on motor vehicles be used for payment of highway obligations.

DIANNA R. SCHIMEK

LB

16* Require a preplacement adoptive home study in certain adoption proceedings.

33* Change the homestead exemption.

34* Change the homestead exemption.

43 Change the population requirements for election of the county clerk and register of deeds.

44* Provide the Director of Personnel administer an employee recognition program for state employees.

44A Appropriation Bill.

45 Eliminate provisions relating to photoelectric tube devices for elevators.

46 Authorize a refund setoff system against income tax refunds for amounts due the Department of Labor.

47 Suspend provisions for extended employment security benefits.

48 Provide for issuance and revocation of a temporary license to practice massage therapy.

49 Increase the maximum civil penalty for violations under the Nebraska Natural Gas Pipeline Safety Act.

50 Create the State Treasurer Administrative Fund.

61* Prohibit disciplinary actions by employers based on use of lawful products and participation in lawful activities by employees.

76* Adopt the Election Act.

77* Change provisions regulating consumption of alcohol on public property.

83* Require firearms to be stored securely and require notices and warnings upon sale, trade, or transfer of a firearm.

103* Provide for a written independent living plan for certain juveniles.

104* Provide physicians post information relating to the medicare assignment program.

109* Eliminate certain prohibitions on cross-employment for state employees.

124* Provide harassment as an unlawful employment practice.

173* Authorize school crossing zones.

186* Change provisions for year-round operation of public schools.

190*** Create the Rural Economic Development Commission within the Department of Economic Development.

205* Change provisions for obtaining information on relatives of an adopted person.

207* Provide for interjurisdictional planning commissions.

208* Permit first and second class cities to designate extraterritorial jurisdiction for suburban development.
209* Provide for setting a time limit for recommendations from a planning commission.
210* Provide for a petition relating to annexation of sanitary and improvement districts.
236* Provide for payment and receipt of state funds by the use of electronic fund transfers.
240*** Change provisions for income tax credits, tax schedules, calculations, exemptions, and deductions.
241* Provide the Military Order of the Purple Heart is a recognized veterans organization.
242* Establish a standard to define sexual harassment.
252* Establish criteria for transferring cases from Small Claims Court to county court.
269 Change the manner of voting by the judicial nominating commission.
299* Change provisions relating to the offense of stalking.
304* Change nomination procedures for the judicial nominating commissions.
314* Change the percentage amount of certain state boards of examiners fees credited to the General Fund.
338* Adopt the Electrolysis Practice Act.
415* Prohibit exclusion of certain prescription drugs from insurance coverage.
428* Adopt the Election Act.
431* Provide for the review of child deaths.
433* Change provisions relating to promotional distribution of tobacco products.
437* Adopt the Family Medical Leave Act.
448 Provide for payment for certain expenses related to volunteers providing certain services to the state.
491*** Provide and change fees for motor vehicle titles, driver's licenses, motor vehicle licensing, and registration.
493* Provide for the offense of sexual exploitation by a psychotherapist.
519* Change penalty provisions for child abuse.
523* Change provisions relating to child, medical, and spousal support.
525* Provide methods for the payment of employee wages.
578* Change provisions for election of county board members in certain counties.
587* Change provisions for spending limitations, contributions, and campaign statements.
596* Prohibit the operation of motorboats during certain months.
597* Change provisions for reimbursement for minor building modifications relating to special education.

631* Provide for the automatic annexation of certain county roads by cities and villages.
635* Authorize public meetings to be held by means of video or telecommunications equipment.
638* Change provisions for nomination of judges of the county court.
640* Provide harassment is an unlawful employment practice.
642* Require a disclosure statement for certain residential real property sales.
647* Provide for programs for high-ability students.
657*** Appropriate funds for payment to depositors of failed industrial loan companies.
716* Provide additional election and nominating procedures for judicial nominating commissions.
722* Adopt the Municipal Proprietary Function Act and the Municipal Miscellaneous Expenditure Act.
790* Prohibit interference with medical facilities, personnel, and patients.
830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR
8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.

JERRY SCHMITT

LB
28* Provide powers and duties for peace officers.
80* Lower the prohibited concentration of alcohol for DWI conviction.
159* Change the manner of calculating in lieu of tax payments to be made by the Game and Parks Commission.
163* Change provisions for issuance of permits, recordkeeping, and notification of use or storage of explosives.
190*** Create the Rural Economic Development Commission within the Department of Economic Development.
204* Provide for lunch time for employees of retail establishments.
227 Change requirements for lights on motor vehicles.
238* Change safety requirements for towing cabin trailers and boats.
240*** Change provisions for income tax credits, tax schedules, calculations, exemptions, and deductions.
246* Add Howard County to the brand inspection area.
272* Increase penalties for offenses related to delivery of pornography to minors.
273* Change and provide penalties relating to controlled substances.

353* Change penalties for motor vehicle homicide.
358 Authorize motor carrier enforcement division of the Nebraska State Patrol to conduct safety reviews of motor carriers.
402* Change fees for firework display licenses.
419* Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
483* Change references to "community services" to "compensatory services."
516* Change the use and examination of nontax funds for volunteer fire departments.
552* Change provisions for travel reports of state-owned motor vehicles.
600* Change the mode of inflicting the death penalty to lethal injection.
627* Designate the Nebraska Crime Control Act of 1993.
635* Authorize public meetings to be held by means of video or telecommunications equipment.
749* Authorize the suspension of driving privileges for certain juveniles.
750* Change powers and duties of museum boards relating to sale of property.
830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
16* Memorialize Congress to authorize states to prohibit desecration of the flag.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.

FLOYD P. VRTISKA

LB

66* Exempt members of risk management pools from certain insurance requirements.
80* Lower the prohibited concentration of alcohol for DWI conviction.
152* Authorize funding to the Office of Rural Health for certain family practice residency programs.
152A* Appropriation Bill.
159* Change the manner of calculating in lieu of tax payments to be made by the Game and Parks Commission.
190*** Create the Rural Economic Development Commission within the Department of Economic Development.
241* Provide the Military Order of the Purple Heart is a recognized veterans organization.

252* Establish criteria for transferring cases from Small Claims Court to county court.
272* Increase penalties for offenses related to delivery of pornography to minors.
273* Change and provide penalties relating to controlled substances.
288 Allow state chartered savings and loan associations equal power as federal associations.
352* Change provisions for membership on the Board of Parole.
353* Change penalties for motor vehicle homicide.
386* Provide for in-lieu-of-property-tax payments by cities of the primary or metropolitan class and metropolitan utilities districts.
415* Prohibit exclusion of certain prescription drugs from insurance coverage.
432* Authorize emergency temporary custody of certain juveniles by a physician.
438* Change the name of the Department of Public Institutions.
516* Change the use and examination of nontax funds for volunteer fire departments.
580 Specify the minimum level of funding for development districts.
591* Redefine terms to exempt auction sales of agricultural machinery, household goods, and personal effects from sales tax.
600* Change the mode of inflicting the death penalty to lethal injection.
627* Designate the Nebraska Crime Control Act of 1993.
635* Authorize public meetings to be held by means of video or telecommunications equipment.
712* Adopt the Beginning Farmer and Business Investment Act.
718* Prohibit certain provisions for medical benefit contracts and mail-order pharmacies.
749* Authorize the suspension of driving privileges for certain juveniles.
785 Change provisions relating to workers' compensation.

LR
8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
16* Memorialize Congress to authorize states to prohibit desecration of the flag.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.

JEROME WARNER

LB
21 Change the sales and use tax and income tax rates.
22 Provide increase in the cigarette tax.

23	Change provisions for adjustments to the motor fuel tax rates.
24	Require the State Board of Equalization and Assessment to set the sales and income tax rates.
38*	Require certain statements of General Fund receipts.
80*	Lower the prohibited concentration of alcohol for DWI conviction.
228*	Prohibit the disclosure of nonpublic documents to the State Auditor.
229*	Allow the Executive Board of the Legislative Council to contract for auditing services.
240***	Change provisions for income tax credits, tax schedules, calculations, exemptions, and deductions.
310	Change provisions for public power and irrigation district audits and authorize certain political subdivisions to collect and increase property taxes for reimbursements.
311	Eliminate the State Building Advisory Commission.
312	Provide confidentiality for certain records relating to possible sites of archaeological significance.
313	Require certain provisions of law be subject to appropriations by the Legislature.
314*	Change the percentage amount of certain state boards of examiners fees credited to the General Fund.
320*	Create the School Aid Fund.
320A	Appropriation Bill.
345A	Appropriation Bill.
419*	Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
440	Change provisions for collection, administration, and distribution of motor fuel taxes.
440A	Appropriation Bill.
441	Change provisions for acquisition of private property for public use.
507*	Require estimates and appropriations for legislation which is projected to increase inmate populations.
565*	Provide requirements for contracts between a private entity and any state agency.
579*	Allow the Executive Board to contract for professional services.
620	Change provisions for counties without county superintendents.
621	Eliminate the definition of "formal action" relating to public meetings.
635*	Authorize public meetings to be held by means of video or telecommunications equipment.
657***	Appropriate funds for payment to depositors of failed industrial loan companies.

682 Change a reference to a federal act for the preservation of historic properties.

683 Change provisions for review and approval of certain projects by the Coordinating Commission for Postsecondary Education.

684 Change provisions for the boundaries of Class IV school districts.

742 Authorize increase in anticipated aggregate receipts from property taxes for educational service units.

743 Require written authorization for release of records to the Legislative Fiscal Analyst or the Auditor of Public Accounts.

762* Create state district attorney offices.

768 Adopt the Volunteer Firefighter Trust Fund Act.

792* Eliminate the medically needy program and exclude certain persons from eligibility for medical assistance.

793* Eliminate the "Ribicoff program" and change provisions for medical assistance.

794* Exclude certain services from medical assistance.

795* Change provisions for medical assistance funding for infants.

796* Eliminate all optional services relating to medical assistance.

797* Authorize a long-term care security demonstration program.

798* State intent that the Department of Social Services apply for a waiver from the federal government from the transfer of asset provision of the medical assistance program.

799* Change provisions for waiver of staffing requirements for certain nursing facilities.

800* Limit disposition of trust assets or income when beneficiary applies for public assistance.

801* Require evaluations of persons applying for admission to a nursing home.

802* Authorize the Department of Social Services to obtain a lien on real property of certain recipients of medical assistance.

803* Authorize claims against the estate of a person receiving medical assistance.

804* Provide a duty for the Director of Social Services limiting scope, duration, and amount of medical assistance.

805* Change the renewal fee for a license to practice medicine and surgery or osteopathic medicine.

806* Eliminate sales tax exemptions for hospitals and nursing homes.

807* Eliminate a property tax exemption for not-for-profit hospitals.

808* Require copayment and deductibles for persons receiving medical assistance.
809* Provide for county payment of a portion of medical assistance payments.
810* Change a sales tax exemption for prescriptions sold outside hospitals and nursing homes.
811* Impose a fee on prescription drugs.
812* Provide a tax on the beds of health care providers.
813* Provide a tax on the patient days of health care providers.
814*** Provide a tax on the gross revenue of all health care providers.
815* Provide taxes on health care providers and change provisions relating to hospital authorities.
815A Appropriation Bill.
816* Adopt the Managed Care Plan Act.
820* Require signing of Supreme Court decisions by the justice principally writing the opinion.
830* Prohibit trafficking in reptiles and amphibians native to Nebraska.
834** Adopt the Health Care Provider Income Assessment Act.

LR

16* Memorialize Congress to authorize states to prohibit desecration of the flag.
21CA* Constitutional amendment to provide that money from taxes and fees imposed on motor vehicles be used for payment of highway obligations.

ROGER R. WEHRBEIN

LB

80* Lower the prohibited concentration of alcohol for DWI conviction.
125* Prohibit interference with a person engaged in hunting, trapping, or fishing.
166* Change provisions relating to the selection of presidential electors.
167 Require the Department of Health to develop educational materials relating to smoking.
168 Adopt the Uniform Health Care Information Act.
175* Exempt livestock from personal property tax.
189* Change a sales tax rebate provision for purchases of depreciable agricultural machinery.
190*** Create the Rural Economic Development Commission within the Department of Economic Development.
203* Change provisions relating to litter and waste reduction and recycling fees.
241* Provide the Military Order of the Purple Heart is a recognized veterans organization.
244* Authorize charges for negligently or illegally caused fires.

289 Change provisions for membership on the Nebraska Environmental Trust Board.
364* Change provisions relating to ethanol.
364A Appropriation Bill.
384 Change provisions for matching funds by first class cities relating to allocation of funds for street purposes.
402* Change fees for firework display licenses.
419* Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
427* Change powers and duties of the State Auditor with respect to auditing of long distance telephone records of members of the Legislature.
547 Provide for general substitutions of trustees.
548 Adopt the Milk Marketing Act.
600* Change the mode of inflicting the death penalty to lethal injection.
635* Authorize public meetings to be held by means of video or telecommunications equipment.
637* Change provisions and fees for campaign statements and to register as a lobbyist.
641* Create the Securities Act Educational Fund.
668 Create a right of privacy for individuals who contact with members of the Legislature.
680 Eliminate provisions for acquisition of a utility.
681 Require an appraisal before property is purchased by a political subdivision.
708 Provide for acceptance of a gift of property to the Game and Parks Commission from the Nebraska Game and Parks Foundation.
708A Appropriation Bill.
749* Authorize the suspension of driving privileges for certain juveniles.
750* Change powers and duties of museum boards relating to sale of property.
792* Eliminate the medically needy program and exclude certain persons from eligibility for medical assistance.
793* Eliminate the "Ribicoff program" and change provisions for medical assistance.
794* Exclude certain services from medical assistance.
795* Change provisions for medical assistance funding for infants.
796* Eliminate all optional services relating to medical assistance.
797* Authorize a long-term care security demonstration program.
798* State intent that the Department of Social Services apply for a waiver from the federal government from the transfer of asset provision of the medical assistance program.

799* Change provisions for waiver of staffing requirements for certain nursing facilities.
800* Limit disposition of trust assets or income when beneficiary applies for public assistance.
801* Require evaluations of persons applying for admission to a nursing home.
802* Authorize the Department of Social Services to obtain a lien on real property of certain recipients of medical assistance.
803* Authorize claims against the estate of a person receiving medical assistance.
804* Provide a duty for the Director of Social Services limiting scope, duration, and amount of medical assistance.
805* Change the renewal fee for a license to practice medicine and surgery or osteopathic medicine.
806* Eliminate sales tax exemptions for hospitals and nursing homes.
807* Eliminate a property tax exemption for not-for-profit hospitals.
808* Require copayment and deductibles for persons receiving medical assistance.
809* Provide for county payment of a portion of medical assistance payments.
810* Change a sales tax exemption for prescriptions sold outside hospitals and nursing homes.
811* Impose a fee on prescription drugs.
812* Provide a tax on the beds of health care providers.
813* Provide a tax on the patient days of health care providers.
814*** Provide a tax on the gross revenue of all health care providers.
815* Provide taxes on health care providers and change provisions relating to hospital authorities.
816* Adopt the Managed Care Plan Act.
830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR

16* Memorialize Congress to authorize states to prohibit desecration of the flag.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.

DON WESELY

LB

16* Require a preplacement adoptive home study in certain adoption proceedings.
44* Provide the Director of Personnel administer an employee recognition program for state employees.

150*	Authorize the State Treasurer to deposit funds in certain lending institutions for small business loans.
158***	Provide for intercity bus systems.
190***	Create the Rural Economic Development Commission within the Department of Economic Development.
211*	Create the Health Advisory Board.
240***	Change provisions for income tax credits, tax schedules, calculations, exemptions, and deductions.
249*	Adopt the State Government Effectiveness Act.
270	Change provisions relating to loan brokers.
271	Change and authorize regulation of the Nebraska State Capitol Environs District.
275	Regulate activities involving automatic dialing-announcing devices and fax machines.
291*	Create and provide duties for the State Mental Health Planning and Evaluation Council.
304*	Change nomination procedures for the judicial nominating commissions.
316	Change provisions for supervision of physician assistants.
317	Provide for reduced bus fare for low-income persons.
318	Provide for the establishment of independent living centers and programs for disabled persons.
319	Adopt new editions of the state building code.
337*	Change provisions for treatment ordered by mental health boards.
377A	Appropriation Bill.
382	Prohibit certain acts by insurers and agents relating to title insurance.
388	Change provisions for use of money loaned from the Municipal Natural Gas Regulation Revolving Loan Fund.
389*	Change provisions for election of directors from natural resources subdistricts.
398	Change provisions relating to circulators of certain petitions.
419*	Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
425*	Decrease a limitation on expenses and increase the tax on gross lottery proceeds.
426	Reduce the fee collected by the county treasurer for certain services.
431*	Provide for the review of child deaths.
437*	Adopt the Family Medical Leave Act.
438*	Change the name of the Department of Public Institutions.
471*	Change provisions for wager deductions and simulcasting and provide rights for horseracing participants.
490*	Provide for evidence of child abuse to be considered in child custody proceedings.
493*	Provide for the offense of sexual exploitation by a psychotherapist.

497*	Change provisions for appointment, powers, and duties of guardians and conservators.
498	Change eligibility provisions for public mental health benefits.
498A	Appropriation Bill.
510*	Provide additional types of licenses for early childhood programs.
513*	Provide for quality review teams under the Nebraska Comprehensive Community Mental Health Services Act.
513A*	Appropriation Bill.
514	Change provisions relating to who may be appointed guardian for an incapacitated person.
515	Adopt the Children and Youth Mental Health and Substance Abuse Managed Care Act.
517	Change provisions of the Hospital Consumer Information Act.
518	Change provisions for treatment of persons found not responsible by reason of insanity.
523*	Change provisions relating to child, medical, and spousal support.
536A	Appropriation Bill.
565*	Provide requirements for contracts between a private entity and any state agency.
578*	Change provisions for election of county board members in certain counties.
608	Define "bungee jumping" and provide inspection fees.
608A	Appropriation Bill.
609	Adopt the Physical Exercise Club Act.
610	Change provisions for liability of persons involved with not-for-profit organizations.
611	Provide and eliminate certain bank insider lending limit provisions.
657***	Appropriate funds for payment to depositors of failed industrial loan companies.
669*	Provide for licensure of mental health practitioners.
740*	Prohibit issuance of certificates of need for a one-year period for certain projects.
741*	Adopt the Mental Health and Substance Abuse Treatment Act.
776	Provide for determining validity and sufficiency of signatures on initiative and referendum petitions.
777	Provide for a notation regarding proof of identification on a driver's license.
782*	Change provisions for the signing of the power of attorney.
784	Adopt the Rural Health Opportunities Loan Act and require a plan for rural medical services.

787 Provide for a Division of Rehabilitative Services in the Department of Public Institutions.

788 Authorize continued renovation of Morrill Hall and appropriate funds for exhibit renovation.

792* Eliminate the medically needy program and exclude certain persons from eligibility for medical assistance.

793* Eliminate the "Ribicoff program" and change provisions for medical assistance.

794* Exclude certain services from medical assistance.

795* Change provisions for medical assistance funding for infants.

796* Eliminate all optional services relating to medical assistance.

797* Authorize a long-term care security demonstration program.

798* State intent that the Department of Social Services apply for a waiver from the federal government from the transfer of asset provision of the medical assistance program.

798A Appropriation Bill.

799* Change provisions for waiver of staffing requirements for certain nursing facilities.

799A Appropriation Bill.

800* Limit disposition of trust assets or income when beneficiary applies for public assistance.

800A Appropriation Bill.

801* Require evaluations of persons applying for admission to a nursing home.

802* Authorize the Department of Social Services to obtain a lien on real property of certain recipients of medical assistance.

803* Authorize claims against the estate of a person receiving medical assistance.

804* Provide a duty for the Director of Social Services limiting scope, duration, and amount of medical assistance.

804A Appropriation Bill.

805* Change the renewal fee for a license to practice medicine and surgery or osteopathic medicine.

805A Appropriation Bill.

806* Eliminate sales tax exemptions for hospitals and nursing homes.

807* Eliminate a property tax exemption for not-for-profit hospitals.

808* Require copayment and deductibles for persons receiving medical assistance.

808A Appropriation Bill.

809* Provide for county payment of a portion of medical assistance payments.

810* Change a sales tax exemption for prescriptions sold outside hospitals and nursing homes.
811* Impose a fee on prescription drugs.
812* Provide a tax on the beds of health care providers.
813* Provide a tax on the patient days of health care providers.
814*** Provide a tax on the gross revenue of all health care providers.
815* Provide taxes on health care providers and change provisions relating to hospital authorities.
816* Adopt the Managed Care Plan Act.
816A Appropriation Bill.
817* Adopt the Hospital Cooperation Act.
820* Require signing of Supreme Court decisions by the justice principally writing the opinion.
822 Change incentive limitations under the Employment and Investment Growth Act.
823 Adopt the Foreign and Domestic Trade Assistance Act.
824 Change a capital gains deduction under the Employment and Investment Growth Act.
825 Prohibit certain advertisements, payments of money, and other actions relating to adoption of children.
826 Adopt the Family Resource Centers Support Act.
827 Adopt the Health Care Reform Act.
828 Adopt the Mental Health Act.
829 Adopt the Community Health Care Development Act and increase the cigarette tax.
830* Prohibit trafficking in reptiles and amphibians native to Nebraska.
837*** Change provisions relating to disciplinary actions under the Uniform Licensing Law.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.

WILLIAM R. "BOB" WICKERSHAM

LB

67* Change provisions relating to fire clothing and equipment.
68 Provide for liability of a person who permits or fails to prevent the consumption of liquor by a minor.
69 Change provisions for county court jurisdiction.
121* Adopt the Limited Liability Company Act.
125* Prohibit interference with a person engaged in hunting, trapping, or fishing.
132* Redefine "fur-bearing animals" under the Game Law.
140* Change provisions for health and safety rules and regulations for railroad employees.

141	Eliminate provision authorizing use of municipal employees and equipment for street improvement and repair.
142	Exempt municipalities from procedure for acquiring private property for public purposes.
158***	Provide for intercity bus systems.
185*	Define "ex parte communication" relating to administrative procedure.
190***	Create the Rural Economic Development Commission within the Department of Economic Development.
239*	Change provisions relating to community colleges.
240***	Change provisions for income tax credits, tax schedules, calculations, exemptions, and deductions.
241*	Provide the Military Order of the Purple Heart is a recognized veterans organization.
242*	Establish a standard to define sexual harassment.
243*	Redefine "Nebraska adjusted basis" relating to property taxation.
244*	Authorize charges for negligently or illegally caused fires.
245*	Change provisions relating to hunting permits.
254*	Provide for arrest of an offender in any other jurisdiction in this state by a law enforcement officer.
256	Change provisions for interest charges made on open credit accounts.
257	Change provisions relating to interest rates.
302*	Authorize the transfer of certain water appropriations.
302A	Appropriation Bill.
303	Change provisions for financial examinations for Class I school districts.
315	Eliminate restrictions on powers of personal representatives in certain transactions.
340*	Provide for titling of mobile homes.
352*	Change provisions for membership on the Board of Parole.
359*	Change provisions of the State Boat Act.
402*	Change fees for firework display licenses.
419*	Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
442	Define terms relating to equine activities.
443	Change provisions of the Emergency Medical Technician-Paramedic Act.
446*	Change provisions of the Administrative Procedure Act.
457*	Provide for the crimes of deadly assault in the first and second degrees.
483*	Change references to "community services" to "compensatory services."
491***	Provide and change fees for motor vehicle titles, driver's licenses, motor vehicle licensing, and registration.

516* Change the use and examination of nontax funds for volunteer fire departments.
519* Change penalty provisions for child abuse.
523* Change provisions relating to child, medical, and spousal support.
558* Change provisions for furnishing proof of financial responsibility for renewal of motor vehicle registration by telephone.
576 Adopt the Small Business Investment Tax Credit Act.
577 Provide for an exemption from an election requirement for public power districts.
633* Change provisions for calculation of tiered cost per student.
635* Authorize public meetings to be held by means of video or telecommunications equipment.
689 Change provisions for permits to operate vehicles with loads exceeding maximum length.
696* Limit certain actions by an employer based on an employee's use of a lawful product.
719* Provide access to certain records of children in the custody of the state to certain individuals and agencies.
734* Change provisions for certification of tax levies by governing bodies and the Board of Equalization.
744* Require health benefit programs to provide an open enrollment period to pharmacies.
755 Provide for additional state aid to education.
830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
16* Memorialize Congress to authorize states to prohibit desecration of the flag.

ERIC WILL

LB

17* Change provisions relating to apprentice electricians.
54* Change provisions for prohibited acts by an operator of a gift enterprise.
88 Provide a homestead exemption for all homesteads.
89** Authorize a local option for a property tax exemption.
120* Establish statute of limitations for civil actions based on childhood sexual abuse.
132* Redefine "fur-bearing animals" under the Game Law.
133* Prohibit institutional vandalism and criminal intimidation.
137* Change provisions for commencement and limitation of product liability actions.

138***	Change and reenact provisions of Laws 1991, LB 849, relating to the State Lottery Act.
138A	Appropriation Bill.
207*	Provide for interjurisdictional planning commissions.
208*	Permit first and second class cities to designate extraterritorial jurisdiction for suburban development.
209*	Provide for setting a time limit for recommendations from a planning commission.
210*	Provide for a petition relating to annexation of sanitary and improvement districts.
214	Prohibit waiver of copayment amounts in violation of contractual obligations between health care payers and persons covered by health care insurance.
215	Require continuing education for electricians.
221*	Change allocations of funds for roads in counties.
222*	Change property tax exemptions.
240***	Change provisions for income tax credits, tax schedules, calculations, exemptions, and deductions.
241*	Provide the Military Order of the Purple Heart is a recognized veterans organization.
248*	Adopt the Contractor Registration Act.
274	Provide for unalterable identification cards and drivers' licenses.
297*	Change provisions for operation of bicycles.
344	Increase the number of mental health regions.
361	Change provisions for prosecutions for sale of liquor to a minor.
362	Change provisions for possession of tobacco by minors.
365*	Change provisions for horseracing and parimutuel taxes.
367*	Require notices of proposed changes in zoning classification for property within jurisdiction of metropolitan class cities.
368	Provide for annexation of land in adjoining counties by metropolitan class cities.
409	Change the boundary line between Iowa and Nebraska.
416	Change provisions for shipping licenses under the Nebraska Liquor Control Act.
419*	Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
422	Define "public power entity."
425*	Decrease a limitation on expenses and increase the tax on gross lottery proceeds.
427*	Change powers and duties of the State Auditor with respect to auditing of long distance telephone records of members of the Legislature.
489	Change and eliminate taxation provisions on bingo.
509*	Provide salary increases for the Supreme Court judges.
511*	Prohibit certain zoning ordinances, resolutions, or regulations limiting the location of manufactured homes.

551* Provide power to establish and fund a scholarship program for underprivileged youth in certain counties.

558* Change provisions for furnishing proof of financial responsibility for renewal of motor vehicle registration by telephone.

563* Change provisions relating to state, county, city, and village lotteries.

629* Adopt the Parenting Act.

630* Provide duties and limitations for municipalities annexing territory.

631* Provide for the automatic annexation of certain county roads by cities and villages.

635* Authorize public meetings to be held by means of video or telecommunications equipment.

640* Provide harassment is an unlawful employment practice.

645 Change dates relating to valuation of property.

646 Change provisions of the Personal Property Tax Reimbursement Fund.

653* Provide for an income tax deduction for certain educational expenses.

694* Change and eliminate provisions relating to gambling.

696* Limit certain actions by an employer based on an employee's use of a lawful product.

700* Adopt the Horseracing Industry Participants Bill of Rights Act.

707* State intent relating to battered spouse syndrome and battered person syndrome.

717* Preserve the powers of the chief of police in metropolitan class cities against certain labor agreement provisions.

723 Establish a statute of limitations for civil actions based on childhood sexual abuse.

725* Change provisions relating to enterprise zones.

758 Change provisions for student population requirements for cooperative programs and contracting for instruction.

763 Authorize a special levy to cover reimbursement for certain property taxes.

790* Prohibit interference with medical facilities, personnel, and patients.

794* Exclude certain services from medical assistance.

795* Change provisions for medical assistance funding for infants.

797* Authorize a long-term care security demonstration program.

798* State intent that the Department of Social Services apply for a waiver from the federal government from the transfer of asset provision of the medical assistance program.

799* Change provisions for waiver of staffing requirements for certain nursing facilities.
800* Limit disposition of trust assets or income when beneficiary applies for public assistance.
801* Require evaluations of persons applying for admission to a nursing home.
802* Authorize the Department of Social Services to obtain a lien on real property of certain recipients of medical assistance.
803* Authorize claims against the estate of a person receiving medical assistance.
804* Provide a duty for the Director of Social Services limiting scope, duration, and amount of medical assistance.
806* Eliminate sales tax exemptions for hospitals and nursing homes.
807* Eliminate a property tax exemption for not-for-profit hospitals.
808* Require copayment and deductibles for persons receiving medical assistance.
810* Change a sales tax exemption for prescriptions sold outside hospitals and nursing homes.
811* Impose a fee on prescription drugs.
814*** Provide a tax on the gross revenue of all health care providers.
815* Provide taxes on health care providers and change provisions relating to hospital authorities.
816* Adopt the Managed Care Plan Act.
820* Require signing of Supreme Court decisions by the justice principally writing the opinion.
830* Prohibit trafficking in reptiles and amphibians native to Nebraska.

LR
13CA Constitutional amendment to provide opportunity for persons of school age to receive a quality education.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.

KATE WITEK

LB
52 Change dates relating to the multicultural education programs in schools.
80* Lower the prohibited concentration of alcohol for DWI conviction.
110* Change the informed consent provisions relating to abortion.
156* Prohibit the use of public facilities and funds for abortions.
166* Change provisions relating to the selection of presidential electors.

233* Change provisions for selection of presidential electors.
272* Increase penalties for offenses related to delivery of pornography to minors.
273* Change and provide penalties relating to controlled substances.
276* Change provisions for deposit of inmate wages in the Victim's Compensation Fund.
277* Provide for a parole supervision fee to be paid by parolees.
278* Provide for an out-of-state rendition amendment to the Interstate Compact on Juveniles.
308* Provide for publication of persons in arrears of child support.
352* Change provisions for membership on the Board of Parole.
354* Provide for issuance of special license plates to active members of the Nebraska National Guard.
355* Adopt the State Government Assessment Act.
356 Change a provision for contents of the written receipt delivered by a depository to court officials.
367* Require notices of proposed changes in zoning classification for property within jurisdiction of metropolitan class cities.
427* Change powers and duties of the State Auditor with respect to auditing of long distance telephone records of members of the Legislature.
492 Change provisions for wearing of protective motorcycle helmets.
589* Provide judges cannot hear cases of persons under age of nineteen without a parent or guardian being present.
590* Provide for disclosure of certain information relating to fatal motor vehicle accidents.
600* Change the mode of inflicting the death penalty to lethal injection.
601* Prohibit former senators and legislative staff from engaging in lobbyist activities.
627* Designate the Nebraska Crime Control Act of 1993.
634* Adopt the Student Privacy and Parental Rights Act.
635* Authorize public meetings to be held by means of video or telecommunications equipment.
718* Prohibit certain provisions for medical benefit contracts and mail-order pharmacies.
744* Require health benefit programs to provide an open enrollment period to pharmacies.

LR

16* Memorialize Congress to authorize states to prohibit desecration of the flag.

21CA*	Constitutional amendment to provide that money from taxes and fees imposed on motor vehicles be used for payment of highway obligations.
29CA*	Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.

RON WITHEM

LB	
27*	Change provisions relating to multicultural education.
73	Adopt the Fire Suppression Systems Act.
74	Change provisions for waiver of college tuition for dependents of a veteran.
75	Provide for the free use of certain libraries by students.
76*	Adopt the Election Act.
92	Change provisions for reimbursement of education costs for state wards.
93	Change provisions for establishment of programs by out-of-state colleges.
94	Change provisions for calculation of tiered cost per student.
94A	Appropriation Bill.
95	Appropriate funds to the Department of Education for geographic education.
96	Change and eliminate provisions for caucuses and primary elections for school districts.
97	Change provisions for minimum amounts of state aid to education.
98	Provide tax on sales of pop, candy, and snack food.
98A	Appropriation Bill.
99	Change provisions relating to the Professional Practices Commission.
138***	Change and reenact provisions of Laws 1991, LB 849, relating to the State Lottery Act.
154	Change provisions for temporary appointment of juvenile court judges.
180*	Change the fuel tax rates.
186*	Change provisions for year-round operation of public schools.
190***	Create the Rural Economic Development Commission within the Department of Economic Development.
222*	Change property tax exemptions.
240***	Change provisions for income tax credits, tax schedules, calculations, exemptions, and deductions.
248*	Adopt the Contractor Registration Act.
263	Change provisions for the role and mission of community colleges.
264	Create the Nebraska Research Initiative Commission.
265	Change allocation provisions of income tax receipts to state aid to schools.

324	Change provisions for scholarships and postsecondary education.
348	Change provisions relating to education.
348A	Appropriation Bill.
349	Create the Tuition Recovery Revolving Fund.
349A	Appropriation Bill.
350*	Authorize the construction and use of fiber optic communications systems in schools.
357*	Authorize leave for state employees for specialized disaster relief services in Nebraska for the American Red Cross.
380*	Adopt the Economy and Productivity In State Government Act.
392*	Create and provide duties for the Special Education Accountability Commission.
419*	Restrict the exercise of jurisdiction by agencies and departments with respect to the Legislature.
428*	Adopt the Election Act.
449	Change the distribution of state lottery proceeds for education.
450	Change provisions for joint child custody cases.
451	Change provisions for release of a juvenile by the court.
452	Provide a duty for educational service units relating to access to telecomputing services by school districts.
453	Create and provide duties for the Commission on Informational Technology.
453A	Appropriation Bill.
454	Require the merger, affiliation, or dissolution of Class VI school districts.
520*	Provide for early intervention services and create the Special Education Accountability Commission.
584	Change provisions for issuance of drivers' licenses.
635*	Authorize public meetings to be held by means of video or telecommunications equipment.
649	Appropriate funds to the University of Nebraska for science and math education.
650	Impose an excise tax on videotape rentals.
658	Change provisions for taxation of property incorporated into real estate.
659	Provide for placement procedures for students by school districts.
660	Eliminate a duty for school districts to provide certain information relating to abortion.
715	Change provisions relating to community colleges.
726*	Provide calculations for population changes resulting from annexation.
757*	Change provisions of workers' compensation laws.

LR

3CA	Constitutional amendment to change and limit terms of members of the Board of Regents.
8CA*	Authorize Legislators to participate in employee benefit programs available to other state officials.

*	With others.
**	At the request of the Governor.
***	With others and at the request of the Governor.

LEGISLATIVE BILLS AND CONSTITUTIONAL AMENDMENT RESOLUTIONS BY INTRODUCERS

AGRICULTURE

LB	
267	Change provisions relating to agriculture.
268	Change provisions of the Nebraska Manufacturing Milk Act.
406	Change and provide powers and duties relating to enforcement of the Plant Protection and Plant Pest Act.

APPROPRIATIONS

LB	
321	Change provisions relating to Joslyn Castle and SAC museum.
322**	Require bidding for certain services purchased by the state.
323	Change funding provisions for Copeland Hall at the University of Nebraska at Kearney.
661	Adopt the State Athletic Act.
831**	Appropriate funds to the Department of Administrative Services.
832**	Create the Supreme Court Automation Cash Fund.
838	Change provisions relating to attendance and transportation reimbursement under the enrollment option program.
839	Eliminate tuition reimbursement to school districts for certain children and change provisions relating to Class VI school districts.
840	Change provisions for certificate of need application fees.
841	Provide for computerizing titling and registration of motor vehicles by a certain date.
842	Eliminate a requirement for publication of a directory of real estate appraisers.
843	Change provisions relating to seals for certification for engineers and architects.
844	Change provisions for continuing education for county attorneys and deputy county attorneys.
845	Change provisions relating to beekeepers.

BANKING, COMMERCE AND INSURANCE

None

BUSINESS AND LABOR

LB	
835	Appropriate funds for the payment of certain claims against the state.
836	Disapprove certain claims against the state.

EDUCATION

None

EXECUTIVE BOARD

LB	
1	Revisor bill relating to agriculture.
2	Revisor bill relating to veterans.
3	Revisor bill to substitute a phrase related to the renaming of the Department of Environmental Control.
4	Revisor bill related to property taxation.
5	Revisor bill to eliminate renewable energy source tax credits.
6	Revisor bill relating to public power and irrigation districts.
7	Revisor bill relating to commercial drivers' licenses.
8	Revisor bill relating to revenue and taxation.
9	Revisor bill relating to the Nebraska Health Care Certificate of Need Act.
10	Revisor bill relating to the Comprehensive Health Insurance Pool Act.

GENERAL AFFAIRS

LB	
183	Reenact provisions of Laws 1989, LB 781, relating to the Nebraska Liquor Control Act.

GOVERNMENT, MILITARY AND VETERANS AFFAIRS

LB	
697	Change provisions relating to terms and conditions of employment for public officers and employees and for mileage reimbursement.

HEALTH AND HUMAN SERVICES

LB	
373	Limit the authority of boards of examiners.
374	Provide for an additional method of investigation referral by the Department of Health to the Attorney General.
375	Change provisions for members of Boards of Nursing, Registration for Environmental Health Specialists, and Hearing Aid Instrument Dispensers.
376	Redefine "ambulatory surgical facility" under the Nebraska Health Care Certificate of Need Act.
377	Require the State Fire Marshal to establish standards and specifications for public buildings in accordance with the Americans with Disabilities Act.
536	Change provisions relating to health and health-related professions.

818 Change provisions for submission of plans and budgets by an area agency on aging.
819 Change provisions relating to clinical laboratories.

JUDICIARY

None

NATURAL RESOURCES

LB
479 Authorize political subdivisions to apply for and receive disbursements for energy projects.
480 Change provisions relating to natural resources districts.
481 Accept grant-in-aid from the federal government for recreational trails.
482 Change provisions for loans to school districts for energy efficiency projects.
532* Change provisions for permits for a commercial fish culturist.
789 Change provisions for the amount of and application for an appropriation of water for irrigation.

NEBRASKA RETIREMENT SYSTEMS

LB
417* Change provisions for membership, enrollment requirements, and benefits of county and state employee retirement plans.
833 Modify the state administered retirement plans to conform with IRS requirements.

REVENUE

LB
345 Change provisions relating to revenue and taxation.
346* Change and eliminate provisions relating to taxation of motor vehicles.
347 Change the distribution of proceeds from the tax on marijuana and controlled substances.

TRANSPORTATION

LB
410 Adopt updated federal motor carrier safety regulations and hazardous material regulations.
411 Change provisions for drivers' licenses and permits.
412 Provide for transportation contracts between the Public Service Commission and the Department of Social Services.
413 Change provisions relating to interstate motor carriers and vehicle width restrictions.
414 Change provisions relating to regulation of carriers.

420	Change provisions relating to commercial drivers' licenses.
421	Adopt the One-Call Notification System Act.

URBAN AFFAIRS

LB	
508	Change provisions of the Municipal Natural Gas Regulation Act.
530*	Authorize incorporation as a city of the first or second class by petition.
628	Change provisions for municipal bond transactions of cities and villages.
709	Change provisions for annexation of contiguous land by cities and villages.
710	Change provisions for annexation by cities and villages.
714	Change provisions for annexation by cities and villages.
LR	
23CA	Constitutional amendment to authorize the Legislature to use funds derived from parking fines for improving accessibility in public buildings.
24CA	Constitutional amendment to permit deduction of personnel costs incurred in collection of fines for support of common schools.

*	With others.
**	At the request of the Governor.
***	With others and at the request of the Governor.

LEGISLATIVE BILLS AND RESOLUTIONS REFERRED TO COMMITTEE

Agriculture

Chairperson - Merton L. Dierks

139	258	335	532	588	772
147	267	406	548	770	845
246	268	447	560		

Appropriations

Chairperson - Scott Moore

50	322	327	351	542	657
95	323	328	502	543	670
313	325	329	507	544	788
314	325A	330	541	649	831
321	326	331			

Banking, Commerce and Insurance

Chairperson - David Landis

14	121	223	382	547	688
30	122	230	404	557	701
41	143	256	415	583	705
66	150	257	423	599	718
81	214	270	465	603	738
87	216	283	475	609	744
91	217	288	478	611	756
111	218	339	488	641	823
116	219	356	504	675	842

Business and Labor

Chairperson - Chris Abboud

45	162	286	525	676	757
47	204	334	594	696	771
61	242	360	604	717	785
118	248	395	608	753	835
124	255	403	612	754	836
140	285	437	640		

Education

Chairperson - Ron Withem

20	100	264	381	615	685
27	177	265	392	633	715
52	179	303	445	634	755
92	181	318	454	643	758
93	184	324	456	647	821
94	186	336	556	659	838
96	194	348	569	679	839
97	239	349	586	683	LR3CA
99	263	350	597	684	LR13CA

Executive Board

Chairperson - Timothy J. Hall

228	419	540	614	668	743
229	427	579	666		

General Affairs

Chairperson - Stan Schellpeper

17	129	231	383	489	694
53	138	280	416	561	700
54	183	287	425	563	728
75	192	332	449	618	730
77	193	361	471	654	769
102	206	378	484	672	791
127	215				

Government, Military and Veterans Affairs

Chairperson - DiAnna R. Schimek

31	146	261	398	551	682
35	166	271	401	552	687
43	169	281	407	565	690
44	170	293	408	578	692
55	185	311	409	580	697
57	190	312	428	587	702
65	212	333	446	601	706
67	213	355	448	620	727
74	232	357	468	621	729
76	233	372	472	635	747
84	236	380	503	637	759
90	241	389	516	661	765
109	249	397	545	681	776
843	LR8CA	LR12CA	LR15CA	LR22CA	LR27CA

LR4CA LR11CA LR14CA LR18CA LR26CA

Health and Human Services

Chairperson - Don Wesely

16	291	431	521	784	804
18	316	438	522	787	805
48	319	443	528	792	808
73	337	469	531	793	809
103	338	470	536	794	816
104	344	496	636	795	817
135	369	498	648	796	818
152	373	505	656	797	819
167	374	506	669	798	826
168	375	510	686	799	827
187	376	513	740	800	828
205	377	515	761	801	837
226	387	517	764	802	840
260	429	520	782	803	

Judiciary

Chairperson - John C. Lindsay

12	156	299	458	546	677
25	160	304	461	549	678
26	163	306	462	550	691
29	178	308	463	568	693
32	188	315	464	585	703
49	202	343	466	589	707
51	224	352	467	592	711
64	225	353	476	593	716
68	244	362	483	598	719
69	250	379	490	600	723
82	251	393	493	610	735
83	252	400	494	617	760
110	253	402	495	619	762
113	254	405	497	627	766
114	262	430	499	629	779
115	269	432	500	638	780
117	272	433	509	642	781
120	273	435	514	644	783
130	276	436	518	651	790
133	277	442	519	652	820
137	278	450	523	660	825
142	279	451	529	663	832
151	294	455	535	665	844
154	295	457	538	667	

LR2CA LR7CA LR16 LR28CA LR29CA

Natural Resources

Chairperson - Chris Beutler

19	155	302	481	596	736
36	172	310	482	605	737
63	182	359	512	616	739
72	203	364	524	622	746
79	234	385	527	623	748
125	235	391	537	624	751
131	237	422	553	625	752
132	245	439	570	626	773
144	247	444	571	674	789
148	289	479	574	708	830
149	301	480	577	720	LR79

Nebraska Retirement Systems

Chairperson - Thomas R. Horgan

13	296	417	602	639	724
107	363	459	607	699	833
292	366	460			

Revenue

Chairperson - Jerome Warner

11	98	266	440	646	778
21	128	284	452	650	786
22	134	290	534	653	806
23	136	298	555	658	807
24	159	300	559	712	810
33	161	307	562	713	811
34	171	320	566	721	812
37	174	345	567	725	813
38	175	346	572	734	814
40	180	347	573	741	815
46	189	365	576	742	822
58	195	386	591	745	824
70	220	396	595	763	829
71	222	399	606	767	834
88	240	418	613	774	LR19CA
89	243	426	645	775	LR21CA

Transportation

Chairperson - Douglas A. Kristensen

15	126	211	342	424	584
28	145	221	354	434	590
42	153	227	358	453	655
56	158	238	370	473	662
60	164	259	371	474	664
62	165	274	394	477	671
80	173	275	410	491	673
86	176	282	411	492	689
101	191	297	412	539	698
105	196	305	413	558	704
106	197	309	414	564	749
108	198	317	420	575	777
112	200	340	421	582	841
123	201	341			

Urban Affairs

Chairperson - D. Paul Hartnett

39	207	390	526	632	731
59	208	441	530	680	732
78	209	485	533	695	733
85	210	486	554	709	750
119	367	487	581	710	768
141	368	501	628	714	LR23CA
157	384	508	630	722	LR24CA
199	388	511	631	726	

SUMMARY OF LEGISLATION

The following table shows the final disposition

Length 90 days

Total Number of Bills Introduced 845
Total Number of "A" Bills Introduced 88
Total Number of Resolutions Introduced (including CAs) 275
Total Number of CA Resolutions Introduced 20
Total Number of CA Resolutions Passed 0
Total Number of Bills to Become Law 345

General File Chronological Order (191):

262	522	349A	480	248	99
64	522A	445	571	248A	263
286	528	445A	290	640	264
79	441	186	252	640A	324
147	501	392	644	493	758
144	202	647	482	589	648
333	678	647A	343	737	313
LR8CA	698	763	622	260	338
378	531	125	823	85	338A
600	376	481	172	533	735
663	708	481A	357	630	254
760	708A	160	238	731	LR2CA
291	754	509	342	94	667
291A	754A	711	342A	94A	188
337	414	219	730	96	624
513	594	398	786	679	416
513A	407	408	497	359	694
660	353	637	473	676	683
339	693	404	464	LR28CA	695
488	379	603	241	705	385
77	490	611	358	382	665
249	642	411	467	395	LR16
249A	642A	411A	820	511	551
335	608	275	185	722	76
553	608A	317	401	819	322
495	525	671	552	503	322A
277	733	596	601	LR15CA	463
277A	28	393	51	312	827
461	211	451	424	681	837
783	211A	766	206	759	371
496	436	381	489	132	833
496A	349	773	639	245	

General File Numerical Order (191):

28	252	358	480	601	705
51	254	359	481	603	708
64	260	371	481A	608	708A
76	262	376	482	608A	711
77	263	378	488	611	722
79	264	379	489	622	730
85	275	381	490	624	731
94	277	382	493	630	733
94A	277A	385	495	637	735
96	286	392	496	639	737
99	290	393	496A	640	754
125	291	395	497	640A	754A
132	291A	398	501	642	758
144	312	401	503	642A	759
147	313	404	509	644	760
160	317	407	511	647	763
172	322	408	513	647A	766
185	322A	411	513A	648	773
186	324	411A	522	660	783
188	333	414	522A	663	786
202	335	416	525	665	819
206	337	424	528	667	820
211	338	436	531	671	823
211A	338A	441	533	676	827
219	339	445	551	678	833
238	342	445A	552	679	837
241	342A	451	553	681	LR2CA
245	343	461	571	683	LR8CA
248	349	463	589	693	LR15CA
248A	349A	464	594	694	LR16
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98A	140A	447	677e	677Ae	741
140	320				

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18	164	284	425	557	674
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20	171	293	427	566	680
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34	180	298	454	573	691
40	184	300	457	576	692
52	189	304	466	578	700
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60	195	318	475	585	702
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70	214	341	483	592	704
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83	224	347	486	606	710
84	225	350	487	609	712
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(Bromm) 285, 365, 479
20 Recognize the service of Jim Kirkman as mayor of North Platte.
(Bernard-Stevens) 299, 310, 359
21CA Constitutional amendment to provide that money from taxes and fees imposed on motor vehicles be used for payment of highway obligations.
(Warner, Bromm, Fisher, Pedersen, Schellpeper, Witek) 300, 365, 463
22CA Constitutional amendment to authorize Legislature to offer alternative measures to measures initiated by the people.
(Beutler) 300, 365, 1047
23CA Constitutional amendment to authorize the Legislature to

use funds derived from parking fines for improving accessibility in public buildings.
(Urban Affairs Committee) 302, 365, 649, 1217

24CA Constitutional amendment to permit deduction of personnel costs incurred in collection of fines for support of common schools.
(Urban Affairs Committee) 304, 366, 649, 1217

25 Request President to declassify information relating to Nebraska servicemen who served in Southeast Asia.
(Coordsen, Preister) 316, 340, 387, 1047, 1604, 1704, 1705, 1771, 1773

26CA Constitutional amendment to eliminate the offices of Auditor of Public Accounts and the State Treasurer.
(Crosby) 318, 387, 970

27CA Constitutional amendment to provide no person shall exercise powers of more than one branch of government.
(Rasmussen) 336, 387, 666

28CA Constitutional amendment to provide for disciplinary action against judges.
(Beutler) 337, 387, 949, 1158

29CA Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.
(Pirsch, Abboud, Ashford, Beutler, Bromm, Dierks, Fisher, Haberman, Hohenstein, Horgan, Hudkins, Lindsay, Pedersen, Preister, Robak, Schimek, Schmitt, Vrtiska, Wehrbein, Will, Witek, Jones) 346, 377, 387, 1027

30 Commend Peru State College for its contribution to the postsecondary education system.
(Vrtiska, Wehrbein, Byars) 368, 375, 388, 440, 1158

31 Provide the Wayne State College football field be named the Robert E. Cunningham Field.
(Hohenstein, Day, Schellpeper, Dierks) 368, 382, 390

32 Provide the new academic business building at Wayne State College be named the Daniel W. and Jeanne M. Gardner Business Building.
(Hohenstein, Day, Schellpeper, Dierks) 369, 382, 390

33 Extend congratulations to Dr. Donald Clifton on his receipt of the Trailblazer Award.
(Baack) 409, 631, 653

34 Extend congratulations to Christina Hixson on her receipt of the Sower Award.
(Baack) 410, 631, 653

35 Extend congratulations to Theodore Hustead on his receipt of the Pioneer Award.
(Baack) 411, 631, 653

36 Extend congratulations to Bob Devaney on his receipt of the Distinguished Nebraskalander Award.

(Baack) 411, 631, 653
37 Extend congratulations to Don Bryant on his receipt of the Wagon Master Award.
(Baack) 412, 631, 653
38 Declare February 7 - February 14 of each year, CPR Awareness Week in Nebraska.
(Wesely) 420, 472, 476
39 Welcome Dance Forum Taipei to Nebraska.
(Landis) 421, 472, 476
40 Recognize achievements and public service of Dr. Larry Vontz.
(Withem, Moore, Robinson, Schimek, Dierks, Rasmussen, Landis, McKenzie, Bohlke, Beutler, Bernard-Stevens, Elmer, Lynch, Warner, Baack, Schellpeper) 428, 519, 545
41 Congratulate KrisAnn Sullivan on her receipt of the Christa McAuliffe Prize for 1993.
(Kristensen) 536, 546, 563
42 Designate June 13 - June 19, 1993, as Nebraska Old Vehicle Hobby Interest Recognition Week.
(Witek, Abboud) 537, 544, 563
43 Congratulate the Neligh-Oakdale High School wrestling team for Class C state championship.
(Dierks) 736, 809, 832
44 Congratulate the Papillion-La Vista High School academic decathlon team for first place in state competition.
(Withem) 808, 846, 855
45 Recognize the Omaha Public School District for its innovation in school choice.
(Rasmussen, Abboud, Pirsch, Withem, Preister, Chambers, Lindsay, Hall, Will) 848, 885, 901
46 Support Governor Nelson's directives regarding coordination of various statewide planning initiatives.
(Bernard-Stevens, Rasmussen) 849, 885, 901
47 Express sympathy to the family of Senator Herbert J. Duis.
(Cudaback) 886, 901, 918
48 Support the Twin Loups Project.
(Schmitt, Jones, McKenzie) 918, 1001, 1020, 1027
49 Congratulate the Wisner-Pilger High School girls for Class C-1 state basketball championship.
(Robinson, Hohenstein, Schellpeper) 950, 1001, 1027
50 Congratulate the Stuart High School girls for Class D-2 state basketball championship.
(Dierks) 955, 1002, 1027
51 Congratulate the Lincoln Southeast High School girls for Class A state basketball championship.
(Crosby) 973, 1028, 1102
52 Congratulate the Lindsay Holy Family High School girls for Class D-1 state basketball championship.

(Robak, Preister) 976, 1028, 1049, 1102
53 Oppose enactment of federal mandates relating to revocation, suspension, or issuance of drivers' licenses.
(Kristensen, Lindsay, Pedersen) 986, 1019, 1046, 1095, 1226, 1265, 1276, 1277, 1294
54 Congratulate the Elgin High School boys for Class D-2 state basketball championship.
(Dierks) 1001, 1028, 1102
55 Congratulate the Sterling High School boys for Class C-2 state basketball championship.
(Vrtiska) 1016, 1028, 1102
56 Congratulate Jodi Janssen of Papillion/LaVista High School for Class A state diving championship.
(Withem, Janssen) 1016, 1028, 1037
57 Congratulate the Papillion/LaVista High School boys for Class A state basketball championship.
(Withem) 1017, 1028, 1037
58 Congratulate the St. Paul High School girls for Class B state basketball championship.
(Schmitt) 1017, 1063, 1102
59 Congratulate the Burwell High School wrestling team for Class D state championship.
(Schmitt) 1018, 1063, 1102
60 Congratulate Arthur Bakenhus and Luther Bakenhus for induction into the Ridge Till Hall of Fame.
(Robak) 1018, 1063, 1102
61 Express sympathy to the family of V.J. Skutt.
(Ashford) 1019, 1063, 1102
62 Proclaim the week of March 14-March 20, 1993, as National Agriculture Week.
(Robak, Dierks) 1047, 1103, 1116
63 Congratulate the Hershey High School boys for Class C-1 state basketball championship.
(Bernard-Stevens) 1069, 1103, 1116
64 Congratulate Peggy Briggs for being recognized as State Travel Director of the Year.
(Pirsch) 1074, 1103, 1116
65 Congratulate the Wahoo High School boys for Class B state basketball championship.
(Bromm) 1090, 1103, 1116
66 Express sympathy to the family of Fern Hubbard Orme.
(Schimek, Wesely, Warner, Crosby, Landis) 1098, 1116, 1127
67 Congratulate the North High School boys for Class A state wrestling championship.
(Lynch) 1102, 1126, 1149
68 Recognize Denise and Michael Terry for acts of heroism.

(Beutler, Preister, Will) 1143, 1178, 1208
69 Congratulate members of Millard South DECA for outstanding performance.
(Witek) 1160, 1178, 1208
70 Express sympathy to the family of Joseph Wager.
(Abboud) 1176, 1326, 1351
71 Recognize Reba Yeakle for her service to church and community.
(Bohlke) 1231, 1297, 1326
72 Approve revenue bonds for parking lot expansion and window replacement at Wayne State College.
(Appropriations Committee) 1232, 1297, 1326
73 Approve revenue bonds for renovation and expansion of the student center at Wayne State College.
(Appropriations Committee) 1233, 1298, 1326
74 Establish a policy position regarding Croatia and Bosnia-Hercegovina.
(Withem, Hartnett, Lynch, Hall) 1251, 1254, 1344, 1394, 1508, 1604, 1705, 2605, 2852, 2853, 2860, 2863
75 Recognize and honor the crews of the U.S.S. Nebraska.
(Schimek, Baack) 1428, 1445, 1641
76 Congratulate the Sandy Creek High School speech team for Class C Speech Contest.
(McKenzie) 1506, 1542, 1568
77 Designate the week of April 18, 1993, as Primary Immune Deficiency Awareness Week.
(Pedersen, Day) 1532, 1568, 1585
78 Recognize the week of April 18th through April 25th as National Volunteer Week.
(Hillman) 1542, 1595, 1631
79 Approve gift of real estate to the Game and Parks Commission.
(Coordsen) 1635, 1805, 1904
80 Recognize service of Harvey Perlman and contributions to legal education.
(Landis, Wickersham, Bromm, Abboud,
Hohenstein, Beutler) 1647, 1676, 1682
81 Designate the week of April 25 to May 1, 1993, as Nebraska Crime Victims' Rights Week.
(Pirsch, Pedersen) 1659, 1676, 1682
82 Urge health related organizations to make information available regarding prostate cancer.
(Schimek, Rasmussen, Wesely) 1660, 1676, 1682
83 Express sympathy to the family of Governor George Mickelson.
(Dierks, Wickersham, Jones,
Hohenstein, Schellpeper) 1671, 1676, 1682
84 Declare the week of June 7, 1993, as "Management Week" in Nebraska.

(Baack) 1708, 1809, 1819
85 Express sympathy to the family of William Wilson Cook, Sr.
(Byars) 1739, 1809, 1819
86 Congratulate Ruby Washington for being named National Mother of the Year.
(Fisher) 1769, 1809, 1819
87 To study the disciplinary system in Nebraska for health care professionals.
(Health and Human Services
Committee and Landis) 1806, 2652
88 Acknowledge the week of April 25 through May 1 as "Celebrate Mentoring Week."
(Pedersen) 1812, 1835, 1890
89 Congratulate Lindsay Holy Family High School Odyssey of the Mind team for first place in state tournament.
(Robak) 1832, 1959, 1995
90 Oppose adoption of a federal energy tax based on BTU's.
(Dierks, Byars, Elmer, Moore, Cudaback,
Witek, Haberman, Vrtiska, Robinson,
Wickersham, Bromm, Hudkins, Schellpeper,
Jones) 1916, 1917, 1979, 2035, 2322, 2853, 2863, 2864
91 Extend best wishes to the Papillion-LaVista High School Odyssey of the Mind teams at international competition.
(Withem) 1955, 2056, 2071
92 Recognize the "Odyssey of the Mind" as a challenging educational competition.
(Hillman) 1956, 2019, 2056
93 Recognize Mrs. Margaret Rasmussen for years of service as a teacher.
(Coordsen) 1969, 2019, 2056
94 To study the extent of childhood environmental lead poisoning.
(McKenzie, Rasmussen, Wesely) 1979, 2652
95 To study proposals dealing with increases in the weekly unemployment benefit amount.
(Abboud) 2017, 2652
96 Encourage negotiators representing American Signature and the union to reach a compromise.
(Schimek, Crosby, Beutler,
Wesely, Warner) 2030, 2092, 2105
97 Approve payment of attorney fees in the case of Bahensky v. State.
(Appropriations Committee) 2031, 2092, 2105
98 Approve payment of attorney fees in the case of Jaksha v. State.
(Appropriations Committee) 2032, 2093, 2105
99 Congratulate the Nebraska Council on Economic Education

and the University of Nebraska at Lincoln for being awarded a grant.
(Bernard-Stevens, Wehrbein, Withem) 2033, 2056, 2071

100 To reestablish the task force on mental health services created by LR 405.
(Robak, Wesely, Pirsch) 2071, 2653

101 To study circumstances surrounding unwanted pregnancies.
(Bohlke, Rasmussen, Hudkins, Bromm, Schimek, Lindsay) 2072, 2653

102 To study the effects of the closing and sale of mobile home parks on the residents of the parks.
(Pedersen, Lindsay) 2072, 2653

103 To study the health and regulatory needs of alternative livestock or exotic animal raising.
(Dierks, Elmer, Beutler, Baack, Schmitt) 2079, 2653

104 To study the need for possible alternatives to the current method of redrawing legislative districts.
(Schimek, Schellpeper, Beutler, Hohenstein, Day) 2080, 2653

105 To study the Campaign Finance Limitation Act.
(Schimek, Baack, Beutler, Lindsay) 2080, 2653

106 To study the need for limiting the number of bills introduced by members and committees of the Legislature.
(Schimek, Haberman) 2084, 2653

107 To study the need for enacting ethics legislation.
(Schimek, Bromm, Crosby, Pirsch) 2085, 2653

108 To study the procedures, costs, and operation of the Commission of Industrial Relations and the Industrial Relations Act.
(Business and Labor Committee) 2085, 2653

109 To study the advantages and disadvantages of biennial legislative sessions.
(Haberman) 2094, 2653

110 To study laws concerning the regulation of retail liquor sales.
(General Affairs Committee) 2095, 2653

111 To study the need to create the position of legal counsel to the Legislature.
(Kristensen, Schimek) 2096, 2653

112 To study changes in the Model Business Corporation Act.
(Kristensen) 2096, 2653

113 To study the feasibility of enhancing Nebraska's vital statistics statutes.
(Kristensen) 2097, 2654

114 To examine states which permit their highest court to issue advisory opinions on questions of law, including pending legislation.
(Kristensen) 2097, 2654

115 Encourage the President, the Health Care task force, and

Congress to include long-term care as a part of health care reform.
(Wesely) 2119, 2853, 2868
116 To study the state's current practice and policies for printing materials through the Department of Administrative Services print shop.
(Crosby) 2135, 2654
117 To study problems involving child abuse and services for children and families.
(Dierks, Bernard-Stevens, Schellpeper, Hohenstein, Day, Robak, Baack, Bohlke) 2135, 2654
118 To study the issue of liability insurance and bonding for chemical applicators.
(Dierks, Elmer, Schellpeper) 2135, 2654
119 To study of the need for a state poultry inspection program.
(Dierks, Jones, Schellpeper, Hohenstein) 2135, 2654
120 To study results of allowing legislators to participate in an existing or separate retirement plan.
(Chambers) 2161, 2654
121 To study the computer hardware and software needs of the Legislature.
(Preister, Avery, Bohlke, Schimek, Chambers, Lindsay, Hohenstein, Withem, Kristensen, Hillman) 2162, 2654
122 To study issues relating to the management of paleontological fossils on state controlled lands.
(Hillman, Wickersham) 2162, 2654
123 To study changes in Article 9 of the Uniform Commercial Code to provide for recording of security interests with respect to copyrights and patents.
(Lindsay, Landis) 2167, 2654
124 To study the feasibility of the value-added tax, the gross receipts tax, and the transaction tax.
(Dierks, Coordsen, Haberman, Elmer, Jones, Byars, Hall) 2168, 2654
125 To study the role and priority accorded applied technology or vocational technical education.
(Hillman, Moore) 2168, 2654, 2776
126 Congratulate the Lincoln Northeast High School Marching Band and Star Strutters Drill Team.
(Wesely) 2176, 2207
127 To study state boards, commissions, and other similar entities.
(Crosby) 2186, 2655
128 To study sources and levels of funding of remedial-developmental foundations education.

(Hillman, Moore) 2195, 2655, 2776
129 To study the current in lieu of tax system used by the Game and Parks Commission.
(Jones, Preister, Bromm, Wickersham, Hartnett, Coordsen, McKenzie, Beutler, Bohlke) 2209, 2655
130 To study the administration and composition of agencies and boards authorized to oversee implementation of the retirement system and funds.
(Horgan) 2210, 2655
131 To study the concept of incentives for early retirement.
(Horgan) 2210, 2655
132 To study the potential for developing apprenticeship programs.
(Baack) 2211, 2655
133 To study the process used by the Commission of Industrial Relations in its resolution of cases.
(Business and Labor Committee) 2212, 2655
134 To study requirements and standards established by the Motor Carrier Safety Regulations and the Hazardous Material Regulations.
(Transportation Committee) 2219, 2655
135 To study legislation which proposed the establishment of specialty license plates for active National Guard members and collegiate license plates.
(Transportation Committee) 2220, 2655
136 To study the formula and rationale for distribution of the county portion of the highway allocation fund.
(Transportation Committee) 2221, 2655
137 To study laws which govern requirements relative to lighting equipment for motor vehicles and trailers.
(Transportation Committee) 2221, 2655
138 To study centralization trends in state and federal government.
(Wickersham) 2221, 2655
139 To study the educational enrollment-tier structure.
(Wickersham, Beutler, McKenzie, Janssen, Bohlke, Warner) 2222, 2655
140 To study the current library system with emphasis on funding and accessibility.
(Withem) 2222, 2656
141 To study issues relating to radioactive waste.
(Beutler) 2223, 2656
142 To study the feasibility of developing alternative energy sources.
(Beutler) 2223, 2656
143 To study the structure of the public power industry in Nebraska.

(Beutler) 2224, 2656
144 To study the Nebraska Litter Reduction and Recycling Act and policies relating to waste reduction and recycling.
(Beutler) 2224, 2656
145 To study water related issues in connection with the state's natural resources districts.
(Beutler) 2225, 2656
146 To study the issue of water contamination in Nebraska.
(Beutler) 2225, 2656
147 To study Nebraska governmental entities overseeing natural resources.
(Beutler) 2226, 2656
148 To study the occurrence of ground water and surface water transfers in the state.
(Beutler) 2226, 2656
149 To study the issue of integrated management of ground water and surface water in Nebraska.
(Beutler) 2227, 2656
150 To study agriculture equipment liens and other rural issues and their impact on agriculture in Nebraska.
(Coordsen, Cudaback, McKenzie, Dierks, Jones, Hudkins, Schellpeper) 2227, 2656
151 To study the amount of building projects planned for state-owned buildings.
(Hohenstein, Lynch) 2227, 2656
152 To study the feasibility, cost effectiveness, and availability of wind energy in Nebraska.
(Hohenstein, Preister) 2228, 2656
153 To study establishment of a task force to study alternative means of funding capital improvements for school districts.
(Byars) 2235, 2657
154 To study the practices of judicial nominating commissions.
(Crosby, Hillman, McKenzie, Day) 2236, 2657
155 To study the impact of having the Governor appoint the Commissioner of Education.
(Witek, Haberman, Pirsch) 2236, 2657
156 To study LB 76, 1993, known as the election law and the federal motor voter bill.
(Witek, Vrtiska, Bromm, Haberman, Pirsch) 2236, 2657
157 To study the productivity and performance of the North Omaha Business Development Corporation.
(Witek, Haberman) 2237, 2657
158 To study the possibility of dividing the Department of Social Services into functional areas with emphasis on a division to handle children's issues.
(Witek, Vrtiska, Haberman, Pirsch) 2237, 2657
159 To study the current state aid to the K-12 school funding formula and related state policies.
(Wickersham, McKenzie, Bohlke, Janssen,

Beutler, Warner) 2238, 2657
160 To study the feasibility of raising the compulsory school attendance age to eighteen.
(Byars) 2238, 2657
161 To study issues requiring persons who possess illegal pornography to pay a tax.
(Pirsch, Witek) 2239, 2657
162 To study the adequacy of the criminal record investigations available to fire departments when making employment decisions.
(Pirsch, Hall) 2239, 2657
163 To study changes in Nebraska's statutes regarding uninsured and underinsured motor vehicles.
(Landis) 2251, 2657
164 To study changes in the Motor Vehicle Safety Responsibility Act.
(Landis, Kristensen) 2252, 2657, 2776
165 To study the criminal statutes concerning assaults.
(Wickersham) 2252, 2658
166 To study the current method of financing the Highway Trust Fund.
(Withem) 2252, 2658
167 To study the financial needs of political subdivisions related to the closure of solid waste landfills.
(Vrtiska) 2253, 2658
168 To study the implementation of a surcharge against convicted defendants.
(Pedersen, Lindsay) 2253, 2658
169 To study statutes governing the public bidding process.
(Pirsch, Schimek, Haberman, Witek) 2254, 2658
170 To study the addition of appointed regents to the Board of Regents of the University of Nebraska.
(Pirsch, Haberman, Witek) 2255, 2658, 2856
171 To study issues which the privatization of government services and goods encompasses.
(Pirsch, Haberman, Witek) 2255, 2658, 2856
172 To study the need for and alternatives to the method of providing clerk's offices for the trial courts.
(Lindsay) 2256, 2658
173 To study and collect data on criminal penalties prescribed by statute and to examine the classification of those penalties.
(Lindsay) 2256, 2658
174 Congratulate Omaha Bryan High School on its Silver Anniversary.
(Withem) 2260
175 To study all aspects of the state and local tax system.

(Warner, McKenzie) 2261, 2626, 2658
176 To study changes to the statute of limitations controlling the filing of civil suits.
(Pirsch, Will) 2262, 2658
177 To study the groups and organizations participating in Nebraska's school restructuring efforts.
(Withem) 2262, 2658
178 To study issues surrounding the efficient operation of Nebraska's public schools and the distribution of state aid for education.
(Withem) 2263, 2659
179 To study the new University of Nebraska admissions policy to determine the impact on the restructuring efforts of Nebraska's K-12 school districts.
(Withem) 2264, 2659
180 To study strategies for fostering positive interaction between the University of Nebraska and the business community.
(Withem) 2264, 2659
181 To study and gather information regarding education-related technology initiatives being undertaken at both the K-12 and postsecondary levels.
(Withem) 2265, 2659
182 To study the issues of student discipline in Nebraska's schools.
(Withem) 2265, 2659
183 To study the guidelines regulating the integrity and thoroughness of preplacement and postplacement adoptive homestudies.
(Withem, Lynch) 2266, 2659
184 To study the role and mission of the Nebraska Ethanol Board in promoting the use and production of ethanol using agricultural products grown in Nebraska.
(Wehrbein) 2266, 2659
185 Congratulate the St. Isidore Elementary School sixth graders for winning events at "National History Day."
(Robak) 2267, 2383, 2430
186 To study the rules of the Legislature.
(Rules Committee) 2267, 2659
187 To study license fees, occupation taxes, and hours of operation of retail liquor establishments.
(General Affairs Committee) 2275, 2659
188 To study methods of improving the financial viability of horseracing in Nebraska.
(General Affairs Committee) 2275, 2659
189 To study the state's rights and responsibilities with regard to the Indian Gaming Regulatory Act.
(General Affairs Committee) 2276, 2659
190 To study the funding and scope of the authority of the State Racing Commission.

(General Affairs Committee) 2277, 2659
191 To study rewriting and updating Nebraska's statutes regarding interest rates.
(Landis, Wickersham) 2278, 2660
192 To study and compare and contrast the Rules of the Nebraska Unicameral Legislature with the rules of the legislatures of other states.
(Witek, Pirsch, Bromm, Hudkins, Fisher) 2278, 2660
193 To study the impact of municipal annexation on rural and suburban fire protection districts.
(Abboud, Horgan, Witek, Pedersen,
Avery, Hartnett) 2278, 2660
194 To study the programs, services, and general operation of the Department of Public Institutions.
(Wesely) 2283, 2660
195 To study the general licensure laws governing the various Boards of Examiners within the Department of Health.
(Wesely) 2283, 2660
196 To study the need for child care programs and ways to improve the child care system in Nebraska.
(Wesely) 2284, 2660
197 To study the need for independent living centers in Nebraska.
(Wesely) 2284, 2660
198 To study the need for a state housing trust fund.
(Wesely) 2284, 2660
199 To study problems and concerns regarding adoption in Nebraska.
(Wesely) 2285, 2660
200 To study various types of volunteer services and the need for liability protection.
(Wesely) 2285, 2660
201 To study the state regulation of bank card interest rates, costs, and fees.
(Wesely) 2299, 2660
202 To study programs and services for children and families in Nebraska.
(Rasmussen, Wesely) 2299, 2660
203 To study the role of county government in providing human services to the people of Nebraska.
(Wesely, Byars) 2300, 2661
204 To study the need for consumer protection legislation in the physical exercise club industry.
(Wesely) 2300, 2661
205 To study annexation, the existing situation in the Chalco area, and how to provide municipal services to residents of the area.
(Hartnett, Will, Robinson, Preister, Pedersen,

Abboud, Avery, Schimek, Bromm) 2301, 2661
206 To study the statutes governing the operation and management of municipal volunteer fire departments and fire protection districts.
(Urban Affairs Committee) 2302, 2661
207 To study municipal proprietary function budgeting, finance, and rate-setting issues.
(Urban Affairs Committee) 2303, 2661
208 To study statutes on the granting of municipal franchises to private corporations for the provision of natural gas.
(Urban Affairs Committee) 2304, 2661
209 To provide a forum for municipalities to present issues to the Urban Affairs Committee for future consideration.
(Urban Affairs Committee) 2305, 2661
210 To study the fiscal rates of return and impact of the Employment and Investment Growth Act, Laws 1987, LB 775.
(Wesely) 2306, 2661
211 To study the avenues available to the state of Nebraska which would stimulate development of our economy.
(Wesely, Hillman) 2307, 2661
212 To study health care reform issues.
(Health and Human Services Committee) 2307, 2661
213 To study ways to provide for welfare reform in Nebraska.
(Health and Human Services Committee) 2308, 2661
214 To study human service programs and the health status of the citizens of Nebraska.
(Health and Human Services Committee) 2308, 2661
215 To study issues relating to the Legislature's current and future computer needs.
(Hall) 2309, 2661
216 To study the process, method, and procedure for referencing legislative bills, resolutions, and appointments.
(Hall) 2309, 2662
217 To study a consolidation of all state legal resources into the office of the Attorney General.
(Moore) 2310, 2662
218 To study the audit function of state government.
(Appropriations Committee) 2310, 2662
219 To study the fiscal impact exhibited by the Nebraska Crime Control Act of 1993, contained in LB 627.
(Appropriations Committee) 2311, 2662, 2776
220 To study the statutes relating to the authority of the Governor to direct certain persons to furnish the Policy Research Office with certain information.
(Appropriations Committee) 2312, 2662
221 To study the differences and similarities of the foster care reviews conducted by the Department of Social Services and the Foster Care Review Board.

(Appropriations Committee) 2313, 2662

222 To study the formula used to fund programs for persons with developmental disabilities.
(Appropriations Committee) 2313, 2662

223 To study the effectiveness and operation of the Equal Opportunity Commission.
(Appropriations Committee) 2313, 2662

224 To study the possibility of closing selected National Guard armories in response to the down-sizing of the Nebraska Army National Guard.
(Appropriations Committee) 2314, 2662

225 To study the feasibility of implementing the Mental Health Roadmap Plan developed by the Departments of Public Institutions and Social Services.
(Appropriations Committee) 2314, 2662

226 To study and determine the most cost effective method for state agencies to procure legal services.
(Appropriations Committee) 2315, 2662

227 To study existing medical programming administered by the Department of Correctional Services.
(Appropriations Committee) 2315, 2663

228 To study the role of the Office of Dispute Resolution and to evaluate its effectiveness.
(Appropriations Committee) 2316, 2663

229 To study the roles of the Nebraska Commission on the Status of Women, the Commission on Indian Affairs, and the Commission on Mexican-Americans.
(Appropriations Committee) 2317, 2663

230 To study the need to statutorily address the issue of the battered spouse syndrome.
(Will, Pirsch, Hall) 2317, 2663

231 To study the financial feasibility of the state's participation in managed health care plans.
(Ashford) 2325, 2663

232 To study whether the administration of the Division on Alcoholism and Drug Abuse and the Office of Community Mental Health should be consolidated within DPI
(Pedersen) 2326, 2663

233 To study possible legislation regarding property and casualty insurance fraud.
(Landis) 2326, 2663

234 To study and consider updating and rewriting Nebraska law regarding credit life insurance and credit health and accident insurance.
(Landis) 2326, 2663

235 To study various types of charitable gaming and the allocation of the revenue.
(General Affairs Committee) 2327, 2663

236 To study the duties and purposes of Natural Resources

Districts, the Game and Parks Commission, and the Travel and Tourism Division of the Department.
(Coordsen, McKenzie) 2327, 2663
237 To study Nebraska's system for filling judicial vacancies.
(Wesely, Hartnett, Chambers, Haberman, Will, Schimek, Crosby, Bernard-Stevens, Hall, Beutler) 2328, 2663
238 To study issues related to the response, investigation, and cleanup of environmental hazards.
(Beutler) 2328, 2663
239 To study the operating structure and legal authority of the Game and Parks Commission.
(Beutler) 2329, 2664
240 To study issues related to abandoned water wells in the state.
(Beutler) 2329, 2664
241 To study laws and policies relating to instream appropriations of water.
(Beutler) 2330, 2664
242 To study state laws and policies relating to environmental education.
(Beutler) 2330, 2664
243 To study recreation in the state of Nebraska.
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248 Recognize St. George Eastern Orthodox Church of Kearney on its ninetieth anniversary.
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254 Congratulate the Creighton Prep High School boys for state soccer championship.
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Compiled by

Patrick J. O'Donnell
Clerk of the Legislature

Carol Koranda, Index Clerk

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9-642	A	694
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9-643	A	694
9-644	R	489
9-646	A	563
9-648	A	425
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9-648	A	694
9-652	A	563
9-652	A	762
9-653	A	563
9-653	A	762
9-701	A	54
9-701	A	694
9-701	A	762
9-801	A	138
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9-807	A	138
9-808	A	138
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9-812	A	138
9-812	A	449
9-812	A	647
9-813	A	138
9-814	A	138
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10-703.01	A	428
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11-125	A	184
11-125	A	428
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12-1206	A	762
12-1207	A	762
12-1208	A	762
13-501	A	310
13-501	A	745
13-502	A	722
13-503	A	745
13-504	A	722
13-508	A	722
13-508	A	734
13-508	A	745
13-509	A	136
13-509	A	222
13-509	A	645
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13-906	R	262
13-907	A	262
13-910	A	370
13-911	A	82
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13-1203	A	158
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13-1208	A	370
13-1209	A	158
13-1211	A	158
13-1211	A	317
13-1617	A	675
13-1906	A	580
13-2101	A	725
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14-101	A	726
14-102	A	138
14-102	A	623
14-117	A	368
14-201	A	76
14-201	A	428
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14-201.03	A	428
14-201.04	R	76
14-201.04	R	428
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14-554	A	426
14-556	A	157
14-557	A	567
14-557	A	745
14-558	A	745
14-562	A	745
14-602	A	717
14-1821	A	734
14-2102	A	76
14-2102	A	428
14-2103	A	76
14-2103	A	428
15-101	A	726
15-104	A	710
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15-106	A	39
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15-201	A	78
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15-326	A	390
15-808	A	745
15-821	A	567
15-901	A	39
15-902	A	511
16-101	A	530
16-101	A	726
16-103	A	76
16-103	A	428
16-104	A	76
16-104	A	428
16-117	A	554
16-117	A	710
16-117	A	714
16-118	A	709
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16-118	A	714
16-202	A	59
16-207	A	695
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16-305	A	76
16-305	A	428
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16-311	A	428
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16-404	A	630
16-645	A	485
16-645	A	486
16-645	A	680
16-674	A	485
16-674	A	486
16-674	A	680
16-684	A	485
16-684	A	486
16-684	A	680
16-691	A	722
16-701	A	722
16-704	A	722
16-716	A	157
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16-1021	A	724
16-1023	A	724
16-1024	A	607
16-1024	A	724
16-1025	A	724
16-1027	A	607
16-1027	A	724
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16-1028	A	724
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17-201	A	726
17-202	A	76
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17-906	A	486
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19-627	R	428
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19-701	A	486
19-701	A	487
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19-702	A	485
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19-703	A	486
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19-707	A	485
19-707	A	486
19-707	A	680
19-708	A	680
19-709	A	485
19-709	A	486
19-709	A	680
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19-903	A	630
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19-3026	A	428
19-3029	A	76
19-3029	A	428
19-3030	A	76
19-3030	A	428
19-3034	A	76
19-3034	A	428
19-3040	A	76
19-3040	A	428
19-3041	A	76
19-3041	A	428
19-3050	A	76
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19-3051	A	76
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22-189	A	409
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23-121	A	184
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23-150	A	428
23-151	A	76
23-151	A	428
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24-212	A	820
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24-503	A	306
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24-702	A	833
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24-803	A	638
24-803	A	716
24-805	A	638
24-806	A	716
24-807	A	716
24-808	A	716
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24-812.01	A	304
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28-109	A	151
28-109	A	370
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28-726	A	762
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28-728	A	469
28-729	A	469
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29-119	A	457
29-119	A	473
29-120	A	370
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29-1205	A	762
29-1408	A	762
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29-1816	A	762
29-1817	A	762
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29-1823	A	762
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29-2315.01	A	762
29-2316	A	762
29-2317	A	762
29-2320	A	762
29-2321	A	762
29-2404	A	476
29-2407	A	651
29-2408	A	476
29-2519 to 29-2525	R	651
29-2524.01	A	762
29-2525	A	627
29-2527	R	651
29-2528	A	627
29-2528	R	651
29-2532 to 29-2546	A	600
29-2532 to 29-2546	R	651
29-2706	A	762
29-2709	A	762
29-2801	A	651
29-2811	R	651
29-2924	A	483
29-3001	A	627
29-3001	A	762
29-3002	A	627
29-3004	A	678
29-3101	A	762
29-3103	A	762
29-3205	A	651
29-3602	A	762
29-3604	A	370
29-3604	A	779
29-3701 to 29-3703	A	518
29-3705	A	762
29-3705	R	828
29-3913	A	76
29-3913	A	428
29-3915	A	828
30-2201	A	250
30-2201	A	497
30-2220	A	497
30-2222	A	803
30-2316	A	202
30-2414	A	803
30-2476	A	315
30-2487	A	803
30-24,125	A	803
30-2619	A	497
30-2620	A	497
30-2620.01	A	497
30-2625	A	497
30-2626	A	497
30-2627	A	497
30-2627	A	514
30-2628	A	497
30-2630	A	497
30-2633	A	497
30-2634	A	497
30-2636	A	497
30-2637	A	497
30-2639	A	497
30-2641	A	467
30-2643	A	497
30-2701 to 30-2714	R	250
30-2818	A	51
30-3205	A	91
30-3214	A	688
30-3402	A	782
30-3404	A	782
30-3407 to 3-3409	A	782
30-3412 to 30-3414	A	782
30-3422 to 30-3424	A	782
30-3429	A	782
30-3432	A	782
31-333	A	734
31-411.02	A	745
31-447	A	745
31-513	A	734
31-711	A	734
31-727	A	501
31-735.03	A	76
31-735.03	A	428
31-739	A	734
31-740	A	501

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31-744	A	501
31-1001	A	626
31-1002	A	626
31-1015	A	626
31-1017	A	626
31-1018	A	626
31-1020	A	626
31-1023	A	626
31-1024 to 31-1031	R	626
32-101 to 32-114	R	76
32-101 to 32-114	R	428
32-116	R	76
32-116	R	428
32-117	R	76
32-117	R	428
32-119 to 32-121	R	76
32-119 to 32-121	R	428
32-201 to 32-205	R	76
32-201 to 32-205	R	428
32-207 to 32-211	R	76
32-207 to 32-211	R	428
32-210.01	R	76
32-210.01	R	428
32-212	R	76
32-212	R	428
32-214 to 32-231.01	R	76
32-214 to 32-231.01	R	428
32-216	A	169
32-224.01	A	169
32-226	A	377
32-231.08 to 32-232	R	76
32-231.08 to 32-232	R	428
32-264	R	76
32-264	R	428
32-265	R	76
32-265	R	428
32-301	R	76
32-301	R	428
32-303	R	76
32-303	R	428
32-304	R	76
32-304	R	428
32-304.01	R	76
32-304.01	R	428
32-305	R	76
32-305	R	428
32-307	R	76
32-307	R	428
32-308	A	43
32-308	R	76
32-308	A	184
32-308	R	428
32-309	R	76
32-309	R	428
32-310	R	76
32-310	R	428
32-312	R	76
32-312	R	428
32-315	R	76
32-315	R	428
32-316	R	76
32-316	R	428
32-402.01	R	76
32-402.01	R	428
32-403	R	76
32-403	R	428
32-404 to 32-419	R	76
32-404 to 32-419	R	428
32-420.01	R	76
32-420.01	R	428
32-420.02	R	76
32-420.02	R	428
32-421.01	R	76
32-421.01	A	184
32-421.01	R	428
32-422.01	R	76
32-422.01	R	428
32-424	R	76
32-424	R	428
32-425	R	76
32-425	R	428
32-426	R	76
32-426	R	428
32-428	R	76
32-428	R	428
32-428.03	R	76
32-428.03	R	428
32-428.04	R	76
32-428.04	R	428

SECTION	REPEAL OR AMEND	BILL
32-428.05	R	76
32-428.05	R	428
32-428.06	R	76
32-428.06	R	428
32-428.07 to 32-430.01	R	76
32-428.07 to 32-430.01	R	428
32-432 to 32-438	R	76
32-432 to 32-438	R	428
32-438	A	377
32-439 to 32-444	R	76
32-439	A	377
32-439 to 32-444	R	428
32-445.01	R	76
32-445.01	R	428
32-448	R	76
32-448	R	428
32-450	R	76
32-450	R	428
32-450.01	R	76
32-450.01	R	428
32-451	R	76
32-451	R	428
32-452	R	76
32-452	R	428
32-454	R	76
32-454	R	428
32-455	R	76
32-455	R	428
32-456	R	76
32-456	R	428
32-457	R	76
32-457	R	428
32-458	R	76
32-458	R	428
32-460	R	76
32-460	R	428
32-461	R	76
32-461	R	428
32-463	R	76
32-463	R	428
32-464	R	76
32-464	R	428
32-465 to 32-471	R	76
32-465 to 32-471	R	428
32-473 to 32-478	R	76
32-473 to 32-478	R	428
32-479.01 to 32-482	R	76
32-479.01 to 32-482	R	428
32-485	R	76
32-485	R	428
32-490	R	76
32-490	R	428
32-491	R	76
32-491	R	428
32-492.01 to 32-493.01	R	76
32-492.01 to 32-493.01	R	428
32-499	R	76
32-499	R	428
32-499.01	R	76
32-499.01	R	428
32-4,101	R	76
32-4,101	R	428
32-4,102	R	76
32-4,102	R	428
32-4,103	R	76
32-4,103	R	428
32-4,104	R	76
32-4,104	A	166
32-4,104	A	233
32-4,104	R	428
32-4,105	R	76
32-4,105	R	428
32-4,107	R	76
32-4,107	R	428
32-4,108	R	76
32-4,108	R	428
32-4,110 to 32-4,112	R	76
32-4,110 to 32-4,112	R	428
32-4,113	R	76
32-4,113	R	428
32-4,114	R	76
32-4,114	R	428
32-4,115 to 32-4,125	R	76
32-4,115 to 32-4.125	R	428
32-4,127	R	76
32-4,127	R	428

SECTION	REPEAL OR AMEND	BILL
32-4,129	R	76
32-4,129	R	428
32-4,130	R	76
32-4,130	R	428
32-4,132	R	76
32-4,132	R	428
32-4,133	R	76
32-4,133	R	428
32-4,135 to 32-4,147	R	76
32-4,135 to 32-4.147	R	428
32-4,147	A	454
32-4,147	A	556
32-4,149	R	76
32-4,149	R	428
32-4,150	R	76
32-4,150	R	428
32-4,151	R	76
32-4,151	R	428
32-4,152	R	76
32-4,152	R	428
32-4,153	R	76
32-4,153	R	428
32-4,154	R	76
32-4,154	R	428
32-4,155	R	76
32-4,155	R	428
32-4,156 to 32-4,158	R	76
32-4,156 to 32-4,158	R	428
32-4,159	R	76
32-4,159	R	428
32-501	R	76
32-501	R	428
32-502	R	76
32-502	R	428
32-503.01	R	76
32-503.01	R	428
32-504	R	76
32-504	R	428
32-504	A	454
32-504	A	556
32-504	A	706
32-504.01	R	76
32-504.01	R	428
32-505 to 32-512	R	76
32-505 to 32-512	R	428
32-513	R	76
32-513	A	184
32-513	R	428
32-513.01 to 32-516	R	76
32-513.01 to 32-516	R	428
32-517	R	76
32-517	R	428
32-519 to 32-522	R	76
32-519 to 32-522	R	428
32-524 to 32-526.02	R	76
32-524 to 32-526.02	R	428
32-528 to 32-530.01	R	76
32-528 to 32-530.01	R	428
32-532	R	76
32-532	R	428
32-534	R	76
32-534	R	428
32-535	R	76
32-535	A	184
32-535	R	428
32-537	R	76
32-537	R	428
32-537	A	706
32-542	R	76
32-542	R	428
32-542.02	R	76
32-542.02	R	428
32-542.03	R	76
32-542.03	R	428
32-545 to 32-547	R	76
32-545 to 32-547	R	428
32-548	R	76
32-548	A	166
32-548	A	233
32-548	R	428
32-549 to 32-552	R	76
32-549 to 32-552	R	428
32-556	R	76
32-556	A	166
32-556	A	233
32-556	R	428

SECTION	REPEAL OR AMEND	BILL
32-558	R	76
32-558	R	428
32-560 to 32-562	R	76
32-560 to 32-562	R	428
32-601	R	76
32-601	R	428
32-702	R	76
32-702	R	428
32-702	A	706
32-703	R	76
32-703	R	428
32-703	A	706
32-703.01	R	76
32-703.01	R	428
32-703.01	A	706
32-704	R	76
32-704	R	428
32-704	A	706
32-704.01	R	76
32-704.01	R	428
32-704.01	A	706
32-704.02	R	76
32-704.02	R	428
32-704.02	A	706
32-705	R	76
32-705	A	398
32-705	R	428
32-705	A	706
32-705.01	R	76
32-705.01	R	428
32-705.01	A	706
32-706	R	76
32-706	R	428
32-706	R	706
32-707	R	76
32-707	R	428
32-707	A	706
32-707.01 to 32-708	R	76
32-707.01 to 32-708	R	428
32-708	A	706
32-709	R	76
32-709	R	428
32-709	R	706
32-710	R	76
32-710	R	428
32-710	A	706
32-711	R	76
32-711	R	428
32-711	A	706
32-712	R	76
32-712	R	428
32-712	A	706
32-713 to 32-715	R	76
32-713 to 32-715	R	428
32-713	A	706
32-713.01	A	706
32-713.02	R	706
32-714	A	706
32-827 to 32-834	R	76
32-827 to 32-834	R	428
32-835	R	76
32-835	R	428
32-836 to 32-844	R	76
32-836 to 32-844	R	428
32-845	R	76
32-845	R	428
32-846 to 32-853	R	76
32-846 to 32-853	R	428
32-1001	R	76
32-1001	R	428
32-1001.03 to 32-1001.05	R	76
32-1001.03 to 32-1001.05	R	428
32-1001.06 to 32-1001.10	R	76
32-1001.06 to 32-1001.10	R	428
32-1001.17 to 32-1001.22	R	76
32-1001.17 to 32-1001.22	R	428
32-1001.23	R	76
32-1001.23	R	428
32-1001.24 to 32-1001.28	R	76
32-1001.24 to 21-1001.28	R	428
32-1001.29 to 32-1001.31	R	76
32-1001.29 to 32-1001.31	R	428

SECTION	REPEAL OR AMEND	BILL
32-1001.32 to 32-1002	R	76
32-1001.32 to 32-1002	R	428
32-1037	R	76
32-1037	R	428
32-1037	R	428
32-1038	R	76
32-1038	R	428
32-1039	R	76
32-1039	R	428
32-1040	R	76
32-1040	R	428
32-1042 to 32-1056	R	76
32-1042 to 32-1056	R	428
32-1057 to 32-1059	R	76
32-1057 to 32-1059	R	428
32-1058	A	578
32-1201 to 32-1240	R	76
32-1201 to 32-1240	R	428
32-1235	A	762
32-1301.01 to 32-1310	R	76
32-1301.01 to 32-1310	R	428
32-1312 to 32-1314	R	76
32-1312 to 32-1314	R	428
32-1401 to 32-1409	R	76
32-1401 to 32-1409	R	428
32-1403	A	398
32-1403	A	762
32-1501 to 32-1503	R	76
32-1501 to 32-1503	R	428
32-1601 to 32-1606	R	293
32-1601	A	587
32-1603	A	587
32-1604	A	428
32-1604	A	587
32-1605	A	428
32-1606	A	587
32-1607	R	293
32-1607	A	587
32-1608 to 32-1610	R	293
32-1608	A	587
32-1610	A	573
33-106	A	295
33-106	A	780
33-106.02	A	295
33-114	A	134
33-114	A	426
33-150	A	187
33-150	A	314
33-150	A	338
33-150	A	661
33-150	A	669
33-151	A	314
35-504	A	745
35-505	A	745
35-506	A	745
35-511	A	516
35-514	A	745
35-527	A	407
35-531	A	745
35-535	A	745
35-801	A	67
37-101	A	132
37-101	A	245
37-101	A	532
37-102	A	125
37-102	A	245
37-102	A	385
37-102	A	532
37-102	A	830
37-110	A	159
37-201	A	622
37-202.01	A	622
37-203	A	622
37-204	A	622
37-204.01	A	622
37-207	A	385
37-211	A	622
37-211.01	A	622
37-213	A	622
37-214.03	A	622
37-214.04	A	622
37-215	A	622
37-215.03	A	622
37-216.01	A	622
37-216.03	A	385
37-217.01	A	622

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37-227	A	622
37-227	A	773
37-233	A	622
37-304.02	A	622
37-413	A	596
37-420	A	596
37-501	A	19
37-502	A	622
37-503	A	622
37-505	A	622
37-505	A	773
37-510	A	19
37-526	A	234
37-530	A	125
37-532	A	125
37-533	A	125
37-601	A	762
37-702	A	532
37-703	A	622
37-703	A	773
37-704	A	770
37-705	A	770
37-706	A	770
37-713	A	770
to 37-715		
37-714	A	622
37-715	A	622
37-717	A	770
37-719	A	770
37-720	A	622
37-901	A	622
37-905	A	622
37-908	A	622
37-1103	A	300
37-1105	A	235
37-1105	A	622
37-1105	A	752
37-1107.01	A	235
37-1107.01	A	752
37-1108	A	235
37-1108	A	622
37-1108	A	752
37-1204	A	123
37-1212	A	622
37-1214	A	622
37-1217	A	123
37-1217	A	622
37-1227	A	622
37-1238	A	359
37-1241	A	359
37-1254.01	A	80
37-1254.02	A	80
37-1254.05	A	80
37-1254.06	A	80
37-1254.08	A	80
37-1259	A	359
37-1274	A	359
37-1503	A	572
37-1503	A	739
39-601	A	370
39-602	A	105
39-602	A	173
39-602	A	238
39-602	A	340
39-602	R	370
39-602	A	664
39-603	A	370
39-604	A	370
to 39-618.02		
39-618.04	A	370
39-619	A	370
39-619.01	A	370
39-620	A	370
to 39-648		
39-622	A	575
39-631	A	575
39-633	A	575
39-649	R	370
39-650	A	370
to 39-662		
39-653	A	227
39-654	A	297
39-660	A	575
39-663	A	370
39-664	A	25
39-664	A	370
39-665	A	370
39-666	A	370
39-667	A	26
39-667	A	370
39-668	A	370
39-669	A	370
to 39-669.05		
39-669.01	A	370
39-669.02	A	575
39-669.04	A	575
39-669.05	A	575
39-669.06	A	370
39-669.06	A	575
39-669.07	A	80
39-669.07	A	370
39-669.07	A	473
39-669.07	A	627
39-669.07	A	671

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39-669.07	A	704
39-669.08	A	370
39-669.08	A	473
39-669.08	A	627
39-669.08	A	671
39-669.09	A	370
39-669.10	A	370
39-669.11	A	370
39-669.11	A	564
39-669.12	A	370
39-669.12	A	564
39-669.13	A	370
39-669.13	A	564
39-669.14	A	370
39-669.15	A	370
39-669.16	A	370
39-669.16	A	491
39-669.16	A	671
39-669.16	A	704
39-669.17	A	370
39-669.18	A	370
39-669.19	A	370
39-669.20	A	370
39-669.21	A	370
39-669.22	A	370
39-669.22	A	627
39-669.22	A	671
39-669.23	A	370
39-669.24	A	370
39-669.25	A	370
39-669.26	A	80
39-669.26	A	173
39-669.26	A	297
39-669.26	A	370
39-669.27	A	105
39-669.27	A	370
39-669.27	A	411
39-669.28	A	370
39-669.29	A	370
39-669.30	A	105
39-669.30	A	370
39-669.33	A	370
39-669.36	R	370
39-669.37	A	370
39-669.38	A	370
39-669.39	A	370
39-670 to 39-694	A	370
39-671	A	673
39-673	A	575
39-683	A	570
39-686	A	575
39-687	A	411
39-690	A	297
39-690	A	575
39-691	A	297
39-695	R	370
39-696	R	370
39-697	A	370
39-698	A	370
39-699	A	370
39-6,100	A	153
39-6,100	A	370
39-6,101	A	370
39-6,102	A	370
39-6,103.01	A	370
39-6,103.02	A	370
39-6,103.03	A	370
39-6,103.05	A	370
39-6,103.06	A	370
39-6,103.06	A	575
39-6,103.07	A	370
39-6,103.07	A	575
39-6,103.08	A	370
39-6,104 to 39-6,105	A	370
39-6,104.04	A	575
39-6,104.07	A	590
39-6,104.08	A	590
39-6,104.12	A	590
39-6,106.01	A	56
39-6,106.01	A	60
39-6,106.01	A	196
39-6,106.01	R	370
39-6,106.01	A	411
39-6,107	A	370
39-6,108	A	370
39-6,109	A	370
39-6,110	A	370
39-6,111	A	370
39-6,112	A	370
39-6,112.01	R	370
39-6,114	R	370
39-6,114.01	A	370
39-6,115	A	370
39-6,116	A	370
39-6,117	R	370
39-6,118	A	370
39-6,119	A	370
39-6,120	A	370
39-6,121	A	370
39-6,122	A	173
39-6,122	A	206
39-6,122	A	370

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39-6,122	A	564
39-6,122	A	655
39-6,122	A	671
39-6,122	A	698
39-6,123	A	370
to 39-6,130.01		
39-6,123	A	575
39-6,124	A	371
39-6,125	A	575
39-6,127	A	282
39-6,129	A	86
39-6,130	A	282
39-6,130.02	R	370
39-6,131	A	370
39-6,131.08	A	370
39-6,131.09	A	370
39-6,131.10	R	370
39-6,132	A	370
39-6,133	A	370
39-6,134	A	238
39-6,134	A	370
39-6,135	A	370
39-6,136	A	370
to 39-6,136.05		
39-6,137	A	370
39-6,137	A	575
39-6,138	A	282
39-6,138	A	370
39-6,138.01	A	370
39-6,138.02	R	370
39-6,139	A	227
39-6,139	A	370
39-6,140	A	370
39-6,141	A	227
39-6,141	A	370
39-6,142	A	370
39-6,147	A	370
39-6,148	A	370
39-6,149	A	370
39-6,150	A	370
39-6,151	A	370
39-6,152	A	370
39-6,153	R	370
39-6,154	A	370
39-6,155	A	370
39-6,156	A	370
39-6,159	R	370
39-6,160	A	370
to 39-6,166		
39-6,162	A	282
39-6,163	A	282
39-6,169	A	370
39-6,170	A	370
39-6,171	A	370
39-6,172	A	370
39-6,176	R	370
39-6,177	A	101
39-6,177	A	153
39-6,177	A	370
39-6,178	A	370
39-6,179	A	259
39-6,179	A	370
39-6,179	A	575
39-6,179.01	A	370
39-6,179.02	R	370
39-6,180	A	370
39-6,180.01	A	370
39-6,180.02	A	370
39-6,180.02	A	673
39-6,181	A	176
39-6,181	A	370
39-6,181	A	689
39-6,181.01	A	370
39-6,181.02	R	370
39-6,182	A	370
to 39-6,186		
39-6,183	R	575
39-6,187	R	370
39-6,188	A	370
to 39-6,191.01		
39-6,190	A	570
39-6,192	A	28
39-6,192	A	370
39-6,193	A	370
39-6,196	A	370
to 39-6,200		
39-6,201	R	370
to 39-6,204		
39-6,205	A	370
39-6,206	A	370
39-6,207	A	370
39-6,208	R	370
39-6,209	A	370
to 39-6,214		
39-6,211	A	492
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39-703	A	370
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39-707	A	762
39-712.01	A	370
39-714.01	A	370
39-714.02	R	370
39-715	A	370
39-717	A	370

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39-847.01	A	180
39-891	A	15
39-892	A	370
39-893	A	15
39-1301	A	15
39-1302	A	15
39-1302	A	370
39-1309	A	15
39-1315.01	A	62
39-1320	A	15
39-1349	A	539
39-1367	A	370
39-1405	A	501
39-1606	A	76
39-1606	A	428
39-1621	A	734
39-1801	A	370
39-1804	A	180
39-1813	A	567
39-1813	A	762
39-2113	A	370
39-2215	A	180
39-2401	A	180
39-2507	A	221
39-2510	A	300
39-2517	A	726
39-2519	A	384
39-2520	A	300
40-105	A	463
40-107	A	463
40-108	A	463
40-111	A	463
40-115	A	760
42-347	A	644
42-351	A	568
42-358	A	762
42-358.02	A	308
42-358.02	A	762
42-358.08	A	762
42-364	A	115
42-364	A	450
42-364	A	490
42-364	A	629
42-364	A	644
42-364.02	A	762
42-364.13	A	711
42-364.15	A	644
42-368	A	160
42-369	A	224
42-369	A	435
42-372	A	735
42-762 to 42-791	R	499
42-762 to 42-791	R	500
42-763	A	711
42-773	A	711
42-779	A	711
42-792	R	499
42-792	R	500
42-793	R	499
42-793	R	500
42-794 to 42-7,100	R	499
42-794 to 42-7,100	R	500
42-799	A	711
42-7,101	R	499
42-7,101	R	500
42-7,102 to 42-7,104	R	499
42-7,102 to 42-7,104	R	500
42-903	A	299
42-917	A	470
42-924	A	299
43-102	A	16
43-107	A	16
43-138	A	205
43-139	A	205
43-141	A	205
43-146.12	A	205
43-146.14	A	205
43-247	A	393
43-248	A	432
43-250	A	762
43-253	A	451
43-261	A	762
43-272	A	762
43-274	A	762
43-276	A	762
43-278	A	393
43-281	A	436
43-285	A	103
43-285	A	762
43-287.05	A	393
43-290	A	762
43-292	A	762
43-295	A	393
43-2,105	A	762
43-2,112	A	76
43-2,112	A	428
43-2,113	A	435

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43-2,119	A	535
43-2,125	A	154
43-2,125	A	306
43-2,127	A	76
43-2,127	A	428
43-2,129	A	393
43-2,129	A	432
43-2,129	A	589
43-512	A	762
43-512.01	A	762
43-512.02	A	762
43-512.03	A	762
43-512.05	A	762
43-512.07	A	435
43-512.08	A	762
43-512.12	A	160
43-512.12	A	762
43-512.13	A	762
43-512.14	A	160
43-512.15	A	160
43-512.15	A	762
43-512.16	A	762
43-512.17	A	160
43-512.17	A	762
43-532	A	764
43-534	R	764
43-535	A	764
43-701	A	825
43-801	A	133
43-1002	A	278
43-1225	A	490
43-1406	A	499
43-1406	A	500
43-1406	A	762
43-1411	A	499
43-1411	A	500
43-1412	A	224
43-1412	A	629
43-1415	A	224
43-1708	A	711
43-1711	A	711
43-1712	A	711
43-1719	A	762
43-1720	A	523
43-1720	A	711
43-1720	A	762
43-1721	A	762
43-1722 to 43-1726	A	711
43-1722	A	762
43-1723	A	523
43-1723	A	762
43-1724	A	762
43-1725	A	762
43-1726	A	762
43-1727	A	762
43-1728	A	711
43-1728	A	762
43-1729	A	458
43-1729	A	499
43-1729	A	500
43-1733	A	711
43-1733	A	762
43-1737	A	711
43-1740	A	762
43-2001	A	18
43-2403	A	764
43-2410	A	762
43-2501 to 43-2513	A	520
43-2502	A	764
43-2504	R	520
43-2508	A	795
43-2511	A	795
43-2513	R	745
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44-107	R	583
44-107.01	R	583
44-107.02	R	583
44-107.03 to 44-108.01	R	583
44-108.02 to 44-111.01	R	583
44-116	A	583
44-118	R	583
44-119	A	583
44-205.01	A	688
44-206	A	688
44-208.02	A	688
44-214	A	583
44-219	A	583
44-224.01	A	688
44-231	A	583
44-232	R	583
44-244.04	A	688
44-319.03	A	583
44-371	A	463
44-386.06	A	762
44-391	A	114
44-395	A	762
44-3,131	A	223
44-3,134	A	762
44-513.02	A	415
44-513.02	A	718

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44-515	A	370
44-515	A	749
44-773	A	470
44-774	A	470
44-1089	A	463
44-1525	A	583
44-1527	A	583
44-1640	A	583
44-1927	A	382
44-1930	R	382
44-1931	R	382
44-1934	R	382
44-1936	A	583
44-1938	R	382
44-1939	R	382
44-1946	A	382
44-1947	A	738
44-1951	A	583
44-1951	A	738
44-1953	R	382
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44-1955	A	557
44-1957	A	557
44-1959	A	583
44-1960	A	583
44-1969	A	583
44-2008	A	583
44-2123	A	583
44-2128	A	688
44-2131	A	583
44-2137	A	583
44-2414	A	745
44-2621	A	583
44-2627	A	583
44-2916	A	688
44-3112	A	688
44-32,115	A	583
44-32,115	A	688
44-32,118	A	583
44-32,152	A	583
44-3312	A	688
44-3812	A	688
44-3904	A	583
44-3905	A	583
44-4001	A	583
44-4005	A	583
44-4009	A	583
44-4015	A	583
44-4019	A	583
44-4028	A	583
44-4035	A	583
44-4040	A	583
44-4220	A	30
44-4222	A	504
44-4233	A	10
44-4812	A	583
44-4842	A	583
44-4902	A	583
44-4905	A	583
44-4908	A	583
44-5028	A	757
44-5111	A	583
44-5602	A	583
44-5611	A	583
44-5812	A	583
45-101.04	A	216
45-101.04	A	219
45-101.04	A	256
45-102	A	257
45-103	A	257
45-103	A	475
45-103.02	A	257
45-103.04	A	257
45-104	R	257
45-137	A	219
45-138	A	219
45-190	A	270
45-191	A	270
45-192	R	270
45-193	R	270
45-205	A	756
45-351	A	219
45-601	A	261
45-602	A	261
45-603	A	261
45-604	A	261
45-605	A	261
45-606	A	261
45-607	A	261
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45-618	A	261
45-619	A	261
45-620	A	261
45-621	A	261
45-622	A	261
45-702	A	217
45-709	A	217
45-710	A	217
46-112	A	76
46-112	A	428
46-204	A	301
46-231	A	789
46-233	A	789
46-242	A	301

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46-288	A	301
46-288	A	789
46-294	A	789
46-2,107 to 46-2,110	A	301
46-2,109	A	3
46-2,115	A	301
46-2,116	A	301
46-429	A	480
46-530	A	76
46-530	A	428
46-531	R	76
46-531	R	428
46-532	R	76
46-532	R	428
46-533	R	76
46-533	R	428
46-534	A	76
46-534	A	428
46-543	A	734
46-601	A	131
46-602	A	131
46-602.01	A	131
46-603	R	131
46-604	A	131
46-606	A	131
46-607	R	131
46-608	A	131
46-609	A	131
46-610	A	131
46-611	A	131
46-612	R	131
46-613.01	A	131
46-613.02	A	131
46-625	A	131
46-630	A	131
46-631	A	734
46-634.01	A	36
46-636	A	131
46-637	A	131
46-638	A	131
46-639	A	131
46-640	A	131
46-651	A	131
46-653	A	131
46-654	A	131
46-656	A	3
46-657	A	3
46-657	A	131
46-657	A	439
46-657	A	789
46-658	A	3
46-659	A	131
46-660	A	131
46-661	A	131
46-662	A	131
46-663	A	3
46-663	A	131
46-665	A	3
46-666	A	131
46-667	A	131
46-673.03	A	3
46-673.05	A	3
46-673.09	A	131
46-673.09	A	439
46-673.10	A	439
46-673.11	A	439
46-674.02	A	3
46-674.03	A	3
46-674.04	A	3
46-674.05	A	3
46-674.06	A	3
46-674.07	A	3
46-674.10	A	3
46-674.11	A	3
46-674.12	A	3
46-674.13	A	3
46-674.14	A	3
46-674.15	A	3
46-674.16	A	3
46-674.18	A	3
46-677	A	79
46-1102	A	3
46-1107	A	3
46-1108	A	3
46-1109	A	3
46-1138	A	762
46-1201	A	131
46-1201	A	553
46-1203	A	131
46-1204	R	131
46-1208	A	131
46-1212	A	131
46-1217	A	3
46-1217	A	131
46-1223	A	131
46-1224	A	131
46-1225	A	131
46-1227	A	3
46-1235	A	131
46-1236	A	131
46-1237	A	131
46-1240	A	131
46-1241	A	131

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46-1301	R	3
46-1302	R	3
46-1303	R	3
47-122 to 47-124	A	483
47-501	A	113
47-502	A	113
48-105	A	414
48-106	A	403
48-115	A	483
48-118	A	594
48-120	A	757
48-120	A	785
48-121	A	757
48-121	A	785
48-121.01	A	757
48-121.01	A	785
48-125	A	785
48-126.01	A	483
48-128	A	757
48-138	A	757
48-139	A	295
48-139	A	757
48-140	A	757
48-141	A	757
48-144.03	A	583
48-146.01	A	757
48-149	A	118
48-149	A	523
48-151	A	757
48-155.01	A	833
48-161	A	523
48-162	A	757
48-162.01	A	757
48-162.01	A	785
48-162.02	A	757
48-162.02	A	785
48-168	A	757
48-172	A	757
48-172	A	785
48-173	A	757
48-187	A	757
48-194	A	757
48-1,110	A	403
48-1,110	A	757
48-212	A	204
48-231	A	762
48-302	A	184
48-312	A	762
48-313	A	162
48-418.13	R	45
48-418.14	A	45
48-434	A	762
48-612	A	757
48-624	A	285
48-624	A	286
48-624	A	753
48-628	A	753
48-628.03	A	47
48-647	A	523
48-655	A	46
48-657	A	604
48-665	A	46
48-665.01	A	46
48-667	A	762
48-801	A	771
48-801.01	A	771
48-809	A	612
48-818	A	771
48-1101	A	360
48-1101	A	395
48-1102	A	124
48-1102	A	242
48-1102	A	360
48-1102	A	395
48-1102	A	640
48-1102	A	766
48-1104	A	124
48-1104	A	242
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48-1104	A	640
48-1111	A	360
48-1111	A	395
48-1113	A	395
48-1115	A	395
48-1117	A	395
48-1118	A	124
48-1119	A	124
48-1119	A	395
48-1122	A	395
48-1124	A	395
48-1125	A	242
48-1125	A	360
48-1206	A	762
48-1230	A	525
48-1801	A	608
48-1802	A	608
48-1806	A	608
48-1812	A	608
48-1817	A	762
48-1902	A	370
49-202	A	76
49-202	A	428

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49-204	A	76
49-204	A	428
49-206 to 49-210	A	76
49-206 to 49-210	A	428
49-214	A	76
49-214	A	428
49-215	A	76
49-215	A	428
49-218	A	76
49-218	A	428
49-219	A	76
49-219	A	428
49-222	A	76
49-222	A	428
49-228	A	76
49-228	A	428
49-237	A	76
49-237	A	428
49-238	A	76
49-238	A	428
49-506	A	3
49-506	A	428
49-506	A	762
49-617	A	762
49-801	A	28
49-1401	A	637
49-1412	A	428
49-1419	A	76
49-1419	A	428
49-1445	A	778
49-1446	A	587
49-1446.01	A	778
49-1446.03 to 49-1451	A	428
49-1449	A	637
49-1451	A	637
49-1453	A	428
49-1453	A	637
49-1455	A	587
49-1459	A	587
49-1461	A	76
49-1461	A	428
49-1461	A	706
49-1462	A	587
49-1463 to 49-1464	A	428
49-1464	A	637
49-1467	A	428
49-1469	A	428
49-1470	A	428
49-1470	A	637
49-1472	A	428
49-1474.01	A	428
49-1479.01	A	428
49-1482	A	637
49-1483	A	637
49-1483.02	A	428
49-1483.02	A	637
49-1484	A	428
49-1484	A	637
49-1485	A	637
49-1486	A	637
49-1488	A	637
49-1488.01	A	428
49-1488.01	A	637
49-1489	A	428
49-1492	A	601
49-1493	A	428
49-1494	A	428
49-1495	A	428
49-1496	A	428
49-1499	A	428
49-14,100	A	428
49-14,103.01	A	762
49-14,105	A	428
49-14,106	A	428
49-14,107	A	428
49-14,108	A	428
49-14,109	A	428
49-14,111	A	428
49-14,112	A	428
49-14,114	A	428
49-14,115	A	428
49-14,117	A	428
49-14,118	A	428
49-14,119	A	428
49-14,120	A	428
49-14,121	A	428
49-14,121	A	762
49-14,122	A	428
49-14,122	A	587
49-14,123	A	293
49-14,123	A	428
49-14,123	A	637
49-14,123	A	762
49-14,123.01	A	428
49-14,124 to 49-14,127	A	428
49-14,129	A	428
49-14,129	A	587
49-14,130	A	428
49-14,131	A	428

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49-14,133	A	428
49-14,133	A	762
49-14,135	A	428
49-14,139	A	428
49-14,140	A	428
49-14,140	A	637
50-401.01	A	579
50-419	A	38
51-202	A	76
51-202	A	428
51-212	A	75
51-216	A	59
51-511	A	59
51-511	A	750
51-601	A	57
52-118	A	692
52-118	A	747
52-118.02	A	747
52-201	A	447
52-204	A	447
52-401	A	761
53-101	A	68
53-101	A	183
53-101	A	332
53-101	A	654
53-101.01	A	183
53-101.03	R	183
53-116	A	183
53-116.01	A	383
53-116.02	A	183
53-117	A	183
53-117.03	R	183
53-117.04	R	183
53-117.05	A	183
53-117.06	A	183
53-122	A	76
53-122	A	129
53-122	A	183
53-122	A	428
53-123.02	A	53
53-123.04	A	127
53-123.15	A	416
53-124	A	127
53-124	A	129
53-124	A	183
53-124.14	A	129
53-125	A	378
53-127	R	183
53-129	A	183
53-129	A	378
53-131	A	183
53-132 to 53-134	A	183
53-134	A	383
53-134.01	R	183
53-134.02	A	183
53-134.03	A	183
53-138.03	A	762
53-160	A	378
53-160	A	741
53-160	A	827
53-164.01	A	378
53-168.06	A	618
53-179	A	287
53-180.02	A	68
53-180.04	A	332
53-180.07	A	361
53-180.07	A	561
53-186	A	77
53-198	A	762
53-199	A	762
53-1,104	A	383
53-1,115	A	183
53-1,116	A	183
53-1,120	A	370
53-1,120	A	828
54-134	A	246
54-137.01	A	139
54-701	A	267
54-702	R	267
54-703 to 54-705	A	267
54-705	A	762
54-742 to 54-747	A	267
54-750	A	267
54-789	R	267
54-790	A	267
54-791	A	267
54-796	A	762
54-856	A	147
54-857	A	147
54-859	A	267
54-861	A	762
54-1382	A	1
54-1383	A	762
54-1805	A	762
54-2240	A	267
54-2244	A	267
54-2254	A	267
54-2263	A	267
54-2275	A	267
54-2276	A	267

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54-2290	A	267
54-2291	A	762
54-2295	A	267
54-2299	A	267
55-126	A	170
55-136	A	170
55-140	A	170
55-143	A	170
55-152	A	170
55-417	A	170
55-426	A	170
55-443	A	170
55-480	A	651
57-234	A	345
57-705	A	5
57-705	A	364
57-705	A	670
58-239	A	364
58-239.01	R	364
59-507	A	762
59-828	A	762
59-1617	A	187
59-1617	A	270
59-1701	A	218
to 59-1703		
59-1705	A	218
59-1715	A	216
59-1718	A	218
59-1722	R	218
59-1724	A	218
59-1725	A	218
59-1732	A	218
59-1733	A	218
59-1735	A	218
59-1741	A	218
59-1748	A	218
59-1750	A	218
59-1751	A	218
to 59-1753		
59-1755	A	218
to 59-1761		
59-1760	A	762
60-102	A	370
60-106	A	112
60-106	A	300
60-106	A	340
60-106	A	346
60-106	A	424
60-106	A	841
60-107	A	112
60-108	A	112
60-110	A	112
60-111	A	112
60-112	A	112
60-112	A	841
60-113	A	112
60-115	A	56
60-115	A	60
60-115	A	112
60-115	A	491
60-118	R	424
to 60-127		
60-119	A	112
60-119	A	370
60-122	A	112
60-122	A	370
60-129	A	424
60-301	A	198
60-301	A	370
60-301	A	434
60-301	A	582
60-302	A	11
60-302	A	56
60-302	A	60
60-302	A	300
60-302	A	342
60-302	A	346
60-302	A	434
60-302	A	491
60-302	A	558
60-302.01	A	841
60-302.03	A	370
60-302.03	A	434
60-303	A	290
60-303	A	300
60-303	A	745
60-305.04	A	300
60-305.11	A	300
60-305.11	A	745
60-305.15	A	300
60-310	A	300
60-310	A	558
60-311	A	134
60-311.02	A	300
60-311.02	A	370
60-311.10	A	491
60-311.11	A	491
60-311.12	A	491
60-311.13	A	491
60-311.14	A	300
60-311.15	A	370
60-311.21	A	300
60-311.21	A	370
60-311.25	A	199

SECTION	REPEAL OR AMEND	BILL
60-312	A	342
60-315	A	300
60-315.01	A	491
60-318	A	300
60-318	A	346
60-320	A	300
60-323	A	434
60-325	A	434
60-328	A	164
60-331	A	370
60-331.04	A	370
60-335	A	370
60-344	A	300
60-344	A	346
60-347	A	582
60-462	A	56
60-462	A	60
60-462	A	105
60-462	A	196
60-462	A	211
60-462	A	370
60-462	A	411
60-462	A	420
60-462	A	749
60-463	A	370
60-465	A	165
60-471	A	370
60-474	A	105
60-474	A	370
60-479	A	56
60-479	A	60
60-479	A	370
60-480	A	56
60-480	A	60
60-480	A	105
60-480	A	196
60-480	A	309
60-480	A	411
60-483	A	56
60-483	A	60
60-483	A	491
60-484	A	145
60-484	A	197
60-484	A	309
60-489	A	254
60-490	A	7
60-490	A	56
60-491	A	411
60-496	A	370
60-497	A	370
60-498	A	370
60-4,100	A	491
60-4,105	A	211
60-4,107	A	56
60-4,107	A	60
60-4,107	A	105
60-4,107	A	196
60-4,107	A	309
60-4,112	A	56
60-4,112	A	60
60-4,112	A	105
60-4,112	A	196
60-4,112	A	211
60-4,112	A	411
60-4,113	A	584
60-4,114	A	211
60-4,114	A	309
60-4,115	A	56
60-4,115	A	60
60-4,115	A	491
60-4,115	A	827
60-4,117	A	584
60-4,117	A	777
60-4,118	A	211
60-4,118	A	309
60-4,118	A	411
60-4,118	A	671
60-4,119	A	201
60-4,119	A	274
60-4,120	A	126
60-4,120	A	201
60-4,122	A	370
60-4,123	A	411
60-4,124	A	56
60-4,124	A	60
60-4,124	A	196
to 60-4,126		
60-4,124	A	411
60-4,125	A	56
60-4,125	A	60
60-4,125	A	411
60-4,126	A	56
60-4,126	A	60
60-4,126	A	411
60-4,126	A	491
60-4,127	A	201
60-4,127	A	309
60-4,127	A	370
60-4,129	A	370
60-4,129	A	704
60-4,130	A	370
60-4,131	A	420
60-4,132	A	7
60-4,132	A	420

SECTION	REPEAL OR AMEND	BILL
60-4,133	R	7
to 60-4,135		
60-4,137	A	7
60-4,137	A	420
60-4,138	A	420
60-4,141	A	7
60-4,142	A	411
60-4,146	A	211
60-4,148	A	56
60-4,148	A	60
60-4,148	A	491
60-4,150	A	126
60-4,151	A	777
60-4,152	A	201
60-4,158	A	56
60-4,158	A	60
60-4,158	A	491
60-4,163	A	191
to 60-4,168		
60-4,163	A	370
60-4,167	A	370
60-4,168	A	370
60-4,171	A	420
60-4,171	A	491
60-4,180	A	201
60-4,181	A	56
60-4,181	A	60
60-4,181	A	197
60-4,181	A	491
60-4,181	A	777
60-501	A	370
60-505	R	575
60-505.02	A	56
60-505.02	A	60
60-505.02	A	491
60-505.03	A	370
60-505.03	R	575
60-505.04	A	370
60-505.04	R	575
60-506	R	575
60-506.01	A	575
60-515	A	575
60-528	A	342
60-533	A	342
60-561	A	575
60-569	A	56
60-569	A	60
60-569	A	143
60-569	A	342
60-569	A	491
60-570	R	342
60-575	A	143
60-579	A	143
60-580	A	143
60-582	A	143
60-1001	A	370
60-1001.01	A	370
60-1004	A	370
60-1005	A	370
60-1006	A	370
60-1006	A	552
60-1201	A	370
60-1202	A	370
60-1301	A	28
60-1303	A	28
60-1306	A	28
60-1307	A	370
60-1309	R	28
60-1401.02	A	200
60-1403.01	A	411
60-1411.02	A	106
60-1411.02	A	370
60-1411.03	A	300
60-1413	A	106
60-1415	A	106
60-1417	A	370
60-1803	A	300
60-1806	R	300
60-1807	A	300
60-1807	A	745
60-1901	A	673
to 60-1903		
60-2001	A	370
to 60-2011		
60-2012.01	A	370
to 60-2023		
60-2013	A	282
60-2101.01	A	370
60-2102	A	370
60-2103	A	370
60-2104	A	370
60-2105	A	370
60-2106	A	370
60-2107	A	370
60-2108	A	370
60-2201	A	3
60-2201	A	370
to 60-2212		
60-2205	A	3
60-2301	A	370
60-2302	A	370
60-2303	A	370
60-2304	A	370
60-2305	A	370

SECTION	REPEAL OR AMEND	BILL
60-2306	A	370
60-2307	A	370
60-2507	A	370
60-2801	A	370
60-2802	A	370
60-2803	A	282
60-2803	A	370
to 60-2808		
60-2807	A	575
66-489	A	180
66-490	A	440
66-493	A	440
66-4,100	A	180
66-4,105	A	180
66-4,115	A	440
66-4,119	A	762
66-4,128	A	300
66-4,128	A	745
66-4,133	R	364
66-4,134	A	364
66-4,135	R	364
to 66-4,137		
66-4,142	A	23
66-4,142	A	364
66-4,145	A	180
to 66-4,147		
66-501	A	440
to 66-503		
66-505	A	440
66-512	A	440
66-514	R	440
to 66-518		
66-519	R	440
66-520	R	440
66-605	A	180
66-605.03	A	180
66-605.04	A	613
66-605.07	A	180
66-605.07	A	440
66-607	A	440
66-638	A	180
66-644	A	300
66-719	A	440
66-720	A	440
66-723	A	440
66-727	A	440
66-728	A	762
66-801	R	364
66-801	R	746
66-802	R	364
66-802	R	746

SECTION	REPEAL OR AMEND	BILL
66-803	R	364
to 66-811		
66-803	R	746
to 66-811		
66-812	R	364
66-812	R	746
66-813	R	364
66-813	R	746
66-814	R	364
to 66-816		
66-814	R	746
to 66-816		
66-819	R	364
66-819	R	746
to 66-824		
66-820	A	364
66-1029	R	5
to 66-1055		
66-1105	A	3
66-1226	A	440
66-1301	A	364
66-1301	R	746
66-1302	R	364
66-1302	R	746
66-1303	A	364
66-1303	R	746
66-1304	R	364
66-1304	R	746
to 66-1306		
66-1305	R	364
66-1306	R	364
66-1307	R	364
66-1307	R	746
to 66-1307.02		
66-1307.01	R	364
66-1307.02	R	364
66-1308	R	364
to 66-1314		
66-1308	R	746
to 66-1317		
66-1315	A	364
66-1316	A	364
66-1317	R	364
66-1319	R	364
66-1319	R	746
66-1320	R	364
66-1320	R	746
66-1321	R	364
66-1321	R	746
to 66-1323		
66-1321.01	A	364
66-1322	R	364

SECTION	REPEAL OR AMEND	BILL
66-1323	R	364
66-1324	A	364
66-1324	R	746
66-1325	A	364
66-1325	R	746
66-1326 to 66-1329	A	364
66-1326 to 66-1329	R	746
66-1414	A	180
66-1504	A	3
66-1518	A	3
66-1522	A	3
66-1523	A	237
66-1525	A	237
66-1529.02	A	3
67-248.02	A	688
68-104	A	827
68-126	A	827
68-129	A	800
68-133	A	827
68-139	A	827
68-621	A	184
68-701.03	R	109
68-1019	A	794
68-1019	A	796
68-1019	A	804
68-1019	A	808
68-1020	A	792
68-1020	A	793
68-1020	A	827
68-1021	A	808
68-1022	A	809
68-1026	A	827
69-1317	A	827
69-1901 to 69-1904	A	433
69-1901 to 69-1904	R	495
69-2011	A	3
69-2101	A	111
69-2103	A	111
69-2109	A	111
69-2110	A	111
69-2302	A	617
70-504	A	577
70-604.03	A	76
70-604.03	A	428
70-604.04	A	76
70-604.04	A	428
70-604.08	A	76
70-604.08	A	428
70-605	A	76
70-605	A	428
70-606	A	76
70-606	A	428
70-610	A	76
70-610	A	90
70-610	A	428
70-611	A	76
70-611	A	428
70-614	R	76
70-614	R	428
70-615	A	76
70-615	A	428
70-619	A	76
70-619	A	428
70-623	A	310
70-623.02	A	310
70-623.03	A	310
70-624	A	605
70-624.02	A	6
70-624.03	A	182
70-624.04	A	76
70-624.04	A	428
70-626.02	A	527
70-626.04	A	527
70-650	A	485
70-650	A	486
70-650	A	680
70-651.04	A	134
70-651.05	A	300
70-1001	A	574
71-101	A	48
71-101	A	187
71-101	A	338
71-101	A	496
71-101	A	669
71-102	A	338
71-102	A	669
71-107	A	338
71-107	A	669
71-110	A	187
71-110	A	338
71-110	A	669
71-112	A	187
71-112	A	338
71-112	A	669
71-112.03	A	373
71-113	A	338
71-113	A	669
71-114	A	669
71-116	A	669
71-118	A	187

SECTION	REPEAL OR AMEND	BILL
71-131	A	338
71-131	A	669
71-147	A	338
71-147	A	837
71-148	A	214
71-148	A	338
71-148	A	837
71-151	A	762
71-162	A	187
71-162	A	338
71-162	A	669
71-162	A	805
71-162	A	827
71-168.01	A	374
71-171	A	762
71-194 to 71-196	A	187
71-198 to 71-1,100	A	187
71-1,101	R	187
71-1,102	A	686
71-1,107.16	A	316
71-1,107.17	A	316
71-1,107.20	A	316
71-1,107.30	A	827
71-1,132.07	A	375
71-1,132.18	A	827
71-1,132.36	A	762
71-1,132.47	A	522
71-1,133	A	429
71-1,133	A	636
71-1,135.01	A	429
71-1,135.02	A	636
71-1,135.04	A	429
71-1,135.05	A	429
71-1,142	A	496
71-1,147	A	496
71-1,147.09	A	496
71-1,147.09	A	627
71-1,147.10	A	496
71-1,147.11	A	762
71-1,147.13	A	496
71-1,147.33	A	496
71-1,204	A	130
71-1,207	A	669
71-1,220	A	762
71-1,232	A	536
71-1,244 to 71-1,247	R	669
71-1,248 to 71-1,252	A	669
71-1,253	R	669
71-1,254	R	669
71-1,255	A	669
71-1,256	A	669
71-1,257	R	669
71-1,258	A	506
71-1,258	A	669
71-1,259	R	669
71-1,260	A	669
71-1,261	A	669
71-1,262	R	669
71-1,263	A	669
71-1,264	A	669
71-1,265	R	669
71-1,266	A	669
71-1,267	A	669
71-1,268	R	669
71-1,269	A	669
71-1,270	A	669
71-1,271	R	669
71-1,273	A	669
71-1,274	R	669
71-1,275	A	669
71-1,277	A	669
71-1,278	A	48
71-208	A	184
71-208.02	A	226
71-212	A	184
71-3,166	A	762
71-501.02	A	819
71-502.04	A	819
71-503.01	A	819
71-506	A	762
71-506	A	819
71-524	A	762
71-525	R	536
71-526	A	827
71-602	A	536
71-604.05	A	536
71-605	A	187
71-605	A	762
71-605.04	A	762
71-606	A	187
71-606	A	762
71-609	A	187
71-611	A	187
71-612	A	18
71-612	A	536
71-635	A	187
71-646	A	536
71-647	A	536
71-648	A	536
71-1001	A	762

SECTION	REPEAL OR AMEND	BILL
71-1325	R	187
71-1326	A	187
71-1327	A	187
71-1328	R	187
71-1329	A	187
71-1330	R	187
71-1331	A	187
71-1332	A	187
71-1333	A	187
71-1336	A	187
71-1340	A	187
71-1345	A	187
to 71-1347		
71-1348	R	187
71-1349	A	187
71-1352	A	187
71-1557	A	511
71-1630	A	184
71-1631	A	623
71-1713	R	536
71-1717	A	536
71-1718	R	536
71-1719	R	536
71-1720	R	536
71-1721.04	A	536
71-1721.06	A	536
71-1722	A	536
71-1724	A	536
71-1724.01	A	536
71-1735	A	536
71-1743	A	536
71-1753	A	536
71-1755	A	536
71-1757	A	536
71-1758	A	536
71-1759	A	536
71-1907	A	370
71-1910	A	569
71-1911	A	510
71-1915	A	510
71-1915	A	762
71-2017.01	A	669
71-2017.07	A	799
71-2049	A	827
71-2060	A	762
71-2067	A	517
71-2073	A	517
71-2407	A	496
71-2601	A	375
71-2602	A	375
71-2602.01	R	375
71-2622	A	656
71-3205	A	261
71-3503	A	536
71-3508.02	A	72
71-3514	A	762
71-3603	A	762
71-3706	A	375
71-3707	A	375
71-4306	A	762
71-4307	A	762
71-4603	A	536
71-4604	A	536
71-4604.01	A	536
71-4606	A	536
71-4608	A	536
to 71-4611		
71-4613	A	536
71-4614	A	536
71-4616	A	536
to 71-4620		
71-4715	A	375
71-4807	A	187
71-4810	A	187
71-5001	A	470
to 71-5010		
71-5001	A	513
71-5002	A	344
71-5003	A	291
71-5003	A	513
71-5008	A	291
71-5008	A	344
71-5009	A	344
71-5009	A	513
71-5010	A	513
71-5012	A	470
71-5013	R	470
71-5013	A	513
71-5014	A	470
71-5015	A	470
71-5016	R	470
to 71-5023		
71-5016	A	828
71-5021	A	828
to 71-5024		
71-5024	A	470
to 71-5026		
71-5025	A	344
71-5027	A	344
71-5027	R	470
to 71-5030		
71-5027	A	828
71-5028	R	828
71-5030	A	828

SECTION	REPEAL OR AMEND	BILL
71-5031	A	470
to 71-5033		
71-5031	A	828
71-5033	A	828
71-5034	A	470
71-5034	A	828
71-5035	R	470
71-5036	A	470
71-5037	A	470
71-5037	A	828
to 71-5040		
71-5038	R	470
71-5039	R	470
71-5040	A	470
71-5041	A	470
71-5123	A	762
71-5201	A	152
71-5203	A	152
71-5206	A	152
71-5312	A	762
71-5502	A	443
71-5508	A	443
71-5510	A	443
71-5514.01	A	443
71-5520	A	443
71-5647	A	152
71-5668	A	536
71-5701	A	167
to 71-5703		
71-5709	A	167
71-5710	A	167
71-5711	R	167
71-5713	R	167
71-5801	A	9
71-5801	A	740
71-5801	A	827
71-5804	A	376
71-5805.01	A	827
71-5810	A	376
71-5810	A	827
71-5818.03	R	827
71-5821.01	A	827
71-5825	R	827
71-5826	R	827
71-5828	A	827
71-5829	R	827
71-5830	A	827
71-5831	A	376
71-5831	A	827
71-5832.01	R	827
71-5835	A	827
71-5836.01	A	827
71-5837	A	827
71-5837	A	840
71-5848	A	827
71-5849	A	9
71-5849	A	827
71-5859	A	827
71-5859.01	R	827
to 71-5859.04		
71-5865	A	827
71-5866	A	827
71-5872	R	9
71-6007	A	762
71-6019	A	762
71-6037	A	801
71-6054	A	669
71-6201	A	536
71-6203	A	536
71-6230	R	536
71-6403	A	319
to 71-6406		
71-6407	A	511
71-6908	A	762
71-6909	R	660
71-7010	A	827
71-7101	A	536
71-7425	A	762
71-7504	A	826
72-718.03	R	311
72-718.05	R	311
72-729	A	311
72-803	A	692
72-1101	R	377
to 72-1118		
72-1119	A	377
72-1120	A	377
72-1121	A	377
72-1122	A	377
72-1123	R	377
72-1124	R	377
72-1237.01	A	745
72-1243	A	150
72-1269	A	150
73-101.01	A	84
74-101	R	414
to 74-111		
74-201	R	414
to 74-204		
74-301	R	414
to 74-306		
74-307	A	414
74-308	A	414
74-323	R	414

SECTION	REPEAL OR AMEND	BILL
74-327	R	414
74-328	R	414
74-401	R	414
to 74-423		
74-424	A	414
74-501	R	414
to 74-514		
74-538	R	414
74-539	R	414
74-548	A	414
74-549	A	414
74-550	A	414
74-557	R	414
to 74-569		
74-583	R	414
to 74-586		
74-592	A	282
74-592	A	414
to 74-596		
74-598	R	414
to 74-5,103		
74-601	A	414
to 74-605		
74-606	R	414
74-607	R	414
74-608	A	414
74-609	A	414
74-609.01	A	414
74-610	R	414
74-611	R	414
74-612	R	414
74-702	R	414
to 74-705		
74-706	A	414
74-707	R	414
to 74-715		
74-801	R	414
74-804	R	414
to 74-807		
74-815	R	414
to 74-823		
74-901	R	414
to 74-912		
74-915	A	140
74-916	A	414
74-918	A	414
74-919	A	414
74-920	R	414
74-1001	R	414
74-1004	R	414
74-1005	R	414
74-1006	R	414
74-1008	R	414
74-1010	R	414
74-1011	R	414
74-1012	R	414
74-1201	R	414
to 74-1204		
74-1310	A	414
74-1318	A	477
75-101	A	76
75-101	A	414
75-101	A	428
75-104	A	414
75-105	A	414
75-106	A	414
75-108	A	414
75-109	A	414
75-110	A	413
75-110	A	414
75-112	A	414
75-113	A	414
75-116	A	414
75-118	A	414
75-119	A	414
75-121	A	414
75-123	A	414
75-125	A	414
to 75-128		
75-128	A	412
75-131	A	414
75-132	A	414
75-133	A	414
75-134	A	414
75-135	A	414
75-136.01	A	414
75-137	A	414
75-138	A	414
75-140	A	42
75-140	A	414
75-141	A	42
75-141	A	414
75-142	A	414
75-143	A	414
75-144	A	42
75-144	A	414
75-145	A	414
75-146	A	414
75-147	R	414
75-148	A	414
75-150	A	414
to 75-155		
75-201	A	414
75-202	R	414

SECTION	REPEAL OR AMEND	BILL
75-302	A	412
75-303	A	412
75-303	A	414
75-304	A	412
75-304	A	414
75-304.01	A	414
75-305	A	412
75-306	A	412
75-306	A	414
75-308.01	A	414
75-309	A	412
75-309	A	414
75-309.01	A	414
75-311	A	412
75-311	A	414
75-318	A	414
75-323	R	414
75-324	R	414
75-325	R	414
75-327	R	414
75-329	R	414
to 75-335		
75-348	A	412
75-348	A	414
75-349	A	413
75-350	A	414
75-352	A	413
75-353	A	413
75-353	A	414
75-363	A	410
75-364	A	410
75-367	A	414
75-370	A	414
75-371	A	414
75-401	A	414
75-401.01	A	414
75-402	A	414
75-404	R	414
75-405	A	414
75-409	R	414
75-411	A	414
75-412	A	414
75-413	A	414
75-414	A	414
75-415	A	414
75-416	A	414
75-418	A	414
75-421	R	414
75-424	R	414
75-425	R	414
75-427	A	414
to 75-430		
75-431	R	414
to 75-440		
75-501	A	414
75-501.01	R	414
75-502	A	414
75-503	A	414
75-601	R	414
75-602	R	414
75-603	R	414
75-605	A	414
to 75-616		
75-606	A	762
75-701	A	414
to 75-711		
75-713	A	414
to 75-718		
75-720	A	414
to 75-724		
76-246	A	464
76-276	A	14
76-2,110	A	188
76-703	A	485
76-703	A	486
76-703	A	680
76-711	A	538
76-719.01	A	538
76-802	A	478
76-804	A	478
76-807	A	478
76-809	A	478
76-811	A	478
76-816	A	478
76-817	A	478
76-819	A	478
76-820	A	478
76-823	A	478
76-824.01	A	478
76-825	A	478
76-826	A	478
76-854	A	478
76-883	A	478
76-891	R	478
76-1004	A	547
76-1005	A	738
76-1450	A	549
76-1450	A	550
76-1457	A	550
76-1475	A	549
76-1516	A	762
76-2249	A	842
77-101	A	136
77-101	A	222

SECTION	REPEAL OR AMEND	BILL
77-118	R	136
to 77-120		
77-118	A	175
77-118	R	222
to 77-120		
77-118	A	243
77-119	R	745
77-121	A	745
77-122	R	136
77-122	R	222
77-201	A	136
77-201	A	222
77-201	A	300
77-201	A	745
77-202	A	136
77-202	A	174
77-202	A	175
77-202	A	222
77-202	A	266
77-202	A	290
77-202	A	300
77-202	A	745
77-202	A	807
77-202.01	A	300
to 77-202.06		
77-202.01	A	745
to 77-202.06		
77-202.08	R	300
77-202.24	A	300
77-202.25	A	300
77-205	R	745
77-206	R	745
77-209	A	567
77-366	A	345
77-370.01	A	76
77-370.01	A	428
77-375	A	345
77-377	A	345
77-377.01	A	161
77-377.01	A	261
77-378	A	762
77-381	A	745
77-3,110	A	345
77-415	A	745
77-507.01	A	734
77-508	A	734
77-509	A	645
77-509	A	734
77-509.01	A	734
77-601	R	745
77-602	R	745
77-603	R	745
77-604	R	745
77-605	R	745
77-607	R	745
77-608	R	745
77-609	R	745
77-611	R	745
77-612	R	745
77-615	R	745
77-616	R	745
77-621	R	745
77-623	R	745
77-679	R	745
to 77-691		
77-680	A	734
77-681	A	734
77-693	R	745
77-802	A	745
77-908	A	774
77-912	A	757
77-1201	A	300
77-1201	R	745
77-1202	A	300
77-1202	R	745
77-1202.01	R	745
77-1211	R	745
77-1214	R	745
77-1216	R	745
77-1219	R	745
77-1229	R	745
77-1229.01	R	745
77-1230	R	222
77-1230	R	745
77-1232	R	745
77-1233.02	R	745
77-1233.03	R	745
77-1233.04	R	745
77-1233.05	R	745
77-1234	A	762
77-1236	A	222
77-1236	R	745
77-1238	R	300
77-1238	A	346
77-1238	A	370
77-1239	R	300
77-1239	A	346
77-1239.01	R	300
77-1239.01	A	346
77-1239.02	R	300
77-1239.02	A	346
77-1240	A	11
77-1240	R	300
77-1240	R	346

SECTION	REPEAL OR AMEND	BILL
77-1240.01	A	134
77-1240.01	R	300
77-1240.01	A	346
77-1240.01	A	745
77-1240.03	A	112
77-1240.03	R	300
77-1240.03	A	346
77-1240.04	A	112
77-1240.04	R	300
77-1241.01	R	300
77-1241.01	A	346
77-1241.01	R	745
77-1242.01	R	300
77-1242.01	A	346
77-1242.02	R	300
77-1244	A	745
77-1245	R	745
77-1246	A	745
77-1247	R	745
77-1248	R	745
77-1249	R	745
77-1249.01	R	745
77-1250	R	745
77-1250.02 to 77-1250.05	R	745
77-1312	R	745
77-1315	A	745
77-1318	A	745
77-1342	A	745
77-1362	A	606
77-1363	A	606
77-1364	A	606
77-1373	R	745
77-1502	A	745
77-1503.01	A	745
77-1504	A	745
77-1506.01	A	745
77-1507	A	745
77-1510	A	745
77-1514	A	745
77-1601	A	722
77-1601	A	729
77-1601	A	734
77-1601	A	827
77-1612	A	734
77-1613	A	745
77-1613.01	A	745
77-1613.02	A	745
77-1616	A	745
77-1624	A	745
77-1704	A	134
77-1706	A	134
77-1715.08	R	396
77-1715.09	R	396
77-1734.01	A	745
77-1736	A	745
77-1736.06	A	555
77-1736.08	A	4
77-1736.08	A	300
77-2101.02	A	345
77-2106.01	A	345
77-2208	A	134
77-2326.04	A	356
77-2602	A	22
77-2602	A	167
77-2602	A	351
77-2602	A	573
77-2602	A	595
77-2602	A	827
77-2602	A	829
77-2612	A	762
77-2701	A	138
77-2701	A	240
77-2701	A	345
77-2701	A	713
77-2701.01	A	21
77-2701.01	R	24
77-2701.01	A	320
77-2701.01	A	745
77-2701.02	A	21
77-2701.02	R	24
77-2701.02	A	136
77-2701.02	A	320
77-2701.02	A	745
77-2702.03	A	345
77-2702.05 to 77-2702.07	A	345
77-2702.05	A	658
77-2702.07	A	559
77-2702.07	A	562
77-2702.09	A	345
77-2702.09	A	591
77-2702.10	A	8
77-2702.11 to 77-2702.19	A	345
77-2702.13	A	70
77-2702.13	A	559
77-2702.13	A	562
77-2702.13	A	658
77-2702.14	A	562
77-2702.14	A	591
77-2702.15	A	8
77-2702.17	A	562
77-2702.23	A	345

SECTION	REPEAL OR AMEND	BILL
77-2703	A	24
77-2703	A	123
77-2703	R	195
77-2703	A	345
77-2703	A	562
77-2703	A	767
77-2704.02	A	345
77-2704.05	A	345
77-2704.06	A	345
77-2704.07	A	284
77-2704.08	A	345
to 77-2704.12		
77-2704.09	A	810
77-2704.10	A	98
77-2704.12	A	298
77-2704.12	A	658
77-2704.12	A	806
77-2704.13	A	345
77-2704.15	A	345
77-2704.15	A	480
77-2704.15	A	658
77-2704.24	A	98
77-2704.24	A	345
77-2704.24	A	713
77-2704.25	A	345
77-2704.28	A	345
to 77-2704.32		
77-2704.32	A	658
77-2704.33	A	658
77-2704.35	A	345
77-2705	A	171
77-2705	A	345
77-2706	A	345
77-2708	A	128
77-2708	A	345
77-2708.01	A	189
77-2709	A	345
77-2709.01	A	345
77-2710	A	161
77-2711	A	345
77-2713	A	762
77-2715	R	195
77-2715	A	240
77-2715.01	A	24
77-2715.01	A	320
77-2715.02	A	24
77-2715.02	A	136
77-2715.02	A	240
77-2715.02	A	396
77-2715.07	A	5
77-2715.07	A	240
77-2715.07	A	396
77-2715.07	A	566
77-2715.07	A	576
77-2715.07	A	713
77-2715.09	A	824
77-2716	A	396
77-2716.01	A	240
77-2716.01	A	396
77-2716.01	A	653
77-2730	A	576
77-2734.02	A	24
77-2734.02	A	136
77-2734.02	R	195
77-2734.02	A	320
77-2734.02	A	827
77-2734.03	A	5
77-2734.03	A	566
77-2734.03	A	576
77-2734.03	A	834
77-2753	A	345
77-2777	A	345
77-2778	A	345
77-2780	A	345
77-2789	A	345
77-2790	A	345
77-2794	A	345
77-27,107	A	161
77-27,117	A	762
77-27,119	A	46
77-27,119	A	345
77-27,132	A	320
77-27,132	A	399
77-27,136	A	351
77-27,137.01	A	726
77-27,144	A	418
77-27,150	A	3
77-27,151	A	3
77-27,152	A	3
77-27,154	A	3
77-27,156	A	24
77-27,160	A	138
77-27,161	A	138
77-27,165	A	138
to 77-27,169		
77-27,171	A	138
77-27,172	A	138
77-27,188	A	725
77-27,188.01	A	658
77-3010	A	762
77-3107	A	762
77-3437	A	220
77-3437	A	307
77-3437	A	775

SECTION	REPEAL OR AMEND	BILL
77-3438	A	220
77-3438	A	307
77-3438	A	745
77-3439	A	220
77-3439	A	452
77-3439	A	742
77-3439	A	775
77-3441	A	307
77-3441	A	775
77-3501	A	88
77-3507	A	33
77-3507	A	34
77-3509.01	A	88
77-3509.02	A	88
77-3509.03	A	88
77-3510	A	88
77-3511	A	88
77-3512	A	88
77-3513	A	88
77-3514	A	88
77-3516	A	88
77-3521	A	88
77-3522	A	88
77-3523	A	88
77-3523	A	426
77-3529	A	88
77-3617	A	646
77-3901	A	345
77-3904	A	345
to 77-3906		
77-4101	A	89
77-4101	A	824
77-4103	A	534
77-4103	A	822
77-4104	A	824
77-4104.01	A	822
77-4107	A	824
77-4110	A	822
77-4112	A	534
77-4310.01	A	347
77-4312	A	161
77-4401	A	37
79-101	A	348
79-101.01	A	71
79-101.01	A	184
79-101.01	A	348
79-101.01	A	454
79-101.01	A	556
79-101.01	A	745
79-102	A	454
79-102	A	556
79-102.01	A	454
79-102.01	A	556
79-102.02	R	454
79-102.02	R	556
79-201	A	100
79-201	A	569
79-201.01	A	186
to 79-201.05		
79-201.06	R	186
to 79-201.08		
79-201.09	R	186
79-205	A	184
79-205	A	569
79-206	A	569
79-207	A	184
to 79-211		
79-210	A	454
79-210	A	556
79-213	A	184
79-307	A	348
79-321.02	R	348
79-321.03	A	348
79-321.04	R	348
79-321.04	A	821
79-322	A	76
79-322	A	428
79-323	A	76
79-323	A	428
79-324	A	76
79-324	A	428
79-328	A	586
79-330	A	679
79-341	R	679
79-402	A	184
79-402	A	454
79-402	A	556
79-402.03	A	454
79-402.03	A	556
79-402.06	A	184
79-402.07	A	454
79-402.07	A	556
79-402.08	A	184
79-402.10	A	184
79-402.11	A	454
79-402.13	A	184
79-402.13	A	454
79-402.13	A	556
79-402.17	A	454
79-402.17	A	556
79-402.18	A	184
79-402.20	A	184
79-402.20	A	454
79-402.20	A	556

SECTION	REPEAL OR AMEND	BILL
79-403	A	184
79-403	A	454
79-403	A	556
79-403.03	A	184
79-403.04	R	348
79-406	A	184
79-407	A	184
to 79-408.01		
79-408.02	A	184
79-408.03	A	184
79-409	A	184
79-410	A	184
79-412	A	184
to 79-414		
79-416	A	184
79-419	A	184
79-420	A	184
79-422	A	786
79-426.02	A	454
79-426.02	A	556
79-426.05	A	76
79-426.05	A	184
79-426.05	A	428
79-426.05	A	454
79-426.05	A	556
79-426.06	A	184
79-426.08	A	184
79-426.11	A	454
79-426.11	A	556
79-426.12	A	184
79-426.15	A	76
79-426.15	A	428
79-426.15	A	454
79-426.15	A	556
79-426.18	A	184
79-426.19	A	76
79-426.19	A	184
79-426.19	A	428
79-426.23	A	184
to 79-426.26		
79-426.23	A	454
79-426.23	A	556
79-426.25	A	76
79-426.25	A	428
79-426.27	A	454
79-426.27	A	556
79-426.28	A	348
79-426.28	A	454
79-426.28	A	556
79-432	A	454
79-432	A	556
79-433	A	348
79-434	A	348
79-435	A	184
79-435	A	348
79-436	A	184
79-437.03	A	184
79-437.03	A	454
79-437.03	A	556
79-437.03	A	745
79-438.12	A	71
79-438.12	A	184
79-438.12	A	454
79-438.12	A	556
79-438.12	A	786
79-439.01	A	76
79-439.01	A	428
79-443	A	348
79-443	A	659
79-444	A	348
79-444	A	569
79-444.01	A	528
79-445	A	92
79-446	A	839
79-446.01	R	839
to 79-448		
79-447	A	320
79-448	A	320
79-450	A	184
79-451	A	184
79-451	A	454
79-451	A	556
79-451	A	745
79-452	A	184
79-457	A	184
79-458	A	184
79-458	A	454
79-458	A	556
79-461	A	184
79-462	A	76
79-462	A	428
79-464	R	76
79-464	A	96
79-464	R	428
79-464	A	454
79-464	A	556
79-465	R	76
79-465	A	184
to 79-467		
79-465	R	428
79-469	A	184
79-470	A	184
79-470	A	745
79-478	A	184

SECTION	REPEAL OR AMEND	BILL
79-479	A	184
79-480	A	184
79-481	A	184
79-481	A	745
79-482	A	184
79-486	A	184
79-488.04	A	184
79-488.04	A	348
79-488.07	A	370
79-490	A	184
79-490	A	348
79-490	A	454
79-490	A	556
79-495	A	184
79-497	A	184
79-498	A	184
79-4,101	A	184
79-4,102	A	184
79-4,103	A	184
79-4,105	A	184
79-4,105.01	A	184
79-4,105.01	A	454
79-4,105.01	A	556
79-4,139	A	184
79-4,140.01	A	184
79-4,140.11	A	650
79-4,140.16	A	336
79-4,140.16	A	685
79-4,141.01	A	303
79-4,141.01	A	454
79-4,141.01	A	556
79-4,141.01	A	745
79-4,153	A	454
79-4,153	A	556
79-4,155	A	239
79-4,158.01	A	454
79-4,158.01	A	556
79-4,159	A	184
79-4,159	A	745
79-4,174	A	181
79-4,175	A	181
79-4,180	A	181
79-4,207	A	786
79-4,229	A	179
79-4,230	A	52
79-4,232	A	52
79-4,233	A	179
79-4,241	A	239
79-505	A	184
79-507	A	348
79-512	A	184
79-516.08	A	184
79-516.08	A	758
79-519	A	454
79-519	A	556
79-521	A	348
79-521	A	454
79-521	A	556
79-522	A	76
79-522	A	428
79-537	A	184
79-540	R	76
79-540	R	428
79-541	A	454
79-541	A	556
79-542	A	454
79-542	A	556
79-546.01	A	454
79-546.01	A	556
79-547.02	A	454
79-547.02	A	556
79-547.03	A	348
79-547.03	A	454
79-547.03	A	556
79-547.04	A	454
79-547.04	A	556
79-547.04	A	786
79-550	A	454
79-550	A	556
79-550.01	R	76
79-550.01	R	428
79-550.01	A	454
79-550.01	A	556
79-552	A	454
79-552	A	556
79-601	A	96
79-601.01	A	76
79-601.01	A	428
79-603	A	184
79-603	A	454
79-603	A	556
79-609	A	786
79-701	A	76
79-701	A	428
79-706	R	76
79-706	R	428
79-801	A	454
79-801	A	556
79-802	A	76
79-802	A	428
79-803.03	A	76
79-803.03	A	96
79-803.03	A	428
79-803.07	R	76

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79-803.07	A	96
79-803.07	R	428
79-803.08	R	76
to 79-803.10		
79-803.08	A	96
79-803.08	R	428
to 79-803.10		
79-803.09	A	96
79-803.11	A	76
79-803.11	A	428
79-803.12	R	76
79-803.12	R	428
79-810	A	722
79-901	A	684
79-902.01	A	76
79-902.01	A	96
79-902.01	A	428
79-903	A	722
79-903	A	734
79-1003	A	76
79-1003	A	96
79-1003	A	428
79-1003.03	R	76
79-1003.03	R	428
79-1006	A	184
79-1032	A	107
79-1034	A	107
79-1036	A	107
79-1043	A	107
79-1045	A	107
79-1046	A	107
79-1047	A	107
to 79-1049		
79-1049.06	A	107
79-1056.06	A	107
79-1101	R	454
79-1101	R	556
79-1103	A	76
79-1103	A	96
79-1103	A	428
79-1103	R	454
79-1103	R	556
79-1103.05	R	454
79-1103.05	R	556
79-1104	R	454
to 79-1112		
79-1104	R	556
to 79-1112		
79-1107	A	184
79-1109	A	76
79-1109	A	428
79-1233	A	586
79-1239	A	184
79-1247.03	A	586
79-1247.05	A	586
79-1247.05	A	615
79-1247.06	A	586
79-1247.06	A	615
79-1247.07	A	99
79-1247.09	A	615
79-1249	A	184
79-1250	A	184
79-1254.01	A	20
79-1254.02	A	239
79-1254.02	A	715
79-1254.09	A	239
79-1254.09	A	715
79-1281	A	99
79-1281.01	A	99
79-1282	A	99
to 79-1285		
79-1286	A	99
79-12,111	A	454
79-12,111	A	556
79-12,114	A	177
79-12,116	A	177
79-12,117	A	177
79-1302	A	184
to 79-1304		
79-1303	A	71
79-1303	A	348
79-1306	A	184
79-1309	A	184
to 79-1313		
79-1317	A	184
to 79-1319		
79-1326	A	184
79-1415	A	100
79-1415	A	569
79-1421	A	679
79-1422	A	679
79-1423	A	679
79-1429	A	239
79-1429	A	679
79-1430	A	679
to 79-1434		
79-1446	A	787
to 79-1454		
79-1457	R	787
79-1501	A	833
79-1501.01	A	292
79-1501.01	A	366
79-1501.01	A	833
79-1514.05	A	366

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79-1520	A	292
79-1522.01	A	292
79-1522.03	R	833
79-1528	A	833
79-1531	A	833
79-1533	A	184
79-1705	A	184
79-2011	A	100
79-2011	A	569
79-2102	A	454
79-2102	A	556
79-2110	A	348
79-2202.01	R	76
79-2202.01	R	428
79-2203	A	76
79-2203	A	428
79-2203	A	454
79-2203	A	556
79-2210	A	452
79-2210	A	722
79-2210	A	734
79-2210	A	742
79-2301	A	745
79-2303	A	184
79-2303	A	745
79-2304	A	184
79-2304	A	745
79-2307	A	184
79-2308	A	745
79-2311	A	745
79-2312	A	745
79-2317	A	184
79-2317	R	745
79-2504	A	454
79-2504	A	556
79-2636	A	239
to 79-2637		
79-2636	A	715
79-2637	A	715
79-2638	A	239
79-2639	A	239
79-2640	A	239
79-2641	A	239
79-2643	A	239
79-2644	A	239
79-2644	A	715
79-2646	A	76
79-2646	A	239
79-2646	A	428
79-2646.01	R	76
79-2646.01	A	239
79-2646.01	R	428
79-2647	A	76
79-2647	A	239
to 79-2650		
79-2647	A	428
79-2648	A	715
79-2649	A	715
79-2650.03	A	239
79-2650.06	A	239
79-2650.08	A	239
79-2650.09	A	239
79-2650.09	A	715
79-2650.10	A	239
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79-2651	A	239
79-2651.02	A	239
79-2651.04	R	239
to 79-2651.06		
79-2653	A	239
79-2663	A	239
79-2664	A	239
79-2665	R	76
79-2665	R	239
79-2665	R	428
79-2801	A	349
79-2812	A	349
79-2822	A	349
79-2842	A	349
to 79-2845		
79-2857	A	762
79-2901	A	465
to 79-2904		
79-2907	A	465
79-2908	A	465
79-2909.01	R	465
79-2910	A	465
79-2912	A	465
79-2914	A	465
79-2915	A	465
79-2918	A	465
79-2923	A	465
79-2924	A	465
79-2932	A	465
to 79-2935		
79-2938	A	465
79-2940	A	465
to 79-2944		
79-2946	A	465
to 79-2948		
79-2950	A	465
to 79-2954		
79-2959	A	465
79-2960	R	465

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79-3301	A	392
79-3309	A	348
79-3332	A	320
79-3333	A	597
79-3336	A	184
79-3354	A	348
79-3403	A	348
79-3403	A	454
79-3403	A	556
79-3405	A	348
79-3406	A	348
79-3408	A	348
79-3410	A	348
79-3410	A	838
79-3415	A	745
79-3509.02	R	745
79-3509.03	R	330
79-3509.03	A	399
79-3703	A	348
79-3801 to 79-3824	R	745
79-3801	A	755
79-3803 to 79-3805	A	454
79-3803 to 79-3805	A	556
79-3803	A	755
79-3804	A	265
79-3805	A	94
79-3805	A	633
79-3806	A	71
79-3806	A	97
79-3806	A	348
79-3808	A	454
79-3808	A	556
79-3811	A	721
79-3813	A	755
79-3815	A	184
79-3820	A	76
79-3820	A	428
79-3822	A	348
79-3824	A	184
79-3824	A	348
80-401.01	A	2
80-401.01	A	146
80-401.01	A	241
80-411	A	74
80-601	A	828
80-605	A	828
80-901	A	281
81-101	A	438
81-102	A	438
81-117	A	697
81-117.01	R	697
81-117.02	R	697
81-125	A	24
81-125.01	A	24
81-145	A	322
81-153	A	322
81-154	A	322
81-159	A	322
81-161	A	322
81-161.03	A	322
81-161.05	A	322
81-162	A	322
81-173	A	369
81-173	A	595
81-178	A	369
81-178	A	595
81-179	A	369
81-179	A	595
81-181	A	369
81-181	A	595
81-1,105	R	627
81-1,110	A	603
81-202	A	267
81-2,147.07	A	762
81-2,147.09	A	762
81-2,157	A	762
81-2,162.04	A	588
81-2,162.07	A	267
81-2,162.16	A	762
81-2,162.19	A	762
81-2,174	A	845
81-2,177.01	A	845
81-2,179	A	762
81-2,289	A	762
81-2,290	A	762
81-401	A	334
81-501.01	A	679
81-502	A	251
81-502	A	377
81-502	A	679
81-502.04	A	762
81-503	A	679
81-505	A	251
81-505	A	679
81-505.01	A	377
81-505.01	A	402
81-508	A	762
81-509	A	679
81-511	A	679
81-512	A	251
81-512	A	679

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81-513	A	251
81-520	A	251
81-520.01	A	408
81-520.02	A	408
81-522	A	679
81-525	A	679
81-526	A	762
81-528	A	679
81-529	A	679
81-538	A	679
81-546	A	49
81-551	A	679
81-5,117	A	762
81-5,141	A	762
81-638	A	167
81-638	A	595
81-642	A	536
to 81-645		
81-647	A	536
to 81-649		
81-649.01	R	536
81-655	A	536
81-656	A	536
81-659	A	536
81-660	A	536
81-801	A	737
81-801.01	A	737
81-805	A	370
81-805	A	708
81-815	A	752
81-815.22	A	235
81-815.22	A	752
81-815.31	A	235
81-815.31	A	752
81-839	A	690
81-849	A	843
81-851	A	843
81-8,128	A	397
81-8,128	R	661
to 81-1,130.01		
81-8,132	R	661
to 81-8,139		
81-8,139.01	A	397
81-8,139.01	R	661
81-8,141	R	661
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81-8,210	A	610
81-8,213	R	262
81-8,214	A	262
81-8,215.01	A	82
81-8,219	A	170
81-8,219	A	370
81-8,227	R	262
81-8,235	A	12
81-8,245	A	249
81-1010	A	370
81-1102	A	544
81-1107	A	544
81-1108.17	A	311
81-1108.32	A	311
81-1108.36	A	311
81-1108.38	A	311
81-1110.12	A	543
81-1111	A	544
81-1117.01	A	543
81-1117.02	A	743
81-1118	A	322
81-1118.03	A	322
81-1120.27	A	427
81-1121	A	236
81-1201.07	A	190
81-1201.10	A	190
81-1254	A	702
81-1255	A	702
81-1307	A	44
81-1317	A	697
81-1317.01	A	697
81-1318.01	A	249
81-1323	A	697
81-1325	A	639
81-1328	A	697
81-1348	A	249
81-1350	A	249
81-1355	A	395
81-1356	A	395
81-1417	A	762
81-1428	A	502
81-1429.01	A	762
81-1501	A	570
81-1504	A	570
81-1504	A	762
81-1504.01	A	3
81-1505	A	524
81-1505	A	570
81-1505	A	623
81-1505.01	A	3
81-1506	A	570
81-1506	A	623
81-1508	A	570
81-1508	A	762
81-1531.02	A	762
81-1532	A	570
81-1533	A	3
81-1534	A	674

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81-1536	A	674
81-1537	A	3
81-1538	A	3
81-1540	A	3
81-1549	A	674
81-1553	A	674
81-1556	A	674
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81-1560.01	A	674
to 81-1561		
81-1561	A	3
81-1563	A	674
81-1565	A	674
81-1578	A	149
81-1578	A	391
81-1584	A	3
81-1586	A	3
81-1587	A	3
81-15,102	A	72
81-15,102	A	148
81-15,109	A	762
81-15,112	A	762
81-15,112.01	A	391
81-15,113.01	A	625
81-15,118	A	3
81-15,120	A	3
81-15,123	A	3
81-15,123	A	720
81-15,124	A	3
81-15,124	A	144
81-15,124.01	A	3
81-15,124.02	A	3
81-15,125	A	3
81-15,126	A	3
81-15,127	A	3
81-15,129	A	3
81-15,144	R	3
81-15,145	R	3
81-15,146	R	3
81-15,149	A	3
81-15,151	A	3
81-15,153	A	3
81-15,160	A	203
81-15,160	A	444
to 81-15,162		
81-15,161	A	3
81-15,163	R	203
81-15,164	A	203
81-15,165	A	203
81-15,166	A	3
81-15,170	A	138
81-15,170	A	289
81-15,171	A	289
81-15,175	A	289
81-15,176	A	138
81-15,176	A	289
81-15,180	R	3
81-1632	A	5
81-1632	A	76
81-1632	A	428
81-1632	A	482
81-1633	A	482
81-1638	A	479
81-1701	A	372
81-1704	A	372
81-1706	A	372
81-1716	A	372
to 81-1718		
81-1822	A	370
81-1835	A	32
81-1835	A	619
81-1844	A	619
81-1848	A	762
81-1849	A	762
81-1850	A	762
81-2004.02	A	424
81-2004.05	A	279
81-2004.05	A	627
81-2005	A	28
81-2005	A	370
81-2006	A	370
81-2009	A	762
81-2014	A	833
81-2015	A	833
81-2017	A	833
to 81-2019		
81-2021	A	833
81-2025	A	639
81-2025	A	833
81-2026	A	639
81-2026	A	833
81-2031	A	833
81-2032	A	833
81-2033	A	639
81-2101	A	17
81-2101	A	193
to 81-2103		
81-2101	A	215
81-2102	A	17
81-2104	A	192
81-2104	A	193
81-2104	A	215
81-2105	A	17

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81-2105	A	193
to 81-2110		
81-2111	R	193
81-2112.01	R	193
81-2113	A	17
to 81-2115		
81-2113	A	193
to 81-2116		
81-2117	A	17
to 81-2119		
81-2117	R	193
81-2118	A	193
81-2119	A	193
81-2121	A	193
81-2122	R	17
81-2122	R	193
81-2123	R	193
81-2124	A	17
81-2124	A	193
to 81-2128		
81-2125	A	17
81-2126	A	762
81-2131	R	193
81-2132	A	17
81-2132	A	193
81-2135	A	17
81-2135	A	193
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81-2140	A	193
81-2141	A	193
81-2143	A	17
81-2143	A	193
81-2144	A	17
81-2144	R	193
81-2145	R	17
81-2145	A	193
81-2213	A	470
81-2213	A	818
81-2224	A	818
81-2260	A	762
81-2602	A	3
82-118	A	682
82-133	R	321
82-134	A	321
82-135	R	321
82-136	A	321
82-313	A	280
83-101.01	A	438
83-101.02	A	438
83-101.03	A	438
83-101.04	A	438
83-101.09	R	109
83-107.01	A	438
83-108	A	438
83-108.04	A	438
83-109	A	438
83-114	A	438
83-116	A	438
83-123	A	31
83-123.01	R	31
83-134	A	31
83-134	A	692
83-158.01	R	470
83-159	R	470
83-160	A	438
83-160	A	470
83-161.02	R	470
83-163	R	470
83-164	A	470
83-165	R	470
83-166	A	470
to 83-169		
83-171	A	31
83-176	A	31
83-177	A	31
to 83-179		
83-182	A	31
83-183	A	31
83-183	A	32
83-183	A	503
83-183.01	R	32
83-183.01	A	276
83-185	A	31
83-188	A	352
83-188	A	677
83-189	A	352
83-190	A	352
83-192	A	352
83-192	A	677
83-196	A	352
83-1,100	A	677
83-1,102	A	277
83-1,103	A	277
83-1,104	R	277
83-1,105	R	529
83-1,106	A	113
83-1,107	A	627
83-1,110	A	627
83-1,111	A	352
83-1,113	A	677
83-1,114	A	352
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83-1,116	A	277
83-1,116	A	627

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83-1,118	A	783
83-1,122	A	627
83-1,123	A	627
83-1,126	A	783
83-1,126.01	A	783
83-1,127	A	677
83-1,129	A	783
83-1,130	A	783
83-1,132	R	651
83-1,135	A	677
83-1,147	A	438
83-1,147	A	828
83-1,148	A	438
83-227.02	A	31
83-306	A	828
83-308.02	A	828
83-312	R	828
83-318	R	828
83-321	R	828
83-324	A	828
83-336	R	828
83-337	A	828
83-338	A	828
to 83-340.01		
83-344	A	828
83-349	A	828
83-351	A	828
83-357	A	828
83-375	A	762
83-380.01	A	498
83-380.01	A	828
83-383	A	762
83-422	A	31
to 83-424		
83-427	A	31
83-428	R	31
83-443	A	31
83-444	A	31
83-465	A	31
83-465	A	436
83-466	R	31
83-467	A	31
83-469	A	31
83-469	A	436
83-470	A	31
83-472	A	31
83-473	A	31
83-474.01	A	31
83-487	A	31
83-490	A	31
83-4,101	A	31
83-4,104	A	31
83-4,109	A	31
to 83-4,113		
83-4,115	A	31
to 83-4,119		
83-4,122	A	31
83-4,122	A	455
83-4,123	A	31
83-4,125	A	461
83-903	R	31
83-903	R	109
83-904	R	31
83-904	R	438
83-905	A	31
83-905	R	600
83-906	R	31
83-909	A	31
83-909.01	R	31
83-910	A	31
83-913.01	A	31
83-916	A	31
83-916	A	692
83-917	R	31
83-922	A	31
83-923	R	31
83-924	A	31
83-925	A	31
to 83-928		
83-930	A	31
to 83-933		
83-934	R	31
83-935	R	31
83-936	A	31
83-937	R	31
83-939	A	31
83-940	R	31
83-941	R	31
83-943	A	31
83-1001	R	828
to 83-1009.02		
83-1002	A	498
83-1003	A	762
83-1006	A	470
83-1010	R	828
83-1011	A	28
83-1011	R	828
83-1012	R	828
83-1013	R	828
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83-1017	A	498
83-1017	R	828
83-1018	A	498
83-1018	R	828

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83-1019	R	828
83-1020	R	828
83-1021	A	762
83-1021	R	828
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83-1022	A	762
83-1023	A	762
83-1024	A	762
83-1026	A	762
83-1027	A	762
83-1028	A	762
83-1028	R	828
83-1029	A	762
83-1029	R	828
83-1035	R	828
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83-1036	A	762
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